International Labour Conference

Seventy-ninth Session Geneva 1992

Record of Proceedings

International Labour
Office Geneva

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CONFERENCE

SEVENTY-NINTH SESSION
GENEVA, 1992

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PREFACE

The 79th Session of the General Conference of the International Labour Organization was held in Geneva from 3 to 23 June 1992.

The agenda of the Conference was as follows:

Standing items

I. Reports of the Governing Body and of the Director-General.
II. Programme and budget proposals and other financial questions.
III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

IV. Protection of workers' claims in the event of the insolvency of their employer *(second discussion).*
V. The prevention of industrial disasters *(first discussion).*
VI. Adjustment and human resources development *(general discussion).*

The Conference also had before it a Special Report submitted by the Director-General in application of operative paragraph 5 (a) of the Declaration concerning Action against Apartheid in South Africa adopted by the Conference in 1988 and revised in 1991, as well as a report on the subject by the Governing Body Committee on Discrimination, submitted in pursuance of operative paragraph 5 (b) of the Declaration.

The contents of the present volume constitute the *Record of Proceedings* of the 79th Session of the Conference in its final form. They are presented in the following order:

- a detailed table of contents;
- the *Provisional Record,* Nos. 1-31;
- a list of corrigenda to the *Provisional Record,* including corrections communicated in conformity with article 23, paragraph 3, of the Standing Orders;
- the authentic texts of instruments adopted by the Conference;
- the resolutions adopted by the Conference;
- the revised list of delegations (including all corrections received within the time-limits specified in the Standing Orders);
- an index of speakers in plenary sitting.

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PROVISIONAL RECORD

International Labour Conference

Provisional Record

Seventy-ninth Session, Geneva, 1992

1

Resolutions

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Resolution concerning the role of enterprises in employment growth, submitted by Mr. Bingen de Arbeloa, Employers' delegate, Venezuela; Mr. Cevallos, Employers' delegate, Mexico; Mr. Durling, Employers' delegate, Panama; Mr. Gazarin, Employers' delegate, Egypt; Ms. Hak, Employers' delegate, Netherlands; Mr. Hultin, Employers' delegate, Finland; Ms. Mackie, Employers' delegate, United Kingdom; Mr. Noakes, Employers' delegate, Australia; Mr. Oechslin, Employers' delegate, France; Mr. Owuor, Employers' delegate, Kenya; Mr. Smith, Employers' delegate, United States; and Mr. Thüsing, Employers' delegate, Germany

The General Conference of the International Labour Organisation,

Recalling the conclusions and resolution concerning the promotion of small and medium-sized enterprises adopted at the 72nd Session of the International Labour Conference,

Recalling also the resolution concerning the creation of enterprises and the growth of employment, which was adopted by the Fourth European Regional Conference in September 1987,

Recalling further the conclusions of the High-Level Meeting on Employment and Structural Adjustment, held in November 1987,

Recalling that the standards of the ILO relating to employment aim at all forms of productive activity which provide means of earning a livelihood,

Convinced that a key to solving the problems of unemployment and underemployment faced by many countries lies in the creation of a favourable climate for the efficient utilisation of human skills, including entrepreneurial and management skills, and the exercise of individual initiative within the framework of policies that encourage the creation and growth of enterprises that are competitive nationality, regionally and internationally,

Noting that the potential for employment growth is particularly strong in small and medium-sized enterprises,

Considering that the entrepreneurial spirit thrives particularly well in an environment where markets and enterprises are free from excessive regulation and government interference,

Convinced therefore of the need for such an environment so that enterprises, including small and medium-sized enterprises, can fully realise their growth potential,

Noting that, in the framework of structural adjustment, the ILO and other United Nations agencies are increasingly called upon to respond to requests by member States for assistance to encourage and develop an entrepreneurial spirit, and to foster the potential for growth and employment through the private sector, especially in small and medium-sized enterprises,

Considering that technological developments and changes in world markets make continuing structural adjustments in the economies of all countries inevitable and that, because of their flexibility, small and medium-sized enterprises are particularly well-placed to respond to such developments and changes and to contribute to such adjustments,

Convinced further of the need to make enterprises capable of adapting rapidly to the market in order to facilitate the process of change in national economies in ways which maximise economic growth while encouraging job creation and sustainable employment, among other measures through training and retraining programmes;

1. Calls upon governments and employers' and workers' organisations to:

(a) promote economic and employment policies which establish an environment in which enterprise can flourish, and self-sustaining new jobs and new small and medium-sized enterprises can be created;

(b) take appropriate measures to encourage the spirit of entrepreneurship, including through training and retraining programmes for unemployed people, new entrants to the workforce and those displaced by structural adjustment.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to give special emphasis, when implementing the programme of the ILO and when planning future activities, to:

  (i) activities that promote the development of appropriate national economic and employment policies that would encourage the spirit of entrepreneurship, especially in small and medium-sized enterprises, with a view to expanding sustainable and productive employment;

  (ii) training and retraining programmes directed towards enabling unemployed people, including new entrants to the workforce and those displaced by structural adjustment, to acquire the necessary skills and qualifications to start their own economic activities or to find employment or re-employment;

(iii) activities fostering the creation of new enterprises as a principal means of re-employing people who may lose their jobs in the process of structural adjustment, as well as providing employment for new entrants to the workforce;

(b) to promote and organise exchanges of experience among countries adopting as essential elements of their economic and employment policies a market economy, the encouragement of enterprise free from excessive regulation and government interference and the promotion of a more diversified economy, in order to increase opportunities for sustainable and productive employment.

Resolution concerning the settlement of industrial disputes, submitted by Mr. Bingen de Arbaloa, Employers' delegate, Venezuela; Mr. Cevallos, Employers' delegate, Mexico; Mr. Durling, Employers' delegate, Panama; Ms. Hak, Employers' delegate, Netherlands; Mr. Hultin, Employers' delegate, Finland; Ms. Mackie, Employers' delegate, United Kingdom; Mr. Noakes, Employers' delegate, Australia; Mr. Oechslin, Employers' delegate, France; Mr. Owuor, Employers' delegate, Kenya; Mr. Smith, Employers' delegate, United States; and Mr. Thüsing, Employers' delegate, Germany

The General Conference of the International Labour Organisation,

Recalling the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Labour Relations (Public Service) Convention, 1978 (No. 151),

Reaffirming the principles upon which these Conventions were based, especially the fundamental importance of freedom of association as the basis for an efficient and equitable system of industrial relations,

Seeking to promote voluntary mechanisms for the settlement of disputes between employers and their workers,

Concerned at the same time with the social and economic cost of industrial conflict both for those involved and for the stability and development of the country,

Noting that the basic instruments of the ILO on freedom of association and industrial relations do not address problems related to the equitable settlement of industrial disputes,

Convinced that appropriate voluntary mechanisms to promote mutually accepted solutions to industrial disputes are compatible with respect for freedom of association if they result from dialogue with those involved,

Desiring to reduce the negative consequences of industrial conflict, especially when this threatens public safety, or the welfare or economic development of the country;

1. Calls upon member States and upon employers and workers and their respective organisations to promote efficient voluntary mechanisms for the settlement of industrial disputes.

2. Invites the Governing Body of the International Labour Office:

(a) to request the Director-General to place at the disposal of the constituents of the ILO information and advisory services that would help them to develop and improve appropriate mechanisms for the settlement of industrial disputes;

(b) to consider placing the settlement of industrial disputes as an item on the agenda of a future session of the International Labour Conference.

Resolution concerning compensation for losses suffered by workers and employers because of the invasion of Kuwait, submitted by Mr. Al-Jassem, Employers' delegate, Kuwait; Mr. Al-Agami, Workers' delegate, Kuwait; and Mr. Hyder, Employers' delegate, Bangladesh

The General Conference of the International Labour Organisation,

Emphasising the major role of the ILO in defending the rights and interests both of workers and of employers, in accordance with the provisions of the Declaration of Philadelphia and the Preamble to the Constitution which advocates "protection of the interests of workers when employed in countries other than their own",

Bearing in mind the content of article 12, paragrapha 1, of the Constitution which states that "the International Labour Organisation shall cooperate within the terms of this Constitution with any general international organisation entrusted with the coordination of the activities of public international organisations having specialised responsibilities in related fields", which implies that international organisations should combine their efforts, each within its own sphere of competence, in order to consolidate their stand in support of the rule of international law as well as to ensure the triumph of peace and justice among nations and individuals,

Recalling the conclusions of the 279th Report of the Governing Body Committee on Freedom of Association, in respect of Case No. 1556, which pointed out that during the invasion workers and employers and their organisations in Kuwait had been subjected to atrocious practices involving assassination, injury, exile, the destruction of establishments and buildings, the burning and plundering of documents and assets and countless other acts of sabotage, in view of which the Committee requested the Iraqi Government either to restore the plundered property or else to pay just compensation,

Recalling what happened to approximately half a million workers and over 100,000 employers who, apart from losing their jobs, savings and property, were forced to flee collectively to their countries of origin, massing at the borders in uninhabited and unhealthy places, which caused the death of many migrant workers and outbreaks of contagious diseases among them,

Taking account of Security Council resolutions Nos. 686, 687 and 692 and of other related resolutions which, by virtue of international law, consider Iraq responsible for all direct or indirect losses suffered by governments, firms and individuals, belonging both to Kuwait and to other nations, as a result of Iraq's unlawful invasion and occupation of Kuwait,

Considering the pressing and difficult circumstances experienced by workers and employers, as well as their dependants, as a result of being deprived of their source of income, and stressing the fact that only with adequate compensation can they overcome their hardships and resume their activities as productive forces:

1. Calls upon the Iraqi Government to respect and abide by the resolutions of international bodies, and particularly those of the United Nations Security Countil with regard to compensation, and not to disregard resolutions on the international rule of law in this respect by preventing the United Nations Compensation Commission from selling Iraqi oil and retaining the proportion fixed for the compensation fund.

2. Requests the Director-General of the International Labour Office to communicate with the competent authorities in the international Compensation Commission through the relevant bodies in the United Nations general secretariat and the Security Council, requesting them to give special priority to workers' and employers' compensation, and to submit reports to the Governing Body on the outcome of his efforts in this respect.

3. Invites the Governing Body to follow up the matter and report thereon to the 80th Session of the Conference.

Resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their Families, submitted by Mr. Abakirov, Workers' delegate, Kyrgystan; Mr. Antoniou, Workers' delegate, Cyprus; Mr. Goncharik, Workers' delegate, Belarus; Mr. Klotchkov, Workers' delegate, Russian Federation; and Mr. Veronese, Workers' delegate, France

The General Conference of the International Labour Organisation,

Guided by the recognition, in the Preamble to the ILO Constitution, of the urgent need to protect the interests of workers when employed in countries other than their own,

Noting the protection guaranteed by the Migration for Employment Convention (Revised), 1949 (No. 97), the Equality of Treatment (Social Security Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Maintenance of Social Security Rights Convention, 1982 (No. 157), and by the accompanying Recommendations,

Recalling further the resolution concerning action by the International Labour Organisation for migrant workers, adopted by the Conference in 1967, and specifically paragraph 3 of its operative part, as well as the resolution concerning ILO action for promoting the equality of migrant workers in all social and labour matters, adopted by the Conference in 1971,

Noting the adoption by the United Nations General Assembly in resolution 45/158 of 18 December 1990 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware of the growing importance and scale of the phenomenon of migration which affects millions of people and a large number of countries of the international community,

Considering however that, given demographic trends, the interdependence of labour markets and the need for greater cooperation between countries, the flow of migrants is both a challenge and an opportunity for the host countries as well as for the countries which supply labour,

Deploring that international migration systems in some regions embody practices that are incompatible with international labour standards, and considering that there is an urgent need to bring the recruitment and employment of migrant workers into line with those standards,

Observing that the absence of democracy, the violations of human rights, including trade union rights, the conflicts that exist in various regions and the transition of certain economies increase the number of migrants,

Deploring the racism and xenophobia to which migrant workers are often exposed,

Considering that migratory movements should be subject to international regulations so as to ensure uniform guarantees and protection of the rights of migrant workers and of their families, and convinced that prompt and vigorous action is needed to achieve full equality, in law and in fact, in all social and labour matters for migrant workers under both national legislation and collective agreements,

Stressing the urgent need to promote development assistance for the creation of jobs as an effective means of resolving migration problems,

Convinced that the ILO must be the spearhead of all initiatives concerning migrant workers aimed at reinforcing activities, relations and cooperation with various institutions within the family of the United Nations,

Believing, however, that special efforts can already be made in specific regions through bilateral or multilateral meetings under the auspices of the ILO,

Stressing the need for employers' and workers' organisations to be associated in the work of all national, regional and international bodies concerned with questions affecting migrant workers and members of their families;

1. Invites governments and, where appropriate, employers' and workers' organisations:

(a) to take all necessary measures to ensure that the terms and conditions of employment of migrant workers are in accordance with the principles of freedom of association and non-discrimination and with the provisions of ILO instruments;

(b) to ratify and implement, in particular, ILO Conventions Nos. 97, 118, 143 and 157, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(c) to pursue actively the objectives of the Employment Policy Convention, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), and to make an effective contribution to international assistance activities to reduce migratory pressures;

(d) to give full effect to the provisions relating to the protection of migrant workers formulated in the Declaration of Principles and Programme of Action adopted by the World Employment Conference, as well as in the resolution relating to its follow-up (1979);

(e) to take duly into account all pertinent national and international standards when concluding bilateral agreements on migration, and to respect the obligations arising under multilateral agreements and treaties, particularly those to which States have subscribed in the area of human rights and in favour of the free movement of men and ideas;

(f) to pay special attention to the serious human and social problems confronting migrant workers;

(g) to formulate and apply strictly laws and regulations to combat all forms of racism and xenophobia, and to intensify educational activities in that field;

(h) to organise educational seminars for migrant workers to inform them of their rights and obligations;

(i) to facilitate the role and participation of workers' and employers' organisations in the formulation and implementation of policies regarding the recruitment, employment, working conditions and integration of migrant workers.

2. Requests the Governing Body of the International Labour Office to instruct the Director-General:

(a) to intensify the activities of the International Labour Office with a view to guiding, stimulating and coordinating the efforts of member States so that they have efficient information, guidance and placement services for migrant workers;

(b) to urge member States to ensure equality of treatment in economic and social matters between national workers and migrant workers, particularly in all matters relating to remuneration, working hours, social security and freedom of association;

(c) to promote the dissemination of information on the rights of migrant workers and members of their family that are recognised in the relevant international instruments, and specifically on their right freely to join the trade union of their choice;

(d) to give due attention in his programme and budget proposals for the 1994-95 biennium to the need to increase the activities of the ILO aimed at the protection and promotion of the rights and interests of migrant workers and, in particular, to allocate the resources required for the Organisation to play its full role in the supervision of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(e) to take the initiative to draw to the attention of member States cases in which the recruitment and employment of migrant workers are not in conformity with international labour standards, and to provide the necessary advisory services and technical cooperation to correct such situations;

(f) to take into consideration the promotion of the ratification and application of instruments relating to migrant workers in the technical cooperation and assistance programmes of the International Labour Office;

(g) to encourage and provide technical assistance for the conclusion of agreements and/or arrangements between States so as to protect the rights of migrant workers and members of their families;

(h) to present to an early session of the Governing Body an in-depth survey of the major features of the recruitment and employment of migrants in each of the regions and to submit proposals concerning action required to bring them into conformity with international labour standards;

(i) to convene at the earliest possible date a tripartite advisory meeting, involving the participation of all relevant United Nations agencies, to provide guidance on the future policies and activities of the ILO in the field of migration;

(j) to step up cooperation and coordination with the other specialised agencies of the United Nations and other international and regional organisations with a view to the preparation and implementation of programmes to help countries resolve the problems concerning migrant workers, employment and development.

3. Invites the Governing Body of the International Labour Office:

(a) to monitor closely the issues raised in this resolution;

(b) to consider the need to undertake in the near future a comprehensive study on the application of Conventions Nos. 97, 118, 143 and 157, to be submitted to the Committee on the Application of Conventions and Recommendations;

(c) to place the problem of migrant workers on the agenda of a forthcoming session of the International Labour Conference.

Resolution concerning employment promotion as an essential component of development, submitted by Mr. Abakirov, Workers' delegate, Kyrgyzstan; Mr. Antoniou, Workers' delegate, Cyprus; Mr. Goncharik, Workers' delegate, Belarus; Mr. Klotchkov, Workers' delegate, Russian Federation; Mr. Veronese, Workers' delegate, France

The General Conference of the International Labour Organisation,

Considering that the Universal Declaration of Human Rights provides that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment",

Recalling the ILO's responsibility, according to the Declaration of Philadelphia, to promote programmes which will achieve full employment, and the fact that the Preamble to the Constitution of the Organisation advocates the prevention of unemployment and the provision of an adequate living wage,

Considering that the International Labour Organisation affirmed in the Declaration of Philadelphia that "the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy", and further affirmed that it was the responsibility of the Organisation "to examine and consider all international economic and financial policies and measures in the light of this fundamental objective",

Recalling the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in November 1987,

Recalling also ILO standards on employment policy,

Noting with concern the decline in employment opportunities in various regions of the world and the increase in unemployment and underemployment in several industrialised countries as well as in developing countries and countries in transition,

Recognising the need to ensure respect for the freedoms and rights to organise and collective bargaining which are embodied in Conventions Nos. 87, 98, 135 and 141,

Recognising the responsibility of governments in the field of development policy and considering that decisions concerning development plans and programmes should involve consultation with employers' and workers' representatives as well as their active participation, since the sound functioning of tripartism is the best guarantee for the success and effectiveness of these plans and programmes;

1. Urges all member States of the International Labour Organisation:

(a) to formulate and apply, as a matter of priority, an active policy to promote full, productive and freely chosen employment, so as to stimulate sustained economic growth and development, thus raising the standard of living of the population;

(b) to adopt a policy of incentives for job-creative economic activities, this policy being based on national development criteria and in line with national policies; to develop employment and vocational guidance services so as to facilitate access to the labour market;

(c) to continue and intensify efforts to devise coherent training systems and policies;

(d) to develop, as a matter of priority, programmes for the social protection and initial employment of young people and for the reintegration in the labour market of the long-term unemployed and of workers who have interrupted their working life, to assume family responsibilities, for example, and to provide for retraining or further training under these programmes; to provide also the means of access to new skilled employment in the case of the restructuring or reconversion of certain sectors of the economy;

(e) to increase economic cooperation between countries which are at different stages of economic development as well as the regional level;

(f) to promote long-term development of world trade, based on equitable and mutually advantageous terms of trade;

(g) to provide migrant workers with equal opportunity and treatment and, at the same time, prevent the "brain drain" which deprives countries of skills that are crucially important for their development;

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:

(a) encourage member States to increase employment substantially, in both quantitative and qualitative terms, and to take the necessary economic and social policy measures at the national and international levels and, for this purpose, to advise member States on the means of achieving their objectives as regards employment and the meeting of basic needs;

(b) update the World Employment Programme, taking particular account of the process of structural adjustment, the transition to a market economy and the introduction of new technologies, and to submit a draft update of the Programme to a future session of the Conference;

(c) continue and strengthen training activities at the national and regional levels, ensuring the optimum distribution and enhanced effectiveness of these programmes;

(d) cooperate fully with other organisations of the United Nations system in the search for solutions to the problems of employment and the meeting of basic needs.

Resolution concerning the contribution of enterprise development to the creation of full, productive and freely chosen employment, submitted by Ms. Aerenlund, Workers' delegate, Denmark; Mr. Ahmed, Workers' delegate, Pakistan; Mr. Brett, Workers' delegate, United Kingdom; Ms. Buverud Pedersen, Workers' delegate, Norway; Ms. Carr, Workers' delegate, Canada; Ms. de Vits, Workers' delegate, Belgium; Ms. Dreifuss, Workers' delegate, Switzerland; Mr. Edstrom, Workers' delegate, Sweden; Ms. Engelen-Kefer, Workers' delegate, Germany; Mr. Etty, Workers' delegate, Netherlands; Mr. Gray, Workers' delegate, United States; Mr. Lettieri, Workers' delegate, Italy; Mr. Mendoza, Workers' delegate, Philippines; Mr. Mugalla, Workers' delegate, Kenya; Mr. Sánchez Madariaga, Workers' delegate, Mexico; Mr. Tanaka, Workers' delegate, Japan; and Mr. Tapiola, Workers' delegate, Finland

The General Conference of the International Labour Organisation,

Recalling the obligation of the ILO to further programmes which will achieve, inter alia, full employment, rising standards of living, a just share of the fruits of progress to all, the effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, the collaboration of workers and employers in the preparation and application of social and economic measures, and the assurance of equality of educational and vocational opportunity,

Emphasising the particular relevance of the Employment Policy Convention, 1964 (No. 122), and Recommendation, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169),

Recalling further the conclusions of the High-Level Meeting on Employment and Structural Adjustment, held in November 1987,

Considering that the worldwide crisis of structural change has left hundreds of millions of people enemployed or underemployed, with a consequent rise in poverty and particularly adverse effects on women,

Recognising the potential contribution of enterprise development to the creation of full, productive, and freely chosen employment and the need to ensure that innovation and technological change have a positive net effect on employment and working conditions,

Noting that successful structural adjustment must entail optimal use of resources and result in continuously rising standards of living for the whole of the population,

Emphasising therefore the need to support measures of structural change that fully address all social aspects, that provide a realistic strategy for sustainable development and employment creation, and that have been elaborated with the full involvement of employers' and workers' organisations, which is vital if adjustment is to succeed in stimulating the capacity of enterprises to create full, productive, freely chosen, secure and adequately remunerated employment, which will also advance social justice,

Aware that environmental considerations will have increasingly significant implications for employment policy in the coming years,

Underlining the responsibility of governments to take measures to ensure in practice the respect of all ratified ILO instruments,

Convinced that governments need to take measures to provide the appropriate infrastructure and a framework for active labour market policies if the private sector is to flourish,

Considering therefore the need for governments to create the appropriate environment to stimulate employment growth, entailing measures to raise public confidence in the prospects for sustainable economic growth, increase investment, promote free collective bargaining and maximise the potential of arrangements for tripartite consultation;

1. Calls upon governments and employers' and workers' organisations:

(a) to promote economic and employment policies, adopted through full consultation with employers' and workers' organisations, that encourage enterprise development so that self-sustaining new jobs in conformity with ILO standards are created, requiring inter alia vigorous measures of public investment, effective industrial policies, the promotion of collective bargaining and constructive industrial relations systems:

(b) to encourage this process through active labour market policies including high-quality training and retraining programmes and better employment services:

(c) to devote particular attention to employment generation for the most marginalised sections in society, including women and rural sector workers.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to give special emphasis, when implementing the programme of the ILO and when planning future activities, to:

(i) the development of research and study activities and assistance to employers' and workers' organisations with the goal of promoting policies of economic and environmental adaptation which can most successfully achieve structural change to improve living standards and working conditions while protecting vulnerable groups;

(ii) activities to promote the development of appropriate national economic and employment policies that would enhance the potential of enterprises in the creation of full, productive, freely chosen, secure and adequately remunerated employment;

(b) to promote and organise exchanges of experience among countries adopting as essential elements of their economic and employment policies the promotion of enterprise development, negotiations between employers' and workers' organisations on structural change in the labour market and the promotion of sound industrial relations based on freedom of association and free collective bargaining, and the full incorporation of adequate social considerations into economic programmes, in order to increase opportunities for sustainable and productive employment.

Resolution concerning the protection and promotion of the rights of migrants workers, submitted by Ms. Aerenlund, Workers' delegate, Denmark; Mr. Ahmed, Workers' delegate, Pakistan; Mr. Brett, Workers' delegate, United Kingdom; Ms. Buverud Pedersen, Workers' delegate, Norway; Ms. Carr, Workers' delegate, Canada; Ms. De Vits, Workers' delegate, Belgium; Ms. Dreifuss, Workers' delegate, Switzerland; Mr. Edstrom, Workers' delegate, Sweden; Ms. Engelen-Kefer, Workers' delegate, Germany; Mr. Etty, Workers' delegate, Netherlands; Mr. Gray, Workers' delegate, United States; Mr. Lettieri, Workers' delegate, Italy; Mr. Mendoza, Workers' delegate, Philippines; Mr. Mugalla, Workers' delegate, Kenya; Mr. Sánchez Madariaga, Workers' delegate, Mexico; Mr. Tanaka, Workers' delegate, Japan; and Mr. Tapiola, Workers' delegate, Finland

The General conference of the International Labour Organisation,

Guided by the recognition in the Preamble to the ILO Constitution of the urgent need to protect the interests of workers when employed in countries other than their own,

Recognising that migrant workers are particularly vulnerable, and in need of specific measures for the protection of their basic rights,

Deploring the racism and xenophobia to which migrant workers are often exposed,

Noting the protection guaranteed by the Migration for Employment Convention (Revised), 1949 (No. 97), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Maintenance of Social Security Rights Convention, 1982 (No. 157), and by the accompanying Recommendations,

Endorsing the resolution on migrant workers in Asia adopted by the 11th Asian Regional Conference of the ILO (Bangkok, 26 November-2 December 1991), Considering that migrants make a positive contribution to the development of the countries in which they work, but that migration for employment is often undertaken as a result of poor economic and social conditions and inadequate job opportunities in the sending countries,

Underlining, therefore, the importance of the terms of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), which calls on Members to create more employment opportunities and better conditions of work in countries of emigration so as to reduce the need to migrate to find employment, and to ensure that international migration takes place under conditions designed to promote full, productive and freely chosen employment,

Regretting that migration systems in some regions embody practices that are not in keeping with international labour standards, and considering that there is urgent need to bring the recruitment and employment of migrants into conformity with those standards,

Recognising the continuing responsibility of the ILO to take a leading role in international efforts to promote the welfare of migrant workers and their families displaced by the Gulf conflict, and to promote respect of their acquired rights;

1. Invites governments and, where appropriate, employers' and workers' organisations:

(a) to take all necessary measures to ensure that the terms and conditions of employment of migrant workers respect the principles of freedom of association and non-discrimination, and the provisions of relevant ILO instruments;

(b) to ratify and implement fully ILO Conventions Nos. 97, 118, 143 and 157, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(c) to pursue actively the objectives of the Employment Policy Convention, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), and to cooperate in the effective provision of targeted international assistance, designed to alleviate migrationary pressures;

(d) to formulate and apply strictly laws and regulations to combat all forms of racism and xenophobia, and to intensify educational activities in this field.

2. Requests the Governing Body of the International Labour Office to instruct the Director-General:

(a) to make due provision in his programme and budget proposals for the 1994-95 biennium for increased activities for the protection and promotion of the rights of migrant workers, and to allocate for that purpose resources on a scale commensurate with the issues to be confronted;

(b) to present to an early session of the Governing Body specific proposals to enable its Committee on Discrimination to examine on a regular basis the conditions of migrant workers, and to make recommendations for action when these are not in conformity with international labour standards;

(c) to convene at an early date a tripartite advisory meeting, bringing together government, employer and worker representatives from migrant sending and receiving countries, as well as representatives of appropriate international organisations, to provide guidance on future ILO policy and activities in the field of migration;

(d) to increase the provision of advisory services, monitoring and technical cooperation on migration issues, with the particular objective of promoting the administrative capacity of national authorities to apply effectively regulations for the protection of the rights of migrant workers;

(e) to liaise closely with other United Nations agencies and regional inter-governmental organisations on all matters affecting migrant workers' rights;

(f) to cooperate closely with the United Nations Compensation Commission so as to ensure that the extensive work already done by the ILO to register migrant workers displaced by the Gulf conflict is put to use in ensuring that proper compensation reaches the largest possible number of those with just entitlements.

Resolution concerning the future role of the ILO with respect to the situation of migrant workers and their families and the causes of migratory flows, submitted by Mr. Peirens, Workers' delegate, Belgium

The General Conference of the International Labour Organisation,

Guided by the objectives of the Organisation, in particular the Preamble to the Constitution,

In full accordance with the long-standing activities conducted by the Organisation to promote equality of opportunity and treatment in its standard-setting as well as in its technical cooperation activities,

Recalling that protection measures are guaranteed in the Protection of Wages Convention, 1949 (No. 95), the Migration for Employment Convention (Revised), 1949 (No. 97), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Maintenance of Social Security Rights Convention, 1982 (No. 157), and in the accompanying Recommendations,

Recalling also the adoption by the United Nations General Assembly in December 1990 (resolution 45/158) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which the ILO made a positive contribution,

Emphasing that migratory flows are not a new phenomenon and that the contribution of migrant workers has frequently been beneficial for the development of receiving countries, while the integration of immigrants has often been difficult,

Observing that, as this century nears its end, the lot of migrant workers and the pressure to emigrate point to a deep-rooted economic and social malaise throughout the world, caused by major imbalances between the various regions of the world,

Believing that three major factors should be taken into consideration, namely:

(a) the extremely disturbing social and economic situation of the majority of developing countries and demographic trends in the South, as well as the complex transition taking place in Central and Eastern Europe, which give rise to major migratory pressures;

(b) the difficulties facing the industrialised countries – unemployment, precarious employment and marginalisation – which are a source of increasing tension, in particular the rise of the extreme Right and racism;

(c) the fact that much still remains to be done, even in countries with democratic regimes, to achieve equality of treatment and the participation at all levels of society of immigrants who have regular status – which are prerequisites for any integration policy;

Considering that restrictions on immigration, more or less strictly applied by the industrialised countries, are increasingly circumvented by the illegal recruitment of foreign labour and by the increase in the number of asylum-seekers,

Noting that the absence of appropriate measures is likely to result in violent manifestations of intolerance and undermine the democratic process, constitute a threat to peace and reduce economic efficiency,

Noting with satisfaction the efforts made by the Office of the Director-General of the ILO and by the departments and the regional offices concerned (whether during the Gulf War, in the Mediterranean, Asian, African or European regions or in the context of recent initiatives taken jointly with the Office of the United Nations High Commissioner for Refugees), and that, despite its meagre resources, the ILO has been able to contribute to finding short-term solutions or to developing policies which are more favourable to migrant workers,

Reaffirming that all the constituents of the ILO are obliged, by virtue of the Constitution of the Organisation and the Declaration of Philadelphia, to ensure respect for, and promote, fundamental social rights, above all so that no human being suffers discrimination on ground of race, sex, origin, age, social, status, culture, religion or ideology,

Expressing the wish that this commitment will result in the ratification and applciation of the above-mentioned Conventions and Recommendations of the Organisation and of the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Stressing that the information given and the methods advocated in the relevant ILO instruments should be adapted to reality through collective agreements and enterprise agreements or by appropriate administrative and legislative measures,

Emphasising that it is important to establish policies and programmes to combat marginalisation and poverty as well as to promote equality of treatment in the fields of education, housing, employment, remuneration, social infrastructure, training, conditions of work and social protection, in the interest of both national and foreign workers as well of as their families,

Demanding that effective means be used against the suppliers, intermediaries and users of clandestine labour,

Advocating the launching of a campaign to promote the application to migrant workers of the Protection of Wages Convention, 1949 (No. 95),

Calling for significant changes in development aid poilicies so as to include in them measures for employment promotion, human resources development and the improvement of the conditions of life and work of populations,

Convinced that it is only by measures of this kind, taken by governments and employers' and workers' organisations, that it will be possible progressively to reduce migratory pressures;

1. Requests the Governing Body of the International Labour Office:

(a) to intensify the capacity of the Office so that it may guide, stimulate and coordinate combined or individual efforts of the Organisation's constituents to face these serious problems;

(b) to continue operational dialogue with the Bretton Woods institutions (IMF, world Bank), the specialised agencies of the United Nations and regional organisations (EC, OAU, OAS, ASEAN, OECD, etc.) so as to promote economic recovery, which would have positive social effects, particularly for the most underprivileged populations, to bring about changes in development policies and international relations in the economic, financial, commercial, cultural or technical spheres in order to reduce economic and social imbalances, and to promote the application of practical measures which would ensure the gradual achievement of equality of opportunity and treatment, as well as objective conditions of freedom and dignity;

(c) to organise with the Director-General of the ILO the monitoring of these policies at regular intervals, and in particular to arrange for the Conference to examine, at its session in 1996, the measures taken by member States to promote and apply the above-mentioned ILO instruments.

2. Invites member States, in the light of the serious implications of the situation, which can only be controlled in a democratic manner by coherent international social policies, to provide the Organisation with adequate financial and human resources, so as to put an end to a situation which for at least a decade has been seriously weakening the Organisation and thus gradually rendering it incapable of fulfilling its mandate.

Resolution concerning the development of democracy, the internationalisation of the economy and the promotion of tripartism, submitted by Mr. Willy Peirens, Workers' delegate, Belgium

The General Conference of the International Labour Organisation,

Recalling that the declaration of Philadelphia affirms that "freedom of expression and of association are essential to sustained progress" and that "the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare".

Recalling also that to attain these objectives, the Declaration underlines the obligation of the ILO to implement programmes which will achieve "the effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures",

Considering that several countries, on all continents, have set in motion or strengthened processes of democratisation,

Hoping that these processes will succeed, as they are vital to economic and social efficiency and to the material, spiritual and cultural development of citizens,

Observing that the role of the social partners and tripartite institutions is crucial in these developments and that labour relations of a high calibre must make it possible for the social and economic partners to play an effective role in the democratisation of economic and social life, particularly in public administration, in private enterprises and in all spheres of working and social life,

Noting that the internationalisation of the economy, the creation of supranational entities (such as groupings of States and the creation of integrated economic areas) and the internationalisation of enterprises give rise to major changes in economic, technical and social strategies and measures,

Concerned by the fact that the process of privatisation and opening up of markets in the countries of Central and Eastern Europe entails the marginalisation of the social partners and of the principles of tripartism and fosters unbridled deregulation,

Observing that these developments have implications not only for the level, nature, content and effects of collective bargaining, but also for the full effectiveness of national social and labour legislation and on the efficiency of certain tripartite institutions,

Considering that these developments also affect the degree of mutual influence, in terms of knowledge and of power, of the tripartite (workers, employers, authorities) and bipartite social partners:

1. Calls on all the constituents of the ILO to place Conventions Nos. 87, 98, 135, 141, 144 and 151 and the accompanying Recommendations at the centre of the economic and social policies of all countries and of regional and international governmental institutions.

2. Calls on the Governing Body of the International Labour Office:

(a) to establish an ad hoc committee to examine and evaluate the activities of the ILO, with an eye to fostering a tripartism that is vibrant, relevant, credible and adapted to the various and complex situations that exist;

(b) to instruct this committee to examine:

  (i) developments since the reforms that have been introduced in Central and Eastern Europe;

  (ii) structural adjustment policies in the various continents, and particularly the organisation and representation of groups or activities in the informal sector;

  (iii) the effects of the internationalisation of the economy, the internationalisation of numerous economic and financial operators and the creation of supranational entities;

  (iv) the ways and means of promoting tripartism as well as bipartism through all ILO activities, especially technical cooperation;

  (v) the strengthening of the human and financial resources required for the Organisation to assume these crucial tasks;

(c) to arrange for this committee to meet as soon as possible and report to the Conference at an early session.

3. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to strengthen the services of the ILO which are able to support economic and social democratisation;

(b) to take such measures as to ensure that the ILO and its constituents are not excluded from international or supranational structures, so as to prevent tripartite bodies or national bipartite relations, in practice, from being gradually stripped of their functions and becoming third-rate administrative institutions or empty structures.

Resolution concerning ILO action against social marginalisation, for the promotion of employment and equality of opportunity and treatment and for the development of human resources, submitted by Mr. Peirens, Workers' delegate, Belgium

The General Conference of the International Labour Organisation,

Recalling that the Declaration of Philadelphia affirms that "poverty anywhere constitutes a danger to propserity everywhere" and that "the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare".

Recalling also that "lasting peace can be established only if it is based on social justice" and that "it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective",

Observing with concern that poverty and precariousness now widely characterise the lives of entire populations in much of the developing world,

Observing that the transition to a market economy in the countries of Eastern and Central Europe entails a long and complex process of adjustment, whose social implications are extremely serious for the majority of the populations,

Noting that economic and technical developments and social measures in industrialised countries have undermined social progress and brought about persisting situations of precariousness and marginalisation, Noting with concern that these inequalities in employment, income, living conditions, training, social protection, etc., are frequently related to age, sex, race and national or social origin,

Concerned by the fact that these situations give rise to dangerous trends which can impair economic efficiency, the effective exercise of fundamental social rights (and therefore human rights) and the development of democratic practices,

Observing that many signs point to the same conclusion – that antagonisms between peoples and groups are aggravated by these inequalities, are expressed in a violent manner and therefore constitute a threat to peace,

Emphasising also that the 48th Session of the United Nations Human Rights Commission adopted by consensus a resolution concerning human rights and extreme poverty;

1. Urges the member States of the ILO:

(a) to ratify and implement Conventions Nos. 111, 122, 142 and the accompanying Recommendations;

(b) to adopt and ensure the application of laws and regulations that are in conformity with these Conventions, with a view to eliminating social marginalisation and promoting employment, equality of opportunity and the development of human resources.

2. Calls on all the constituents of the ILO (governments, employers and workers) to initiate specific and coordinated action to promote equality of opportunity and treatment for all men and women and to combat precariousness of living conditions and social marginalisation.

3. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to strengthen the ILO's action so as to encourage and help governments to apply the ILO standards concerning social and fundamental rights, in particular Conventions Nos. 87, 98, 111, 122, 138 and 142;

(b) to propose to the constituents of the ILO ways and means of drawing up legislation and agreements and establishing programmes to promote employment, to facilitate entry into working life and social integration, and to combat the precariousness of living conditions and social marginalisation;

(c) to prepare and distribute widely, for the use of governments, employers and trade union organisations, readily understandable information which is based on the standards and policies of the ILO concerning discrimination in access to vocational training, to employment, to the various occupations and to conditions of employment;

(d) to provide practical guidelines, teaching material and information on matters related to entry into working life and social integration and to the fight against the precariousness of living conditions and social marginalisation;

(e) to propose as soon as possible a world campaign for the promotion of equality of opportunity and treatment for all men and women and for human resources development, so as to slow down and impede the progression of separate development.

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International Labour Conference

2

Provisional Record

Seventy-ninth Session, Geneva, 1992

Standing Orders questions

Note concerning Standing Orders questions placed by the Governing Body of the International Labour Office before the Conference at its 79th Session

AMENDMENTS TO THE STANDING ORDERS OF THE INTERNATIONAL LABOUR CONFERENCE

1. The Governing Body has referred to the Conference a number of proposed amendments to the Conference Standing Orders in relation to two separate issues. The Governing Body had taken decisions on the substance of the two reforms, on the recommendation of its Working Party on Improvements in the Functioning of the International Labour Conference at its 251st Session (November 1991), and approved the drafting of the amendments required to implement them through the Standing Orders, on the recommendation of its Committee on Standing Orders and the Application of Conventions and Recommendations, at its 252nd Session (February-March 1992). The first of these reforms relates to the shortening of the time-limit for speeches in the plenary and the second concerns suppression of the Selection Committee in the initial constitution of Conference Committees.

A. *Shortening of the time-limit for speeches in plenary sittings*

2. The Committee on Standing Orders and the Application of Conventions and Recommendations agreed with the text proposed by the Office reducing the time-limit in article 14, paragraph 6, from 15 to ten minutes.

3. The Governing Body therefore submits to the Conference, for adoption, an amendment to article 14, paragraph 6, of its Standing Orders which would replace the words "15 minutes" by the words "ten minutes".

B. *Constitution of Conference Committees*

4. The Committee on Standing Orders and the Application of Conventions and Recommendations considered a number of proposals by the Office to implement, through the Standing Orders, the rationalisation agreed to by the Governing Body on the recommendation of the Working Party on Improvements in the Functioning of the International Labour Conference, according to which committees should be directly appointed by the Conference at the beginning of its work, without the intervention of the Selection Committee, so as to save at least half a day. The basic idea is that the groups would meet officially even before the formal opening of the Conference to elect their Officers, choose their candidates for each of the three posts of Vice-President and prepare their proposals regarding the setting up and composition of committees. After the election of the President, the plenary could then immediately deal with the question of the setting up and composition of committees. The proposals made by the groups would be endorsed by the Conference and the committees thereby constituted could meet as soon as possible thereafter in order to begin their work. The Selection Committee itself would be set up at the same time as the other committees and could therefore examine from then on any suggestions concerning the composition of committees, as well as any other questions normally falling within its terms of reference, including its standard business at the beginning of the Conference.

5. The Committee agreed with an amendment to the Office proposal designed to streamline further revised article 25 (by avoiding an obligatory break in the proceedings after the election of the President) and agreed that, so far as consequential amendments were concerned, article 9 should be adapted to the proposed reform rather than disposed of altogether. The Employer members insisted that the Standing Orders be applied in such a way that the Credentials Committee be established as early as possible after the formal opening of the Conference so that objections and questions of quorum could be dealt with as soon as they arose. The Employer and Worker members also recorded their position that, since the meetings of the groups which might henceforth take place before the formal opening of the Conference were to be official meetings, the expenses incurred by the non-governmental delegates and advisers in attending such meetings as part of the Conference should be borne by the governments in accordance with article 13, paragraph 2, of the Constitution.

6. The Governing Body therefore submits to the Conference, for adoption, the following proposed amendments to articles 4, 9, 25, 72 and 75 of the Conference Standing Orders[1]:

Article 4, paragraph 2

It shall be the duty of the Selection Committee to arrange the programme of the Conference, to fix the time and agenda for the plenary sittings, [to make proposals relating to the setting up and composition of other committees,) and to report to the Conference on any other questions requiring a decision for the proper conduct of its business, *in accordance with the Conference Standing Orders. Where appropriate, the Committee may delegate any of these functions to its Officers.*

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[1] Passages that it is proposed to delete are between square brackets whilst those to be inserted are in italics.

Article 9

[Procedure for the appointment of committees]

Adjustments to the membership of committees

The following rules shall apply to all committees appointed by the Conference with the exception of the Selection Committee, the Credentials Committee, the Finance Committee of Government Representatives and the Drafting Committee:

(a) [when it has been decided to appoint a committee to which these rules apply, the Selection Committee shall fix the size of such committee and shall ask each group to furnish a list setting out in order of preference a larger number of names than there are places allocated to the group on the committee;] *once the various committees have been established and their initial membership appointed by the Conference, it shall be for the Selection Committee to propose to the Conference, for its approval, subsequent changes in the composition of such committees;*

[(b) the Selection Committee shall examine the lists furnished by the three groups and, if it appears desirable that any adjustment should be made in the composition of the committee so as to secure representation more adequate for the subject with which the committee will deal or more satisfactory as regards the allocation of seats to the various nationalities, shall endeavour to secure such adjustment, subject to the approval of the representatives of the groups who are present;]

[(c) the lists agreed upon by the Selection Committee shall be reported to the Conference for its approval;]

(b) [(d)] if a delegate has not been nominated by his group to sit on any committee, he may bring the matter to the notice of the Selection Committee which shall have power to place him on one or more committees, enlarging the number of members of such committee or committees accordingly. Any such request shall be made to the Chairman of the Selection Committee [at the latest at the sitting following that at which it fixed the composition of the committee or committees in question];

(c) [(e)] in accordance with article 18 of the Constitution of the Organisation, the Conference may add to any committee to which these rules apply technical experts who shall have the right to take part in the discussions but not to vote.

Article 25

1. The Conference shall be opened by the Chairman of the Governing Body of the International Labour Office, assisted by the other Officers of the Governing Body. These provisional Officers shall continue to act until the President of the Conference has assumed office.

2. In his opening address, the Chairman of the Governing Body shall present the report of the Governing Body on its work.

3. The first business of the Conference shall be the election of the President. *The Conference shall then receive the nominations made by the groups and shall proceed to elect the three Vice-Presidents and to set up the various committees and appoint their members on the basis of proposals from the groups.*

[4. The Government, Employers' and Workers' groups shall then meet separately to elect their own Officers and to decide on their nominations for the three Vice-Presidents of the Conference and for the members of the Selection Committee.]

4. [5.] (1) In order to facilitate the choice of Officers of the Conference who are all of different nationalities as required by article 3, paragraph 1, of the Standing Orders, the three groups share priority of nomination for the designation of Vice-Presidents of the Conference in the rotation indicated in the following table:

……

(2) If a group nominates a Vice-President of the same nationality as the Vice-President nominated by a group possessing priority of nomination, such nomination shall be void.

5. [6.] In accordance with article 4, paragraph 1, of the Standing Orders, the Government group shall nominate twenty-eight members for the Selection Committee and the Employers' and Workers' groups shall each nominate fourteen members. In none of these groups shall any Member of the Organisation have more than one member.

[7. The Conference shall then meet again in plenary sitting to receive the nominations made by the groups and shall proceed to elect the three Vice-Presidents and to appoint the Selection Committee.]

[8. The Selection Committee shall then meet and, after electing its Officers, shall proceed to frame proposals for the number of committees to be appointed by the Conference and their composition.]

[9. The proposals made by the Committee shall be submitted to the Conference for approval.]

[10. The Government, Employers' and Workers' groups shall then meet to make their nominations for the membership of committees in accordance with the provisions of article 9.]

Article 72, paragraph 1 (Correction of the English text only)

Each group shall hold official meetings for the transaction of the following business, *in accordance with the Conference Standing Orders: ...*

Article 72, paragraph 2

At the first official meeting of each group, [which shall be held as soon as possible after the Conference meets,] a representative of the Secretariat shall be present, if the group so desires, to inform the group as to procedure.

Article 75, paragraph 2

[As soon as the Selection Committee has come to a decision as to the number of committees to be set up,] *At the first official meeting of the group,* the delegates of each government shall inform the Secretary of the group, in writing, upon which committees their government desires representation and in what order of preference.

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Provisional Record

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3

Report submitted by the Governing Body to the Conference for the year 1991-92

1. The present report on the work of the Governing Body is submitted to the Conference in accordance with article 14(1) of the Standing Orders of the Governing Body. It covers the period since the last (June 1991) session of the Conference, i.e. the post-Conference sittings of the Governing Body's 250th Session in June 1991 and its 251st and 252nd Sessions (November 1991 and February-March 1992), but not the pre-Conference sittings of its 253rd Session (May-June 1992). An account of those sittings will be given to the Conference by the Chairman of the Governing Body when he introduces the present report. The information provided below is a summarized account of the work of the Governing Body, stressing the more important decisions. More detailed information can be found in the minutes and documents relating to the different sessions.

A. MATTERS RELATING TO THE GOVERNING BODY

2. At its resumed 250th Session the Governing Body elected its Officers for 1991-92 as follows: Chairman: Mr. Y. Chotard (France); Employer Vice-Chairman: Mr. J.-J. Oechslin (France); Worker Vice-Chairman: Mr. J. Morton (United Kingdom). Following the retirement of Mr. Morton, at its 252nd Session the Governing Body elected as its Worker Vice-Chairperson Ms. S. Carr (Canada).

3. During the period under review, the Governing Body took note of a number of changes in its composition and that of its committees and various bodies.

B. MATTERS RELATING TO THE INTERNATIONAL LABOUR CONFERENCE

1. *Date, place and agenda of the 80th (1993) Session of the Conference*

4. At its 251st Session, the Governing Body had before it proposals concerning the date, place and agenda of the 80th (1993) Session of the Conference. the Governing Body decided that it should open on Wednesday, 2 June 1993 and that the session should be held in Geneva.

5. The Governing Body decided to place two new technical items on the 1993 Conference agenda, one being for general discussion. It noted that, as a result of this decision and having regard to the standing items which the Conference would have before it and the item likely to be carried forward for second discussion from the present session, the agenda of the 80th (1993) Session would be as follows:

Standing items

- Reports of the Governing Body and the Director-General.
- Programme and budget proposals and other financial questions.
- Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

- Prevention of industrial disasters (second discussion).
- Part-time work (first discussion).
- The role of the ILO in technical cooperation (general discussion).

6. The Governing Body also noted that the Conference would, in addition, have before it a special report on the application of the updated Declaration concerning Action against Apartheid in South Africa and the Programme of Action Against Apartheid.

2. *Action on the resolutions adopted by the Conference at its 78th (1991) Session*

7. At its 78th (1991) Session, the Conference adopted resolutions calling for action by the Governing Body on the following subjects: the application of modern agricultural technology; structural adjustment, industrial relations, and economic and social development; and ILO action for women workers. At its 251st Session the Governing Body took note of the information provided by the Office concerning ongoing and planned action in these fields, and requested the Director-General to take appropriate measures to give effect to the requests made in the resolutions.

C. INTERNATIONAL LABOUR STANDARDS

1. *Application of Conventions and Recommendations*

Forms for reports (article 22 of the Constitution) on the application of ratified Conventions

8. At its 251st Session the Governing Body approved the report forms for the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), and the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172).

Forms for reports (article 19 of the Constitution) on unratified Conventions and on Recommendations

9. At its 251st Session the Governing Body approved the report form for the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165).

10. At its 252nd Session the Governing Body approved the report forms for the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution

11. At its 251st Session the Governing Body decided to choose the following instruments on which governments would be requested to supply reports under article 19, paragraphs 5(e), 6(d) and 7(b) of the Constitution:

in 1993: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), to be examined by the Committee of Experts on the Application of Conventions and Recommendations in 1994;

in 1994: the Termination of Employment Convention, 1982 (No. 158), and Recommendation (No. 166), to be examined by the Committee of Experts in 1995.

2. *Freedom of association*

Special procedures

12. At its 251st and 252nd Sessions the Governing Body examined four reports submitted to it by its Committee on Freedom of Association, adopting definitive and interim conclusions in 64 cases.

13. In the introductions to its reports, the Committee on Freedom of Association drew particular attention to a number of cases in which the governments concerned had sent no replies, despite the time that had elapsed since the complaints had been submitted and the seriousness of the allegations made by the complainants. In some of these cases, concerning El Salvador, Haiti and Sierra Leone, the Committee finally had to examine the complaints, in accordance with its rules of procedure, in the absence of any substantial reply from the Government. Here the Committee stressed the importance of a prompt, detailed and full reply from the governments concerned by cases, as this was in their interest, for in any event once a certain amount of time had passed the Committee examined cases even in the absence of a government reply.

14. In addition to the cases it examined, the Committee on Freedom of Association at the Governing Body's 251st and 252nd Sessions studied 24 cases in which the governments concerned had kept it informed of the effect they had given to its recommendations. This procedure is of particular interest, as it enables the Committee on Freedom of Association to assess its activities and to note that, in many cases, the matters it has dealt with have shown positive developments. Thus, the Committee noted with satisfaction the final resolution of a labour dispute through fruitful negotiations between a miners' union and an enterprise in the United States, and the adoption of regulations governing the conditions for staff evaluations and working conditions in the public service in Cyprus. It also noted with interest the annulment by decision of a constitutional court in Ecuador of a decree prohiting any one workers' representative from participating more than once in sessions of the International Labour Conference, the reinstatement of teachers dismissed following a strike in the Philippines, and the release of a trade union official imprisoned for several years in Bahrein.

15. At its resumed 250th Session the Governing Body referred to the Fact-Finding and Conciliation Committion on Freedom of Association the complaint presented in May 1988 by the Congress of South African Trade Unions (COSATU) against the Government of South Africa, alleging various infringements of the exercise of freedom of association in that country, in accordance with the procedure in force concerning complaints submitted against the governments of States that are Members of the United Nations but not of the International Labour Organisation. The Commission held two meetings, in Geneva in October 1991 to determine the procedure to be followed, and in South Africa in February 1992 to conduct hearings with representatives of the parties concerned and with witnesses.

Constitutional procedures concerning freedom of association

Representation made under article 24 of the Constitution

16. At its 251st and 252nd Sessions, the Governing Body approved a report of its Committee on Freedom of Association concerning a representation made by the General Confederation of Norwegian Trade Unions (LO) under article 24 of the Constitution of the ILO, concerning the non-observance by Turkey of the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as well as several other complaints submitted by various international trade union organizations alleging violations of freedom of association in Turkey (Cases Nos. 997, 999 and 1029).

3. *Special constitutional procedures*

Representations made under article 24 of the Constitution

17. At its resumed 250th Session, the Governing Body approved the final report of the Committee set up to consider the representation made by the Federation of Egyptian Trade Unions under article 24 of the ILO Constitution, alleging non-observance by Iraq of the Protection of Wages Convention, 1949 (No. 95), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equality of Treatment (Social Security) Convention, 1962 (No. 118). The Governing Body declared closed the procedure initiated under this representation.

18. At its resumed 250th Session, the Governing Body decided that a representation made by the International Confederation of Free Trade Unions under article 24 of the Constitution of the ILO, alleging non-observance by Yugoslavia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), was receivable and set up a tripartite Committee of three of its members to examine it.

19. At its 251st Session the Governing Body decided that the representations made under article 24 of the Constitution by the Trade Union Association of Bohemia, Moravia and Slovakia and by the Czech and Slovak Confederation of Trade Unions (CZ-KOS) alleging non-observance by the Czech and Slovak Federal Republic of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) were receivable, and set up a tripartite committee to examine them. At its 252nd Session it approved the report of this Committee and declared the procedure closed.

20. At its 251st Session the Governing Body declared closed the procedure concerning the representation made under article 24 of the Constitution by the Federation of Egyptian Trade Unions alleging the non-observance by the Libyan Arab Jamahiriya of the Protection of Wages Convention, 1949 (No. 95) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

21. At its 251st Session the Governing Body decided that a representation made by the International Organization of Employers (IOE) and the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) under article 24 of the ILO Constitution, alleging non-observance by Venezuela of international labour Conventions Nos. 4, 81, 87, 88, 95, 98, 100, 111, 143, 144 and 158 was receivable and set up a tripartite committee of three of its members to examine the aspects concerning Conventions Nos. 4, 81, 88, 95, 100, 111, 143, 144, 158 and entrusted the examination of the aspects concerning Conventions Nos. 87 and 98 to its Committee on Freedom of Association.

Complaints submitted under article 26 of the Constitution

22. At its 252nd Session the Governing Body decided to postpone consideration of a complaint by the Employers' delegate of Sweden to the 78th (1991) Session of the International Labour Conference against the Government of Sweden, alleging that it had failed to apply satisfactorily the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).

4. *International labour standards and technical cooperation*

23. The Governing Body also held an extensive discussion on the links between technical cooperation and international labour standards, on the basis of a paper submitted by the Director-General. There was wide agreement that these two principal activities of the ILO should be more closely coordinated and should reinforce each other, on the basis of a relationship of partnership between the ILO and its member States.

D. Discrimination

24. At its 251st Session, in considering the application of the Declaration concerning action against apartheid, the Governing Body discussed matters relating to operational activities and the effect given to the conclusions of the Committee on Action against Apartheid adopted at the 78th (1991) Session of the Conference. It also considered the report of the seventh meeting of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other action against apartheid. The Governing Body decided to convene a Tripartite Conference on Southern Africa in Harare (Zimbabwe) in May 1992 to discuss regional integration in post-apartheid southern Africa and recent developments in South Africa. The Governing Body also considered ILO action on discrimination in employment and occupation, including the ratification and application of Conventions, the situation of workers of the occupied Arab territories, and ILO action for equality of opportunity and treatment of men and women in employment.

25. Following the submission by Arab members of the Governing Body in November 1991 of a draft resolution proposing that the Governing Body propose to the Conference either the holding of a special sitting of the Conference for the consideration of the Director-General's annual report on the situation of workers of the occupied Arab territories or for the setting up of a Conference committee to consider it, the Governing Body decided at its 252nd Session in favour of the proposal for the holding of a special sitting at the present session of the International Labour Conference, and invited the Director-General to submit proposals to the Selection Committee of the Conference – if the conditions set out in paragraph 5 of the Office paper were met – for the holding of a special sitting at the 79th Session of the Conference for the consideration of his report on the situation of workers of the occupied Arab territories, based on the arrangements worked out at the 77th and adjusted at the 78th Session of the Conference, subject to any further changes or additions that might be made thereto in the light of the Governing Body's discussion.

E. Standing Orders questions

26. At its 252nd Session the Governing Body proposed two sets of draft amendments to the Conference Standing Orders for adoption by the Conference. Both amendments followed from decisions taken by the Governing Body at its 251st Session on the basis of recommendations made by the Working Party on Improvements in the Functioning of the International Labour Conference. The first related to the shortening of speeches in plenary sitting and the second concerned the suppression of the intervention of the Selection Committee in the initial constitution of Conference committees.

27. At the same session the Governing Body noted that the Committee on Standing Orders and

the Application of Conventions and Recommendations had examined and endorsed the proposed restatement of the mandate and methods of work of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART).

F. WORKING PARTY ON IMPROVEMENTS IN THE FUNCTIONING OF THE INTERNATIONAL LABOUR CONFERENCE

28. At its 251st Session the Governing Body considered the report of the first meeting of the Working Party that it had established at its 250th Session to consider the functioning of the International Labour Conference. It reached agreement on a number of simplifications in the procedures of the Conference, in particular as regards the role and functioning of the Selection Committee.

29. The Governing Body agreed that the opening phase of the Conference could be substantially shortened if the Conference were to appoint the committees directly on the basis of the groups' proposals rather than wait for those proposals to be approved by the Selection Committee. It also supported the idea that the Selection Committee could systematically delegate to its Officers, from the first sitting of the Conference, the functions assigned to it regarding in particular the programme of the Conference. Pending the introduction of the amendments to the Standing Orders necessary to enable the Conference to approve directly the establishment and initial composition of committees, interim measures could be adopted at the present session of the Conference to achieve substantially the same result. The Committee on Standing Orders and the Application of Conventions and Recommendations was requested to consider the amendments in question as well as the amendments necessary to consolidate the shortening of speeches in plenary to ten minutes, which was applied on an experimental basis in 1991.

30. All these procedural changes have been drawn to the attention of member States in the letter of convocation issued by the Director-General relating to the 1992 Conference, including the decision that the Conference will finish on Tuesday, 23 June.

31. The Working Party on Improvements in the Functioning of the International Labour Conference met again during the Governing Body's 252nd Session and held substantive discussions on reducing the workload and shortening the duration of the Conference, but could not complete its works on these issues in the time available. At that session, the Governing Body agreed that the Working Party should meet again in November 1992.

G. PROGRAMME, FINANCIAL AND ADMINISTRATIVE MATTERS

1. *Programme and financial matters*

32. At its 251st and 252nd Sessions the Governing Body took note of the regular budget account and the position of the Working Capital Fund. At its 251st Session it noted that, as of 15 October 1991, 61 member States had paid their contributions in full for 1991, compared with 67 at the same date in 1990. Budgetary income to 15 October 1991 for the 1990-91 biennium totalled $299,077,023, whereas budgetary expenditure amounted to $275,596,738.

33. The overall budgetary results for 1990-91 were noted by the Governing Body at its 252nd Session, budgetary income of $344,196,929 exceeding budgetary expenditure of $333,128,667 by $11,068,262. At that same session, the Governing Body approved transfers between budget items amounting to $991,347. It also noted that, should circumstances so warrant, a proposal that an exception be made to the provisions of Article 18 of the Financial Regulations regarding the use of the cash surplus, would be put before the Governing Body at its 253rd Session.

34. At its 252nd Session the Governing Body also noted that, by 31 January 1992, 34,582,801 Swiss francs had been received in respect of 1992 regular budget contributions, representing 11 per cent of the contributions assessed on member States for that year, 19 member States having paid their contributions in full compared with 14 at the same date in 1991. At the same session the Governing Body also took note of the first report of its Programme, Financial and Administrative Committee's Working Party on the Working Capital Fund.

35. At its 251st Session the Governing Body authorised the Director-General to accept gifts in money or in kind, made by governments, governmental and non-governmental organisations and private persons, at his discretion, provided that the gifts did not involve any financial liability for the Members of the Organisation and that details of such gifts were reported periodically to the Governing Body.

36. At the same session the Governing Body noted the report of the additional meeting of the Board of the International Training Centre of the ILO, Turin; endorsed the programme of, approved the 1992-93 budget for, and accepted contributions and gifts to the International Institute for Labour Studies; and approved the 1992-93 income and expenditure budgets for the International Occupational Safety and Health Information Centre (CIS), the Inter-American Research and Documentation Centre on Vocational Training (CINTERFOR) and the Joint ILO/International Social Security Association Account (ILO/ISSA).

37. At its 251st and 252nd Sessions the Governing Body again took note of the ongoing consultations and negotiations with the UNDP concerning successor arrangements for support costs and related issues in respect of UNDP-financed technical cooperation activities, which had been brought to the attention of the Governing Body at its 246th, 248th, 249th and 250th Sessions. At its 252nd Session, the Governing Body noted the financial and staffing implications of the proposed new arrangements and also noted that the UNDP had issued a draft document incorporating the proposed new policy framework as well as operational guidelines for the new support cost arrangements, and that this document would be formalised after a period of testing and trial.

38. At its 251st Session, the Governing Body took note of the reports of the United Nations Joint Inspection Unit, including the report on its activities during the period 1 July 1990 to 30 June 1991. It also

authorised the endowment of an ILO visiting lectureship on international social policy in honour of David A. Morse, former Director-General of the ILO, which will be financed out of interest accruing to the capital of the Nobel Peace Prize.

39. Also at its 251st Session, the Governing Body decided that the additional cost of convening a tripartite conference on southern Africa, estimated at $302,000, should be financed in the first instance by savings in Part I of the budget for 1992-93 or, failing that, be charged to Part II (Unforeseen Expenditure). It also authorised the holding of a tripartite symposium on new perspectives for tripartism in Europe, the cost thereof, estimated at $73,000, to be financed from the programme flexibility reserve.

40. At its 252nd Session the Governing Body engaged in preliminary consultations in connection with the Programme and Budget proposals for the 1994-95 biennium, discussing at length the initial ideas put forward by the Director-General regarding the major themes, priority areas for action and resource parameters. It also took note of two papers prepared by the Office relating to the Terminal Benefits Fund and the adjustment for staff turnover (lapse factor).

41. At its 252nd Session the Governing Body also decided to appoint a delegation to represent it at the United Nations Conference on Environment and Development, its cost to be financed from savings in Part I of the budget. While it was originally proposed that the delegation should be tripartite, the Government group decided not to appoint a Government member of the delegation.

42. At the same session the Governing Body decided to propose to the Conference at its present session the adoption of resolutions relating to the draft scale of assessments for 1993, the rates of assessment of Estonia, Latvia and Lithuania for 1991, 1992 and 1993, and the rate of assessment of the Republic of Korea for 1991 and 1992. These resolutions, together with the draft scale of assessments for 1993 are set out in the Annex to Report II.[1]

2. *Administrative matters*

43. At its 251st Session the Goverening Body examined the conclusions and recommendations of interest to the ILO contained in the 17th annual report of the International Civil Service Commission (ICSC). These concerned the adjustment of the base/floor salary scale, the margin between remuneration in the United Nations and in the United States civil service, conditions of service of Assistant Secretaries-General and Under-Secretaries-General, pensionable remuneration of ungraded officials, the comprehensive review of pensionable remuneration for General Service staff including revised staff assessment rates, and a review of the functioning of the ICSC. The Governing Body endorsed the ICSC's recommendations on the base/floor salary scale and on the staff assessment rates for General Service staff, subject to their approval by the United Nations General Assembly, and authorized the Director-General to give effect to them in the ILO. At its 252nd Session, the Governing Body noted that the General Assembly had decided on a smaller increase in the base/floor salary than that recommended by the ICSC.

44. At its 251st Session the Governing Body considered the adjustment to the salary scale for General Service officials in Geneva which was due with effect from 1 January 1992. In order to avoid the additional administrative work and consequential costs of making retroactive payments, it authorised the Director-General to implement with effect from 1 January 1992 the revised salary scale and any revised rates of family allowances, to be established according to the ICSC methodology.

45. With regard to pension questions, at its 251st Session the Governing Body considered the issues discussed at the two previous sessions of the United Nations Joint Staff Pension Board (UNJSPB) held in February and July 1991. These included the following: pensionable remuneration of staff in the General Service category; pensionable remuneration of ungraded officials; the inclusion in article 54 of the Fund's regulations of a special reference to longevity and merit steps; longer-term modification of the pension adjustment system; actuarial valuation and investments of the Fund. It requested the Secretary-General of the United Nations to inform the General Assembly that the Governing Body endorsed the recommendations of the UNJSPB aimed at long-term modification of the pension adjustment system so as to ensure better protection against the erosion of the value of pensions in local currency.

46. At its 252nd Session the Governing Body was informed of the decisions taken by the United Nations General Assembly at its 46th Session in December 1991 in respect of pensionable remuneration of both General Service staff and ungraded officials, and of the pension adjustment system. The General Assembly adopted the resolutions contained in the reports of the UNJSPB and the ICSC in this respect. The Governing Body also took note of the report of the 98th Session of the Administrative Board of the ILO Staff Pension Fund, held in January 1992.

47. Regarding pensionable remuneration (PR), a comprehensive review of PR and pensions of General Service staff and other locally recruited categories had been undertaken jointly by the ICSC and the UNJSPB, which included alternative methodologies for determining the PR by (a) referring to the best local conditions of employment, (b) taking into account the income replacement rate, and (c) deriving the PR from net remuneration after the imposition of local taxes. The Governing Body was also informed of the current review of the methodology used to determine the PR and consequent pensions of ungraded officials, as recommended to the General Assembly by both the UNJSPB and the ICSC. The Governing Body noted with satisfaction the long-term modification of the pensions adjustment system that had been approved with effect from 1 April 1992; this involved changes in the four parameters used to determine the initial local currency pension under the arrangements introduced in 1981, and put an end to the transitional measure providing a floor amount, in force since 1 January 1991.

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[1] *Information concerning the Programme and Budget for 1992-93 and Other Financial and Administrative Questions*, Report II, International Labour Conference, 79th Session, 1992.

48. At its 251st Session the Governing Body took note of an exception to the Staff Regulations entailing additional expenditure of $40,222. It also noted amendments to the Staff Regulations approved by the Director-General under the authority delegated to him by the Governing Body. These included amendments to article 3.1.1, amendments to introduce an increased scale of pensionable remuneration for the Professional and higher categories and to specify that pensionable remuneration was determined directly by the Regulations of the United Nations Joint Staff Pension Fund, and amendments to give effect to ICSC recommendations or to decisions of the United Nations General Assembly on the basis of ICSC recommendations concerning allowances payable to internationally recruited General Service staff, revised salary scale and consequential revision of allowances for General Service staff in Geneva, revised salary scales and rates of staff assessment for Professional and higher category staff, and an increase in the maximum amount payable for education grant or special education grant in certain currencies.

49. The Governing Body examined and took note at its 252nd Session of statistical information regularly submitted on the composition and structure of ILO staff.

H. Employment

50. Through its Committee on Employment the Governing Body again reviewed follow-up on the High-Level Meeting on Employment and Structural Adjustment on the basis of a paper prepared by the Office. The Committee urged the ILO to exert greater influence on the World Bank and the International Monetary Fund in the field of structural adjustment, stressed the need for consultation with the social partners in country-level activities, and requested more information on the ILO's impact in country missions. The Committee also considered the report of the Tripartite Symposium on Structural Adjustment, Employment and Training in Latin America and the Caribbean, held in Caracas in August 1991.

51. The Committee examined an Office paper on ILO action on the informal sector prepared as follow-up on the discussion of the Director-General's Report to the Conference in 1991. A number of views were expressed on the role the ILO should play with respect to the informal sector. Following a wide-ranging discussion, the Committee agreed on a procedure whereby the Office could take the Governing Body's views into account in carrying out current activities and planning future work on the informal sector.

52. The Committee also held an extensive discussion on an Office paper concerning wages, non-wage labour costs and their relation to employment under conditions of structural adjustment. This followed a discussion of similar issues in 1990. Through this two-stage process the Committee was able to consider these controversial issues in detail and develop a range of practical policy proposals.

53. The Committee also held a brief discussion on an Office paper entitled "Social protection, safety nets and structural adjustment". As in the case of wage and non-wage labour costs, the Committee decided to deal with this issue in greater depth, and requested the Office to prepare a second discussion paper on this topic for November 1992.

I. Sectoral activities

54. At its 251st Session the Governing Body completed the programme of sectoral meetings for 1992-93 by deciding to include a tripartite meeting on the social effects of structural change in banking. It also decided on the title and mandate of the new Tripartite Technical Meeting which replaced the former Advisory Committee on Rural Development, to be known as the Tripartite Technical Meeting on Employment and Labour Conditions in the Rural Sector, and on the composition of the Tripartite Meeting on Social and Labour Issues in the Pulp and Paper Industry and of the Tripartite Meeting on Safety and Related Issues Pertaining to Work on Offshore Petroleum Installations, requesting the Director-General to submit a paper to a future meeting of the Industrial Activities Committee on the issues surrounding the selection of participants in meetings not covered by the Standing Orders for established or regular sectoral committees and meetings.

55. At the same session, the Governing Body authorised the Director-General to distribute the texts adopted at the Second Session of the Forestry and Wood Industries Committee (April 1991) and those adopted at the Second Session of the Joint Committee for Postal and Telecommunications Services (May 1991). It also requested him to take the necessary action to give effect to the wishes expressed in those texts. It also decided on the composition of the First Session of the Standing Technical Committee for Health and Medical Services and took note of the periodic reports on the effect given to the requests of the 12th Session of the Metal Trades Committee (1988) and of the Ninth Session of the Committee on Work on Plantations (1989), as well as of a note on the participation of women in Industrial Committees and similar bodies, which will be developed further for subsequent discussion by the Industrial Activities Committee. Finally, it authorised the Director-General to invite a number of intergovernmental and non-governmental international organisations to be represented by observers at sectoral meetings scheduled between November 1991 and May 1992.

56. At its 252nd Session the Governing Body considered the report of the 26th Session of the Joint Maritime Commission, held in Geneva in October 1991. It authorised distribution as required of the texts of the resolutions adopted by the Commission at that session, and requested the Director-General to take the necessary measures to give effect to them. These texts concerned the convening of a preparatory technical maritime conference and a maritime session of the International Labour Conference, changes in the shipboard environment and the characteristics of seafarers' employment, the revision of a number of international labour standards pertaining to the maritime sector, the international coordination of welfare activities and services for seafarers and

their families, cooperation between the ILO and the United Nations agencies and maritime mobile offshore units.

J. MULTINATIONAL ENTERPRISES

57. At its 251st Session the Governing Body considered reports on the promotional and research activities undertaken by the Office, as well as a summary of information received from other international organisations dealing with different aspects of the activities of multinational enterprises (MNEs).

58. The Governing Body expressed satisfaction with the promotional activities carried out to date, and considered it essential to promote the Tripartite Declaration on Multinational Enterprises and Social Policy in the countries of central and eastern Europe, particularly in view of ongoing efforts to attract foreign direct investment and to bring about a transition to a free market economy. It drew attention to the need to disseminate information on social and labour issues pertaining to the operations of enterprises in export processing zones (EPZs) worldwide. In this regard, it recalled that the 1992-93 programme and budget provided for the publication of a workers' education guide on the protection of workers' rights in MNEs, EPZs and joint ventures, and that the principles of the Tripartite Declaration were to be amply covered in this document.

59. The Governing Body considered the progress made in the study on the employment effects of MNEs, and noted with satisfaction the relatively high level of response to the survey carried out to collect information. After discussing the subjects to be covered in this publication, the Governing Body further recalled that the 1992-93 programme and budget provided for future research to be conducted on several subjects, including foreign direct investment in eastern Europe, mergers and acquisitions, MNEs in the service sector and export processing zones.

60. The Governing Body took note of a summary of information regarding the standard-setting, technical cooperation and research activities undertaken by six international institutions dealing with matters pertaining to MNEs.

K. RELATIONS WITH OTHER INTERNATIONAL ORGANISATIONS

61. At its 251st Session the Governing Body was informed of the ILO's contribution to preparations for the World Conference on Human Rights, which the General Assembly had decided to convene in 1993, and to the United Nations Conference on Environment and Development, to be held in Rio de Janeiro in June 1992. It was also informed of the Conference on Labour Market and Social Policy Implications of Structural Change in Central and Eastern Europe, which the ILO had organised jointly with the OECD in Paris in September 1991.

62. The Governing Body considered the action of particular interest to the ILO taken by the Economic and Social Council in 1991, and considered the information contained in the report of the 13th Ordinary Session of the Intergovernmental Committee of the Rome Convention. The Governing Body also discussed the role of the ILO and of employers' and workers' organisations in international cooperation in matters related to nuclear safety, including the revision of the 1982 edition of the Basic Safety Standards for Radiation Protection and of the Manual on Radiation Protection in Hospitals and General Practice. It considered the Consensus Statements adopted by the WHO/ILO Consultations on Occupational Exposure of Health Care Workers to Human Immunodeficiency Virus (HIV) and on AIDS and Seafarers. It also took note of the Annual Overview Report of the Administrative Committee on Coordination (ACC) for 1990.

63. At its 252nd Session the Governing Body was informed of the ILO's contribution to ongoing efforts to draft an international convention on nuclear safety. It was also informed of discussions between the ILO and the European Bank for Reconstruction and Development concerning a relationship agreement between the two organisations.

64. At that session it considered a number of items which provided it with an opportunity to give guidance to the Office. It held a full discussion on the Office's contribution to the 1993 World Conference on Human Rights and discussed the entry into force of the Convention on the Rights of the Child, as well as the preliminary arrangements for the ILO's participation in supervising the application of the Convention. As regards the United Nations Conference on Environment and Development, the Governing Body endorsed the ILO's continued participation in the preparations for the Conference, made arrangements for a delegation to represent it at the Conference, and requested the Office to consult the Officers of the Governing Body on the ILO's contribution. It also endorsed the initiatives for increased cooperation between the ILO and the UNEP in the 1992-93 biennium. Regarding the International Year for the World's Indigenous People (1993), the Governing Body endorsed the activities outlined in the Office paper with a view to promoting the ratification and implementation of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and contributing to the International Year.

65. The Governing Body also considered an ILO/UNIDO Working Arrangement, which replaced the Memorandum of Understanding of 1976. It considered action of particular interest to the ILO taken by the United Nations General Assembly at its 46th Session, as well as in the Security Council and the United Nations secretariat. It also discussed the establishment of the new United Nations International Drug Control Programme (UNDCP) as the single body responsible for concerted international action for drug abuse control, and the role of the ILO in international cooperation in this area. The Governing Body examined a UNESCO proposal concerning the possible establishment of an International Centre for Technical and Vocational Training, and drew attention to the need for the ILO and UNESCO to cooperate closely in matters concerning education and training, requesting the Office to contact the organisers of the UNEVOC project in order to reach agreement on the modalities for cooperation with the ILO and its International Training Centre in Turin, in the spirit of the resolution adopted by the

General Conference of UNESCO in October 1991, and in particular on the conditions for their participation in the UNEVOC Advisory Council.

L. TECHNICAL COOPERATION

66. At its 251st Session, through its Committee on Operational Programmes, the Governing Body carried out its annual comprehensive review of ILO operational activities during the previous year (1990). It also reviewed more recent developments within and outside the UN system which have substantial implications for ILO operational activities: in 1990, for the sixth consecutive year, technical cooperation registered a growth in annual expenditure: $152.2 million compared with $143.4 million in 1989, representing a 6.1 per cent increase. Africa remained the principal beneficiary, with annual expenditure in order of $80.5 million, a fact also explained by the large number of LDCs located in the region. As in the past, the bulk of expenditure occurred in the fields of employment promotion ($54.2 million), training ($41.7 million) and sectoral activities ($27 million). Significant increases were also registered in support for employers' and workers' organisations, accounting for 11.1 and 18.5 per cent respectively. The UNDP's financial contribution remained crucial, and its share stood at 45.9 per cent of the total volume of resources available to ILO technical cooperation.

67. The Governing Body also examined an Office assessment of selected ILO projects concerning migrants, refugees and displaced persons. This paper adopted a programme approach, rather than reviewing individual projects. It emphasised the opportunities that lay ahead in striving to involve the social partners in development efforts directed at such vulnerable target groups.

68. The Governing Body also examined further developments on operational activities questions in the United Nations system. These concerned the activities of the Consultative Committee on Substantive Questions (Operational Activities) (CCSQ/OPS) of the Administrative Committee on Coordination (ACC); the work of the Second Committee of the United Nations General Assembly concerning operational activities for development, which met in November 1990; the UNDP Governing Council (June 1991); and the work of the second ordinary session of ECOSOC concerning operational activities for development. The Governing Body reviewed developments in the light of the United Nations landmark resolution 44/211, which emphasised, inter alia, the shift from a project to a programme approach, direct execution by governments and greater recourse to multidisciplinary and multisectoral strategies.

69. Finally, the Governing Body took note of two reports undertaken by the United Nations Joint Inspection Unit concerning human resource development through technical cooperation and practices and procedures aimed at the more equitable geographical distribution of procurement for technical cooperation projects. The ILO received comments from the ACC on these reports.

M. STANDING BODIES AND MEETINGS

70. During the period under review, the Governing Body fixed the date, place, agenda and composition of meetings provided for in the programme and budget, took decisions as called for on the membership of standing bodies and appointed delegations to represent it at ILO meetings. It also reviewed information submitted by the Director-General on symposia, seminars and similar meetings financed under the regular budget and from extra-budgetary sources.

71. At its 251st Session the Governing Body considered and took note of the report of the Special Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART).

72. At its 252nd Session the Governing Body considered the record of the Eleventh Asian Regional Conference (Bangkok, 26 November-2 December 1991). It expressed its appreciation to the Government of Thailand for the facilities provided to the Conference, and to the Government and the employers' and workers' organisations of Thailand for the hospitality extended to participants. It authorised the Director-General to distribute the texts of the conclusions and resolutions adopted by the Conference, requesting him to take the necessary measures for their implementation. These texts concerned growth and structural adjustment; occupational safety and health; the promotion of freedom of association in Asia; and migrant workers in Asia.

73. Also at its 252nd Session the Governing Body took note of the reports of the Meeting of Members of the Panel of Consultants on Workers' Education, the Tripartite Symposium on the Future of Social Security in Industrialised Countries, and the Tripartite European Meeting on the Impact of Technological Change on Work and Training. It authorised distribution of the reports, and requested the Director-General to take account of the recommendations they contained in drawing up future programme proposals.

74. During the period under review, the Governing Body authorised the Director-General to invite various intergovernmental and non-governmental international organisations to be represented at the present session of the Conference and at other ILO meetings.

N. INTERNATIONAL TRAINING CENTRE OF THE ILO, TURIN

75. At its 250th Session the Governing Body took note of the report on the 52nd Session of the Board of the International Training Centre of the ILO, held in May 1991, which was also discussed by its Programme, Financial and Administrative Committee. The report reviewed the work the Centre was carrying out under its new Development Plan, and presented the Centre's Programme and Budget for the current year and the proposals for 1992. During the period of execution of the Development Plan (1991-1995), a development fund was to be created in which the income and expenditure related to the Plan would be shown. The report noted the universal

nature of the work of the Centre: some 146 countries were represented by participants in the courses for main mid-level management personnel and trainers, a considerable number of them from African countries and a greater number from Asia and Eastern Europe than in the past.

76. One of the most important characteristics of the Development Plan is the link with the ILO, its constituents and its objectives. Collaboration with the ILO's technical departments in the joint design and implementation of training activities was increasing. The Centre's door had also been opened to experience elsewhere in the United Nations system. The Consultative Committee on Substantive Questions (Operations) – CCSQ(OPS) – had given the Centre responsibility for designing and organising a series of workshops on the management of field co-ordination for senior representatives of the United Nations system.

77. The Centre still had to achieve financial stability: the report noted the increased support provided by Italy and contributions of a financial nature from Switzerland and France, as well as contributions in the form of staff and training activities from an increasing number of other countries. At its 251st Session the Governing Body took note of the report of an additional meeting of the Board of the Centre, communicating a decision to undertake consultations with the Vienna Council concerning the Management Institute for Training in Europe project, which wished to cooperate with the Centre and share its premises.

O. INTERNATIONAL INSTITUTE FOR LABOUR STUDIES

78. At its 251st Session, the Governing Body discussed and took note of the report on the 32nd Session of the Board of the Institute, held in November 1991. The Report dealt in particular with the Board's review of the report of the Director of the Institute on its activities in 1991 and his programme and budget proposals for the 1992-93 biennium. The Governing Body also accepted with gratitude a number of grants and contributions made to the Institute.

P. OTHER MATTERS

79. At its 251st Session the Governing Body took note that the Republic of Lithuania had rejoined the Organisation. At its 252nd Session it noted that Estonia and Latvia had rejoined the Organisation and that the Republic of Korea had taken up membership. Also at its 252nd Session the Governing Body took note that the membership of the USSR in the Organisation and its seat on the Governing Body would henceforth be held by the Russian Federation.

80. During the period under review, the Governing Body took note of information supplied in the Director-General's regular reports on the deaths of prominent ILO personalities, the progress of international labour legislation, internal administration and documents and publications issued by the Office. At its 251st Session the Governing Body paid tribute to the memory of Johan von Holten, Employer member of the Governing Body from Sweden, who died during the Governing Body's 251st Session. Mr. von Holten was a prominent member of the Governing Body for many years, acting in particular as spokesman for the Employers' group in the Governing Body's Programme, Financial and Administrative Committee.

81. The Governing Body at its 252nd Session approved for submission to the present session of the Conference a set of reforms to the procedures of regional conferences. Subject to their approval by the Conference, the Governing Body authorised the Director-General to implement them, on a trial basis, at the Thirteenth Conference of American States Members of the ILO, to be held in September-October 1902 in Caracas, Venezuela.

APPENDIX

ILO MEETINGS HELD IN 1991-92

(since the 78th Session of the International Labour Conference)

Date	Title of meeting	Mentioned in text (paragraph)
	1991	
22-26 July	Special Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART)	27, 71
12-16 August	Tripartite Symposium on Structural Adjustment, Employment and Training in Latin America and the Caribbean	50
23-27 September	Meeting of Members of the Panel of Consultants on Workers' Education	73
25 September- 3 October	Textiles Committee (12th Session)	*
10-15 October	Fifth Session of the Tripartite Subcommittee on Seafarers' Welfare of the Joint Maritime Commission	56
17-25 October	Joint Maritime Commission (26th Session)	56
28-31 October	Tripartite Symposium on the Future of Social Security in Industrialised Countries	73
28 October- 2 November	Tripartite European Meeting on the Impact of Technological Change on Work and Training	73
20-28 November	Second Joint Meeting on Conditions of Work of Teachers	*
26 November- 2 December	Eleventh Asian Regional Conference	72
4-12 December	Food and Drink Industries Committee (Second Session)	*
	1992	
22-30 January	Inland Transport Committee (Twelfth Session)	*
28 January- 6 February	Meeting of Experts on Labour Statistics	*
12-20 February	Fourth Tripartite Technical Meeting for the Leather and Footwear Industry	*
12-25 March	Committee of Experts on the Application of Conventions and Recommendations	–
24 March- 1 April	Meeting of Experts on Safety in the Use of Chemicals at Work	*
1-9 April	Iron and Steel Committee (Twelfth Session)	*
7-8 April	Tripartite Symposium on New Perspectives for Tripartism in Europe	*
27-29 April	Joint ILO/WHO Committee on Occupational Health (Eleventh Session)	*
5-8 May	Tripartite Conference on Southern Africa	*
5-13 May	Tripartite meeting on Conditions of Employment and Work of Performers	*

* To be covered by the Chairman of the Governing Body in his presentation of the report to the Conference.

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Report of the Tripartite Conference on Southern Africa

(Harare, Zimbabwe, 5-8 May 1992)

Introduction

1. To give effect to the recommendation of the Committee on Action against Apartheid at the 77th (June 1990) and 78th (June 1991) Sessions of the International Labour Conference, the Governing Body of the International Labour Office decided at its 251st Session (November 1991) to convene a tripartite conference on southern Africa. It decided to accept the offer of the Government of Zimbabwe to hold the meeting in Harare, Zimbabwe, from 5 to 8 May 1992.

2. The Governing Body decided that the composition of the Conference would be as follows: ten Government members, ten Employers' members and ten Workers' members designated by the Governing Body. In addition, an invitation to be represented by a tripartite delegation was extended to each of the front-line and neighbouring States, namely: Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe. It was understood that any other government wishing to participate in the meeting would be admitted as an observer and would have the right to speak.

3. Invitations to participate as observers were extended to the following organisations and liberation movements: United Nations, United Nations Special Commission Against Apartheid, United Nations Economic Commission for Africa, United Nations Development Programme, Organisation of African Unity, Southern African Labour Commission, Southern African Development Coordination Conference, Preferential Trade Area for Eastern and Southern Africa, Commonwealth Secretariat, European Economic Commission, International Confederation of Free Trade Unions, World Federation of Trade Unions, World Confederation of Labour, Organisation of African Trade Union Unity, Southern African Trade Union Coordination Council, International Organisation of Employers, Pan-African Employers' Organisation, Hassan Fathy Institute for Construction Workers, African Commission of Health and Human Rights Professionnals, the African National Congress of South Africa, the Pan-African Congress of Azania, and Palestine.

4. A list of participants is appended to the present report (Appendix II).

5. The Governing Body decided that the agenda of the Conference should comprise the following items:

(a) social, economic and labour aspects of subregional integration in post-apartheid southern Africa; and

(b) recent developments concerning apartheid in South Africa.

6. It was understood that the report of the Tripartite Conference on Southern Africa would be submitted, together with the Director-General's Special Report on Apartheid, to the Committee on Discrimination at the 253rd Session of the Governing Body and to the Committee on Apartheid which would be set up by the International Labour Conference at its 79th Session in June 1992.

7. The Conference had before it the 1992 Special Report of the Director-General on the application of the Declaration concerning Action against Apartheid; a paper entitled "Economic integration in the southern African subregion"; and a document entitled "Recent developments in South African labour relations".

8. The Conference unanimously elected as President Mr. John L. Nkomo, Minister of Labour, Manpower Planning and Social Welfare of Zimbabwe; as Employers' Vice-President Mr. Benildo G. Hernandez; as Workers' Vice-president Mrs. Shirley Carr; and as Reporter Mr. J. M. Pedersen, Government delegate of Denmark. The Conference also set up a Working Party to prepare the conclusions of the Conference; it was composed of three Government members (Indonesia, United States and Zambia); three Employers' members (Miss Hak, Mr. Hernandez and Mr. Okogwu); and three Workers' members (Mr. Chirwa, Mr. Tapiola and Mr. Sundaram). It was also decided that the Reporter of the Conference, Mr. Pedersen, would act as Chairman of the Working Party.

Opening sitting

9. The Conference was opened by the Secretary-General, Mr. Heribert Maier, Deputy-Director General of the International Labour Office, who conveyed the best wishes of the Director-General of the ILO, Mr. Michel Hansenne, for its success. He thanked the Government and people of Zimbabwe for hosting for the second time in four years another ILO Tripartite Conference on Southern Africa, which focused on economic integration in the southern African subregion in general and on the final eradication of the vestiges of apartheid, particularly in view of the changes for transition to democracy that were taking place in South Africa.

10. This Conference was convened by the ILO on the initiative of the International Labour Conference. Two years previously, the Committee on Action against Apartheid had foreseen the need for such a meeting for the purpose of guiding the ILO policy towards South Africa and the entire southern African subregion. The ILO had shown time and again that it was capable of responding with maximum effectiveness to the call to combat apartheid. It could be proud of its record in the campaign to end apartheid, starting with its decisions in the 1960s to show the South African Government to what extent its apartheid policy was abhorred by the world of labour, including the unanimous adoption in 1964 of the first ILO *Declaration concerning the Policy of Apartheid in the Republic of South Africa.* The ILO thus acted as a spearhead for the organisations of the United Nations system in the fight against apartheid. In the same year, the decision was taken by the International Labour Conference to amend the ILO Constitution, providing for the exclusion from the Organisation of any State that practised racial discrimination. In the early 1970s there had already been clear movement within the United Nations system for a more trenchant approach, and the ILO joined with the UN in convening special international trade union meetings on apartheid in 1973 and again in 1977. These in turn led to the convening of the first Special Tripartite Conference on the subject which was held in Livingstone, Zambia, in 1981. That Conference led to the revision of the Declaration and the initiation of a programme of technical assistance to national liberation movements, trade unions and the front-line States. There was also a growing emphasis on the need for strong and concerted action by the international community to isolate the apartheid regime. Another Tripartite Conference on Southern Africa took place in 1984 in Lusaka and a third in Harare in 1988, which prepared the revised and updated *Declaration and Programme of Action against Apartheid.* It was largely the pressure built up through sanctions and the adoption of measures by ILO constituents, individually or as part of larger groupings, that enabled the international community to reinforce the efforts which were being made by the liberation organisations. The role of the front-line States had been a major determinant in the struggle against apartheid. The international community in general, and the ILO in particular, could be proud of the part they played in reaching the point where it was now possible to talk seriously and realistically about the day when apartheid would come to an end.

11. It was not for the ILO to say when that would occur. This was a matter for those directly involved; however, the ILO had been observing very closely the steps that had been taken in that direction since February 1990. The International Labour Conference had been conscious of its responsibility in this regard when, in his address to the ILO Conference in June 1990, Mr. Nelson Mandela had asked those who would to join him and "walk the last mile" along the road to that goal. The Special Reports of the Director-General on the application of the Declaration concerning Action Against Apartheid had clearly highlighted some of the pitfalls that were to be encountered along the way. These were illustrated in the complaint of COSATU concerning the violation of trade union rights that was currently being considered by the ILO Fact-Finding and Conciliation Commission on Freedom of Association. In 1990, the state of labour legislation had also been the subject of technical cooperation assistance by the ILO at the request of the independent South African trade unions. But there was a great deal to be done before it could truly be said that apartheid has been replaced by a united, non-racial and democratic South Africa in which ILO values were observed. This would require on the part of the international community a combination of determination and flexibility with a willingness to make specialised contributions that were both necessary and possible. In this connection, the ILO had a unique role to play in the field of labour. This kind of determination was reflected most clearly in the resolutions that had been adopted by consensus at the General Assembly of the United Nations over the previous three years, starting with the Declaration on Apartheid and its Destructive Consequences for Southern Africa and followed most recently on 14 December last year by Resolution 46/79A on International Efforts towards the Total Eradication of Apartheid and Support for the Establishment of a United, Non-Racial and Democratic South Africa. Those decisions were of paramount importance and they should form the basis for further concerted action. While this action should involve pressure for substantive change, it should also pave the way for the provision of assistance to those who were actively engaged in promoting this change. It was in this context that the present Conference should undertake the task of responding to recent developments that had occurred in South Africa and consider their implications for southern Africa as a whole. Concerning both of these questions, the Conference had before it documents outlining some of the issues to be considered. The Conference would no doubt wish to receive guidance from the principal bodies involved in dealing with these matters on a day-to-day basis. It was they who would know best how they might benefit from the continued engagement of the international community, including the ILO. The ILO was ready to respond in the most effective manner possible to requests received from within South Africa and would seek to coordinate its activities with the rest of the UN system as well as with relevant regional organisations. But here, as elsewhere, there was a need for clear guidance on what was required and where it might best be provided. South Africa's policy of apartheid had not only had destructive consequences inside the country itself but elsewhere in the subcontinent as well, both through the destabilisation policies pursued and by the sanctions imposed as a result of apartheid. The task that lay ahead to dismantle apartheid, establish a society based on justice and human dignity and promote economic integration in the southern African subregion was immense. That, too, would be the responsibility of those directly involved in securing the future of all the peoples of southern Africa. The ILO would stand ready to act where its specialised capacity was required. While South Africa had not yet reached the stage at which the goals of the international community were being realised, it was nearing the point where decisive action had to be taken to ensure that the process of change would not be reversed. The ILO has a very real contribution to make in seeing that this was

achieved. The present Conference should outline the ways in which it might do so, faithful to its role as a standard-bearer of enlightened action in the field of social justice, human rights and the achievement of dignity for all those in the world of labour.

12. The President of the Conference, in welcoming participants to Zimbabwe, stated that he and his compatriots were gratified that, four years after the Tripartite Conference on Action against Apartheid organised by the ILO in 1988, Harare had once again been chosen as the venue for another conference on this extremely important issue. Presiding over such a conference was a very humbling experience, given enormity of the task, the complexity of the issues and the passion aroused by South Africa. This was so because the situation in South Africa was in a state of flux. Changes were taking place every day and the country experienced violence in one form or another by the week, if not by the day. While these events concerned all delegates present at the Conference, they particularly affected those who lived in the subregion, for whom the questions of regional integration and collective prosperity were of crucial importance. In view of the statement made by the Secretary-General concerning the problems currently facing the subregion, busy days lay ahead of the delegates to the Conference. However, he was convinced that the Conference would succeed in its task and would conduct its deliberations in a businesslike and constructive manner.

Special sitting

13. The Conference held a special sitting on Wednesday, 6 May 1992, at which it was honoured by the presence of His Excellency the President of the Republic of Zimbabwe, Mr. Robert Mugabe. His address to the Conference is reproduced in Appendix I.

14. The Secretary-General of the Conference welcomed Mr Mugabe for the second time to an ILO Conference on southern Africa. He recalled the role played by Mr. Mugabe in bringing his country to independence. Since his accession to the presidency, Mr. Mugabe had provided material and moral support to the national liberation movements in South Africa, fought racial bigotry and resisted all pressures to soften his country's position against apartheid. Much remained to be done, but President Mugabe could rest assured that the sacrifices endured by his country in the struggle for the liberation of southern Africa had not been in vain. The ILO could not have a better source of inspiration than the message of this freedom-fighter in walking the last mile on the road to freedom, democracy and justice.

15. His Excellency President Robert Mugabe extended a warm welcome to the Conference on behalf of the Government and people of Zimbabwe and on his own behalf. He noted that this was the fourth Conference of this nature in 11 years convened to assess the progress made towards the dismantling of apartheid and to recommend appropriate action to that effect. The previous Conferences had condemned apartheid in the strongest terms and recommended actions to undermine it. President Mugabe pointed out that apartheid had manifested itself in labour matters and in political, economic and social affairs. The system of apartheid had turned South Africans into refugees in the front-line States and had inflamed racial hatred and impoverished the Black population. Acts of destabilisation had been perpetrated against neighbouring States with the intention of undermining their support for the struggle against apartheid. Apartheid thus forced the front-line States to spend heavily on defence. However, this Conference was meeting in an atmosphere of hope that apartheid's days were numbered. Positive developments had taken place in recent months, including the repeal of the main apartheid laws, the release of political prisoners, the unbanning of political organisations and the return of exiles. The formation of CODESA and the result of the March referendum had revealed that Whites were committed to political reform through dialogue. President Mugabe expressed distress at the escalating violence in South Africa, and believed that divide-and-rule tactics would plunge South Africa into chaos from which no one would benefit. The lack of common purpose and unity among the opposition forces was thus a mater of concern and he urged them to pursue unity. Nonetheless, he remained optimistic that a democratic order would emerge in South Africa, and called on the international community to play an active role in dismantling apartheid by encouraging the democratic process in South Africa. He commended the ILO for its role in the struggle against apartheid and the contribution it had made through the training and technical services provided to the national liberation movements, Black workers and their trade unions and the assistance rendered to neighbouring States. The ILO had continued to monitor and compile reports which provded valuable information to its members and the international community. He observed that economic development required a stable environment and that African States had faced unfavourable and even hostile circumstances in recent years, and the 1990s offered little cheer. There were efforts under way to form an African Economic Community as a continental framework for the development of human and material resources in order to promote trade and socio-economic development. The discussions and conclusions of this Conference should enable the ILO to adopt an appropriate posture towards South Africa and to formulate a programme of action to facilitate the process of reform in that country.

16. The Employers' Vice-President on behalf of the Employers' group expressed gratitude to President Mugabe for providing the necessary inspiration and advice for the Conference to attain its goals and conclusions.

17. The Workers' Vice-President stated that it was an honour for the Workers' group to attend this second Conference in Harare when the abolition of apartheid was in sight. President Mugabe had given direction to the Conference and confirmed the important role of the ILO. Mr. Mugabe's loyalty was based on the experience of Zimbabwe in striving for democracy. The Workers' group hoped that the Conference report would be one of which President Mugabe could be proud.

Discussion of the items on the agenda of the Conference

18. The Employers' Vice-President observed that the Conference marked an important chapter in the

relations of southern African States and came at a time when their economic and political relationships were being reassessed. This reassessment was made in the light of encouraging developments in South Africa aimed at the dismantling of apartheid and the establishment of an interim government. In the aftermath of apartheid greater cooperation and understanding amongst the social partners would be needed to meet the important social and economic challenges arising from the resulting changes in the region. The democratisation of all institutions in South Africa would involve economic activities – a growth in investment and entrepreneurship throughout the region. These activities would place great demands on human resources in the region; the ILO should be called upon to assist im improving these resources. Regional institutions and mechanisms for coordination and cooperation in these economic activities needed to be strengthened. The ILO could also play a role in this regard. This strengthening should not, however, be based on solutions coming from other places just because they were thought to be superior: foreign expertise was significant where it complements rather than supplants local, national and regional initiatives. The views of the Conference would help to guide programmes and activities to revitalise tripartism and implementation of international labour standards in all countries in the subregion. In this regard, the recent seminar on "Prospects for the creation of a representative body of employers in South Africa" was noteworthy and further comments on its conclusions would be provided during the conference.

19. The Workers' Vice-President observed that prospects for the creation of a non-racial and democratic South Africa had emerged from the repeal of the major legislative pillars of the apartheid system. The Workers had welcomed their repeal in June last year. Negotiations toward the complete end of apartheid were welcomed and their success was hoped for. The process of negotiation was not, however, the same as the abolition of apartheid; the process was a fragile one which should be supported and encouraged by all means. In this context, the work undertaken by the ILO was far from over; there should be no weakening of the resolve to eliminate the apartheid system completely, and this resolve should be communicated to the South African Government. Likewise, maximum pressure on the present Government should be continued by the maintenance of isolation. Sanctions, especially with respect to arms, oil and financial relations, should be continued in line with United Nations policy. Migration from outside of southern Africa should also be discouraged. The report on recent developments in South Africa reminded the Conference that basic worker rights had not been extended to farm, domestic and public sector employees, contrary to a South African Government promise to that effect. This failure was to be denounced; basic worker rights should be granted to all workers in all areas of South Africa. The positive work the ILO had undertaken in southern Africa over the years, particularly in assisting trade unions, should be intensified. Trade unions in the subregion had indicated that priority should be attached to the provision of technical, vocational and basic education, as well as education and training of migrant workers, job creation, harmonisation of labour laws, improvement of working conditions, promotion of equality of opportunity, strengthening of rural worker organisations and development of a code of conduct for multinational companies. In these areas the ILO could play an important role. The legacy of apartheid, seen very clearly in the inequalities apparent in all aspects of the society and highlighted in the background report of the Conference, would be felt long after apartheid was abolished. The international community, including the ILO, should be immediately ready to address these inequalities with massive assistance during the transitional and post-apartheid period. At a time when developments in regional integration were being noted, it was appropriate to welcome the process of democratisation which could be observed in some countries in the subregion. This process should be encouraged and accompanied by supportive social and economic policies. Trade unions should play an important role in the development of these policies. In this regard, the Workers were shocked that Chakufwa Chihana, Secretary General of the Southern African Trade Union Coordinating Council, had recently been arrested in Malawi, apparently for calling for democratic reform in that country, and was at present in jail. Furthermore, persons working in the SATUCC offices had also been arrested and the offices closed. The Workers deplored most strongly the arrest of this trade unionist for the exercise of his basic rights and called for his immediate release, as well as the release of his colleagues, including Ngwira and for the reopening of SATUCC offices.

20. The representative of the United Nations Special Committee against Apartheid stated that the positive developments inside South Africa would have repercussions throughout southern Africa, benefiting all countries in the area. Although it was hoped that negotiations would lead to a transitional administration in the country, the Special Committee perceived that these developments needed to be viewed with caution. The results of the March referendum bolstered hope that the negotiations would succeed and relived certain concerns in the Special Committee. Cooperation among South Africans and between States in the subregion was envisaged by the Special Committee, as tangible indications of such cooperation were already evident. On the question of social, economic and labour development, it was feared that, although key apartheid legislation had been repealed, if socio-economic inequities are not decisively addressed, the dramatic legacies of the system could remain entrenched in policies and structures of the State – both in the public and private sectors. The United Nations had long been aware of this reality and was in the process of defining its role in respect of South Africa's socio-economic difficulties. To this end, a seminar was to be convened in Namibia in May 1992 which would increase awareness of the international community of the socio-economic legacy of apartheid, provide a better indication of the future technical assistance needs, and propose a preliminary identification of priority areas and broad policy orientations for future technical assistance. The Tripartite Conference had an obligation to determine how best the international community could assist southern Africa to integrate and realign the subregional economy in the interest of all.

21. The Employers' member of Nigeria noted that the background paper for the Conference delved into many areas of interest and genuine importance; by way of warning, however, it should be recalled that the Director-General had, at a recent meeting of the Governing Body, observed that the ILO could be effective only if it concentrated its efforts and resources in areas where it had a clear mandate, where it was uniquely competent and where it could have a real impact. In this context, the work of the ILO in southern Africa would be most appropriate in a number of specific fields. First, as regards unemployment, the ILO should monitor and give advice concerning the social problems arising from the reduction of public sector employment and alleviation of unemployment and underemployment. Second, with respect to migrant labour, the unemployment and loss of remittances resulting from the decline of this system could be the focus of ILO assistance in terms of reorientation and deployment of manpower, vocational training and retraining. Third, the ILO could assist in seriously examining and promoting the growth of the informal sector, as it would play an important role in reducing unemployment. Fourth, the ILO could assist in strengthening existing institutional arrangements for economic cooperation in the region, in particular SADCC. Fifth, the ILO should be called upon to help strengthen implementation of international labour standards, and in particular, those related to tripartite and bipartite mechanisms and equality of opportunity. Lastly, the areas identified in section 6 of the Conference background paper were all relevant to future ILO involvement in the area.

22. The Employers' member of the Netherlands, speaking for the Employers' group, recalled a conclusion made by the 1991 Conference Committee on Action against Apartheid which called for action to be taken to form a non-racial employers' organisation within South Africa. To this end, a seminar on "Prospects for the creation of a representative body of employers in South Africa" was held in Harare in January 1992. At that meeting, representatives of FABCOS, NAFCOC and SACCOLA expressed their agreement on the principle of the creation of a unified and representative non-racial umbrella organisation of employers in South Africa which was able to represent and defend the common interests of its constituents, while preserving their specificity and identity. These organisations unanimously agreed to initiate the implementation of this objective by reporting on the proceedings of the seminar to their respective organisations and to recommend to them the establishment as soon as possible of a joint working party to study the various aspects of the creation of such an organisation, and to make proposals to this effect in due time. Participants at the seminar also unanimously agreed on the guiding principles for the formation of such an organisation: it must be truly accountable and responsible to its membership in order to represent fairly their views and interests and to maintain the legitimacy and authority which would enable it to enjoy the confidence of its partners; it should be committed to the free enterprise system and to the essentials of a market economy; and it should be completely independent of government authorities, political parties, trade unions or any other group outside the employers' interests. Following the seminar, an employers' mission had gone to South Africa and they were now pleased to report that a working party had been established and a meeting convened. Although progress was expected to be difficult and time-consuming, the working party would convene a plenary meeting within a few months after appropriate preparations. The International Organisation of Employers has also proposed further areas of assistance. The IOE would wait for their South African colleagues to call for its execution. The ILO should act to assist employers and it was hoped that the Conference would recommend to the International Labour Conference that ILO experts should go to South Africa to explore employer needs (if necessary, to the exclusion of the Government) and be ready to implement assistance programmes when an interim government was established.

23. The Workers' member of Pakistan noted the Secretary-General's comments regarding ILO action against apartheid and hoped that it would continue. Workers in Pakistan had observed developments in South Africa with great interest and hoped that trade unions in South Africa would be fully associated with efforts to incorporate within the new constitution the fullest possible range of trade union rights. ILO assistance to the trade union movement in the subregion should be continued; in this regard, the seminar on "Trade union participation in development of socio-economic policies" held just prior to the Tripartite Conference should be noted. These conclusions, as well as the background paper to the Conference, considered that great efforts would be needed to eradicate the gross inequities resulting from the system of apartheid and to eliminate the suffering of the victims of apartheid. Greater effect should thus be given to the application of international labour standards and ILO activities in this regard, as well as with respect to worker education, freedom of association, elimination of child labour and discrimination against women. International assistance should also be given to relieve victims of the recent drought and to improve local infrastructure. The Conference could be assured that the Workers' group was committed to dismantling apartheid completely by supporting continuation of sanctions with respect to arms, finances and oil.

24. The Government member of the United States indicated that his Government had sent a delegation to the present Conference because it believed that apartheid should be eradicated. A non-racial, multi-party democracy which protected human rights and which was based upon a market economy was his country's goal for the new South Africa. The movement towards democracy was irreversible and work towards the elimination of apartheid had come a long way; however, the fight was by no means over. It should be observed that the ILO's Declaration Against Apartheid was now badly out of date as, among other things, it called on member countries to break relations with South Africa; this remained the call even now, at a time when countries were re-establishing relations weekly. Accordingly, the representative asked that the 79th International Labour Conference recommend a review of the Declaration.

25. The Workers' member of Finland commented that the background document for the Conference had not sufficiently addressed social or labour-market issues in its analysis of economic integration in the subregion. It was logical that the objective of regional integration should be the improved welfare of the people; because of this, a wholly economic analysis which ignored social and political issues would not suffice. The social dimensions of economic development and structural change in integration had to be considered when the Conference drew up its conclusions. As regards the content of the report, the oibjective of regional balance could have been more explicitly elaborated. This balance should be both between countries and within individual States; it should be based on the involvement of the social partners in policy-making. With respect to investment policy, this should be elaborated in view of relevant ILO instruments, including the ILO Declaration on Multinational Enterprises and Social Policy. Such policies should call for respect for trade union rights, promotion of collective bargaining and employment, elimination of discrimination, security of employment, protection of the environment, equitable transfer of technology and respect for safety and health in the workplace. Respect for tripartite participation was also called for by these instruments. Likewise, protection of the environment and occupational safety and health were linked to investment policy, human resources development and infrastructure development, and they should not be overlooked in the conclusions of the Conference. Respect for the principles of freedom of association, which would speed up the complete dismantling of apartheid, should be recognised as a condition for the successful implementation of structural adjustment programmes.

26. The observer of the United Nations Special Committee against Apartheid commented that the Special Committee had prided itself upon its close cooperation with employers' and workers' organisations and with national liberation movements in its work.

27. The Government representative of Zambia considered that the timing of the Conference was opportune, in view of the developments taking place in the region. These developments were welcome and evidence of support for them were to be found in the results of the recent referendum amongst White voters in South Africa. Violence, however, threatened the reform process and was to be deplored. The final elimination of apartheid would be more quickly brought about where the parties concerned were unified in their resolve and operating in an environment free of violence. It should be observed that in a world of close economic interdependence, all countries in southern Africa suffered as a result of the economic sanctions against South Africa. This sacrifice was, however, necessary to eradicate the crime against humanity which was apartheid. As sanctions were gradually lifted, all States within the region should be involved in efforts to create and strengthen mutually beneficial relationships. In this connection, Zambia desired to establish open economic relations, not only with SADCC and PTA members, but also with the emerging South Africa. It was felt that such relations would be mutually beneficial and would facilitate democratisation. Notwithstanding these developments, Zambia's resolve to eliminate apartheid completely remained undiminished. Support would continue to be given to the CODESA process and ongoing negotiations, which would hopefully lead to the establishment of a democratic society. The international community, including the ILO, should stand ready to continue to provide assistance to ensure the smooth integration of the new South Africa to the wider international community. In his capacity as the current Chairman of the Southern African Labour Commission (SALC), the speaker indicated that SALC had embarked on a reorientation of its activities, broadening them beyond issues relating to migrant labour. At a recent meeting, issues discussed included employment creation, strengthening of ministries of labour, improvement of human and workers' rights, conditions of work and environment. In this connection, a Workers' Social Charter for Southern Africa dealing primarily with trade union rights and activities had been adopted. Support for the activities of the Commission was solicited from the Conference. Lastly, assistance from the international community was called for to help address the hardships caused by the diversion of scarce national resources made necessary by the recent drought in the subregion.

28. The Government representative of the Russian Federation stressed that violence and bloodshed were continuing in South Africa. The difference was that while previously it had been predominantly Whites who killed Blacks, now Blacks were being murdered by other Blacks. The death toll was counted not in tens of victims as before, but in hundreds. The violent situation in South Africa was not incidental: it had been conceived and was still being triggered by those who opposed, and strove to obstruct, the process of reforms initiated by peaceful forces in South African society. This was done in an attempt to reverse the process of reforms or at least delay it for as long as possible. The importance and magnitude of the changes taking place in South Africa were unparalleled. Mr. F. W. de Klerk and Mr. N. Mandela would secure their place in the history of mankind, provided that the reforms they had embarked upon were carried to their logical conclusion. These men had proved beyond doubt that it was possible to overcome one of the greatest tragedies of the twentieth century – the apartheid system based on bloodshed, racial intolerance and humiliation, economic dominance and armed force – through negotiation and compromise, and not through mutual destruction. His country, formerly the Soviet Union, had never accepted apartheid and had always assisted those who fought it. Yet, it could not condone the brutal philosophy of "one White – one bullet", which was anachronistic in the contemporary civilised world. A parallel could be drawn between the events in South Africa and those in his country, which had embarked on a programme of democratic reforms. From their own experience, the people of his country were fully aware that the road to reform was long and paved with obstacles. The people of the Russian Federation, which comprised 130 ethnic groups, understood the fears of national and ethnic minorities in South Africa, who were keen to find their own place in the new non-racial and democratic society. While it was normal to wish for immediate results, patience and understanding were needed.

The CODESA talks were only the very beginning of this long process. Upon cessation of the policy of apartheid it would be necessary to dismantle the structures of this system, change its economic basis, social and labour relations within society, as well as attitudes. This had to be done step by step. Social and economic problems should be resolved within the framework of a democratic society. Prosperity and stability in South Africa could be achieved only in this manner, and not by inflicting impoverishment, mass unemployment, bloodshed and violence on the people. His country supported the dismantling of apartheid by political means and was prepared to make its contribution so that this could be achieved as soon as possible. It was up to the participants in the CODESA talks to determine the constitutional forms which this process would eventually assume. It was of crucial importance that the international community, in its overwhelming majority, had accepted the fact that the elimination of the apartheid system was an irreversible process, and that there was no alternative for South Africa in the context of modern, civilised international relations. The international community could certainly not remain indifferent to the events taking place in that country. As long as apartheid persisted, the world community had to remain vigilant. That is why there could not be agreement with those who consider the ILO Declaration on Action Against Apartheid obsolete, though no doubt, it does need updating. What should be changed, however, was the traditionally confrontational attitude which had been adopted toward the South African Government, which was now conducting reforms. The international community had been lagging behind events occurring in South Africa, for the process of dialogue in that country was accelerating in a way which had never been anticipated. He was therefore particularly pleased to note that the ILO had been foremost among those who had been actively involved in planning for the future of southern Africa. The ILO had set a good example for other international bodies which still had to formulate their strategies in view of the rapidly changing situation in the region. There was now a unique opportunity to demonstrate to the world the contribution that could be made by the United Nations and its specialised agencies to a peaceful political and socio-economic reconstruction in the region, following the victory of reason over the forces of destruction. The ILO report contained useful conclusions and his Government was prepared, within the limits of its resources, to cooperate with the southern African nations and assist them in obtaining social and economic progress and greater economic independence. However, such measures were unlikely to succeed if there were not sound political and military security in the region, mutual political and economic trust, and a substantial reduction in the military budgets of countries in the region in order to meet social and economic challenges. It might be expedient to hold a special international conference on security and cooperation in southern Africa which would assist the countries of the region in elaborating appropriate strategies to address this crucial issue: this conference would bring together representatives of liberation movements as well as those of the Government of South Africa. During the early eighties Mr. Chester Crocker, then Assistant Secretary of State of the United States, had advanced the concept of "constructive engagement". At that time, the concept had been justifiably criticised. Now the time was right to translate the concept into practical action.

29. The Workers' Vice-President, speaking on behalf of the Workers' group, observed that the Conference was meeting in southern Africa at a time of hope, but it was hope with mixed feelings because the question was no longer whether things would change, but when. The Workers had listened carefully in their group meetings to the representatives of COSATU and NACTU who had informed them of the current situation in South Africa. It had been stated the previous day that the promises made to reform labour legislation had not been fulfilled and that in fact the Government had hardened its attitude since the March referendum. COSATU and NACTU had also indicated that the continued violence in South Africa, which had cost so many lives, was due to the "twin-track" approach adopted by the Government in its negotiations. It was therefore important to exercise maximum pressure on South Africa. This involved the continuation of sanctions, particularly in respect of arms, oil and financial relations in line with the United Nations policy. Sanctions should be maintained so as to guarantee change until the democratic trade unions, COSATU and NACTU, as well as the national liberation movements decided otherwise. It was particularly necessary to maintain sanctions on all types of technology and equipment intended for use by the South African armed forces and to prohibit any sale of machinery to arms-producing companies, any provision of nuclear technology and any cooperation with the South African Government in these areas. Financial sanctions including new loans and credits as well as the oil embargo should also be maintained. The ILO, which had played a vital role in the fight against apartheid, should continue to respond positively to the requests for support from democratic trade unions and national liberation movements. However, it was perhaps premature for the ILO to operate in South Africa at this stage and the Workers' group felt that the ILO should wait until an interim government had been established in the country. The Workers also felt that it was important to work with employers' organisations, provided that such organisations were non-racial. The Workers were aware that things were changing daily in South Africa. During this period of transition, it was important to negotiate with all the social forces to eliminate inequalities and poverty which could only obstruct the process of democratisation. It was therefore essential for political change to be accompanied by a programme of affirmative action to promote the social transformation required to establish and sustain a new culture of democracy. It was in this context that the United Nations General Assembly, in its Resolution 46/79 adopted in December 1991, appealed to the international community to increase its material, financial and other contributions to the victims and opponents of apartheid, to help them address the socio-economic inequalities, particularly in the areas of education, health, housing and social welfare. There was no doubt that the fields of education and training should be given priority if the improvement of living conditions and genuine social stability were to be achieved. The Black population should be able to accede rapidly to posts of respon-

sibility at all levels of the various social institutions, in particular in public administration, the legal and judicial apparatus, the police, security services, the armed forces, the educational system and the private sector. For this purpose the Black population should be provided with the skills required by an expanding economy. This involved literacy, technical and vocational training programmes and the establishment of vocational guidance services. In view of the inadequacies of the current educational system, the problems of too many school drop-outs and the effects of the job reservation system, it was essential to open up on a wide scale, institutions for vocational training and the upgrading of skills for workers already in employment and to ensure that the training provided was matched to the skills required by the labour market. It was also important for these programmes to make it possible to respond to the needs of the long-term unemployed, which now represented nearly 42 per cent of jobseekers. These training establishments should therefore carefully plan and organise this massive exercise and major employers should also provide the necessary resources to establish training centres and centres for upgrading the skills of workers. The democratic trade unions had an important role to play in this field and should be involved from the planning and implementation stages. The trade unions themselves might also wish to establish education and training centres. Maximum support should be extended to democratic trade unions through vigorous assistance programmes adapted to the needs of the transition period. Priority areas for such support should include the provision of the basic trade union education for rank and file trade union members to promote and deepen a democratic culture.

30. These courses could also address the problems of equality, occupational health and safety, the environment and literacy. Trade union education and training should be provided to trade union leaders at all levels, from the shop floor to mangement level, negotiators, economists, researchers, educators, etc., so as to provide them with the skills required for the development of sound trade union organisations and the establishment of an effective industrial relations system. In all these activities it would be necessary to ensure equality of opportunity between men and women. Concerning immigration she noted that, over the previous few years, the South African Government had encouraged the immigration of skilled and semi-skilled workers, particularly from Eastern Europe. These White immigrants had been given preferential treatment as regards training and employment, even when local workers were available or could be trained for these posts. Moreover, the White immigrants were often paid more than their local counterparts. It was important for the ILO to discourage this immigration vigorously as long as a new democratic constitution was not in place. In the field of basic human and trade union rights, the ILO should continue to support the struggle of democratic trade unions to develop these rights in South Africa. The ILO should support the efforts of democratic trade unions to ensure that basic trade union rights such as the right of workers to belong to trade unions, trade union independence from governments, employers and political parties, the right to resort to strike action, freedom of association and expression, were embodied in the new constitution of South Africa. In this connection, particular attention should be paid to farmworkers, domestic workers, public sector employees and workers in the *bantustans* who were still denied these rights. The ILO should also support the efforts of these trade unions to ensure the ratification of the main international labour Conventions. The trade unions of the subregion had defined a certain number of priority areas which they hoped would be included in the ILO programme of action for southern Africa. These were as follows: (a) technical and vocational training for workers; (b) harmonisation and improvement of labour laws; (c) promotion of equality of opportunity; (d) strengthening of rural and agricultural workers' organisations; (e) migration of labour; (f) upgrading of labour standards; (g) development of a code of conduct for multinational companies.

31. The question of a code of conduct should be considered in depth. The idea was not new and codes of this kind already existed in South Africa. What was now required was a unified code, the negotiation of which should involve all the social partners, and this code should take account of the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. The code could be established along the following lines:

(1) *Background*

The introduction would include the following: (a) apartheid-related legislation still exists on the statute book in some areas of life (i.e. detention without trial); (b) labour legislation does not cover all sectors of employment (i.e. farm, domestic, public sector employees and *bantustan* workers); (c) the legacy of apartheid does not end when apartheid laws are removed from the statute book.

(2) *General principles*

Multinationals would have to abide by: (a) ILO Conventions, as minimum standards; (b) social and labour laws and regulations in South Africa, where they are not below the minimum standards as stipulated by the ILO.

(3) *Application of the code*

(a) Employment creation; (b) Equality of opportunity and treatment in employment; (c) Security of employment; (d) Occupational and environmental health safety; (e) Training and education; (f) Development of science and transfer of technology; (g) Conditions of work and life; (h) Trade union and worker rights; (i) Disinvestment.

(4) *Mechanism for follow-up action*

(a) Implementation committee; (b) Monitoring forum; (c) Reporting and assessment; (d) Follow-up in home countries.

32. Finally, considering southern Africa as a whole, she observed that this region of the world had experienced instability for too long, for most of the post-colonial period has been devoted to fighting White minority regimes. The infrastructure of these countries had been destroyed due to the destabilisation policies conducted by South Africa and the price paid by the populations was incalculable. The

prospects for establishing a new, non-racial and democratic society in South Africa now offered a hope for peace, economic development and prosperity in the subregion. The latter, however, now had to face serious economic problems which were only compounded by the terrible drought which had aggravated unemployment. The governments should involve the social partners in the solution of these problems. Social and economic policies thus devised would gain greater credibility and wider acceptance. The trade unions of the subregion were ready to play an active role. Respect for fundamental rights remained the crucial element in social progress. It was important to note that some governments had joined employers' and workers' organisations in adopting in March 1992 a Social Charter for the Workers of southern Africa. This Charter, which had been the subject of intense discussions for almost 18 months between the trade unions of southern Africa, including those of South Africa, drew extensively on social rights enshrined in international labour instruments. It was adopted through the southern African Labour Commission, which had recently become tripartite. In southern Africa priority should be given to efforts aimed at harmonising social and economic policies which promoted balanced economic growth in the subregion. For this purpose, the ILO should increase its support to job creation programmes and insist that the South African Government end any assistance to the forces of destabilisation in the subregion and that it work towards harmonious relations between neighbouring States, based on the principle of mutual respect for their sovereignty. The ILO should support the work of the Southern African Trade Union Coordination Council and call on governments of the subregion to implement fully the Social Charter of Workers' Rights adopted recently in Lusaka, Zambia. She once again stressed the need for the ILO to continue its efforts to assist migrant workers in southern Africa and to devote additional resources to their technical and vocational training, to job creation and possibilities for their return to their countries of origin. This could be done through small-scale socio-economic projects or the creation of cooperatives aimed at integrating migrant workers in their home countries. These programmes should be undertaken in collaboration with the trade unions of the subregion, in particular within the framework of the Southern African Trade Union Coordination Council. The governments of the subregion should also give immediate priority to programmes aimed specifically at creating employment possibilities for migrant workers in which the social partners should be fully involved. It was also necessary to consult and collaborate with them regularly for the formulation and implementation of all policies concerning migrant workers. It was particularly important for the ILO to assist in the creation of the mechanisms required for social dialogue and harmonious labour relations. These were the essential pillars of national infrastructure that were indispensable for the elaboration and implementation of workable and democratic economic and social programmes. In this connection, the ILO should ensure that it fully played its role with the international financial institutions as well as with governments in the region to ensure that vital social concerns were taken into account in the framework of structural adjustment policies and programmes.

33. The observer of the Congress of South African Trade Unions (COSATU), speaking by agreement with the Officers of the Conference, observed that the ILO Committee on Action against Apartheid had an unequalled record in alleviating the plight of the majority of South Africans who were fighting apartheid. COSATU was deeply grateful to all those democrats who had supported this struggle and who continued to assist them in building a new South Africa, founded on genuine freedom and economic and social justice. While the future undeniably held great prospects, it would be erroneous to assume that apartheid had come to an end. The vast majority of people in South Africa were still disenfranchised and though certain apartheid laws had been removed from the statute books, structural apartheid that had excluded the Black majority and condemned them to poverty, homelessness and unemployment, still remained deeply entrenched in society. CODESA, as a process to negotiate an end to apartheid, had still not yielded concrete results. All that had been obtained from the de Klerk regime was an agreement to reach agreement. The fruits of such an agreement would only emerge from CODESA II. The process of reform could only be deemed irreversible when the present regime relinquished power and agreed to the creation of an interim government or a transitional mechanism. This interim government should have the specific objective of preparing for the free and fair election of a constituent assembly. This meant that control had to be exercised over the monolithic state media – which had always acted as the propaganda arm of the Nationalist Party – the security forces, finances and international relations, so that impartiality could be ensured. In the political sphere, COSATU envisaged that once elections had been held for a constituent assembly, this body would act as a legislative organ and would draft the constitution for a new South Africa. All the machinery of the apartheid regime was expected to be dissolved. In the economic sphere, COSATU was concerned by the fact that the apartheid regime, backed by major businesses, had been unilaterally restructuring the economy. This measure was intended to concentrate all economic power in the hands of the White minority, to sabotage a future Government's capacity to introduce programmes for the benefit of the majority and to finance its election campaign. The trade unions of South Africa were not prepared to see the real issues of apartheid swept under the carpet. They had resisted all attempts at unilateral economic restructuring and had argued for the establishment of a tripartite forum for negotiations on economic issues. While employers had agreed in principle to this forum, the absence of a single, national employers' organisation considerably slowed down the process of negotiations. Furthermore, the Government had hitherto resisted attempts to bring it into this forum. He believed that only an approach which involved all the parties concerned could lead to stability. A strategy of economic growth required coherent policies on industrial restructuring, technology, training and investment. Such growth should not only meet the social and economic needs of the majority, but should also make South Africa more competitive in the world economy. The ILO was well placed to provide assistance in this process. While COSATU sought the continued assistance of the ILO, it was

felt that preparatory work should be done so that appropriate programmes could be implemented once an interim government was in place. First, this should be done in a way that did not assist or give credibility to the present regime or other vested White interests. Second, the ILO should insist that technical cooperation was based on the ILO Declaration Concerning Action Against Apartheid in South Africa as well as on its conventions. Third, such assistance should strengthen tripartite institutions in South Africa and address the fundamental socio-economic problems faced by the majority of people. Fourth, there should be greater coordination between international organisations in providing assistance to South Africa so as to avoid duplication of efforts, an ad hoc approach to technical cooperation and unnecessary bureaucratic expenses. Fifth, COSATU believed that economic development in southern Africa could only be pursued in a context free from antagonism, for regional economic integration and respect for trade union and human rights required a viable foundation. Finally, the ILO should now, and in the future, monitor the implementation of agreements such as the Laboria Minute whereby both the present Government and employers agreed to extend basic rights to all workers. At present these agreements, which had been signed in 1990, had still not been fully implemented and millions of farmworkers, domestic workers and public sector employees did not enjoy trade union rights. Many were even denied basic legislation on working conditions and unemployment insurance. Furthermore, COSATU believed that the recommendations and report of the ILO Fact-Finding and Conciliation Commission, which had visited South Africa in February 1992, should form the basis of further negotiations on the framing of appropriate labour legislation and the establishment of labour market institutions. Concerning investment in South Africa, the trade union movement had argued strongly for a code of conduct on multinational corporations. While COSATU conceded that investment sought returns, it opposed the type of investment that abused trade union and human rights. Profitable investment could be achieved even if there were guarantees of negotiations on employment creation, equality of opportunity, occupational safety and health, environmental protection, training and education, trade union and workers' rights as well as other rights. Maximum pressure should be maintained, so as to compel the White regime to agree to the establishment of an interim government and constituent assembly. The violence sweeping the country was due to the resistance of the ruling class to the winds of change. This violence was certainly confusing to the outside world and was particularly disturbing to the people of South Africa. South Africans were ready to establish a representative, democratic government which would act decisively against the causes of violence in the context of the national peace accord, exercise tigther control on the security forces, so as to ensure the arrest and prosecution of those who orchestrated the violence and support a proactive judiciary that was already becoming aware of the interests of the majority. The present Conference would make a decisive contribution to empowering the vast majority of people who had suffered under apartheid. The task of rebuilding South Africa had already begun. The ILO could make a meaningful contribution in close consultation with those organisations that had been in the forefront of the struggle for a non-racial, democratic, non-sexist and united South Africa.

34. The observer of the National Council of Trade Unions (NACTU), speaking by agreement with the Officers of the Conference, stated that the Conference was expected to make recommendations to the 79th Session of the International Labour Conference in the light of the changes currently taking place in South Africa. NACTU wished to put these changes into perspective by pointing out that the CODESA negotiations were part of a process leading to the end of apartheid; they did not constitute the end of apartheid. Indeed, the South African Government had begun manoeuvring to maintain power despite the dismantling of apartheid. This was being done through unilateral restructuring of the economy and refusal to address the violence which effectively destabilised anti-apartheid activities. NACTU and COSATU demanded an end to unilateral actions to restructure the economy and sought the institution of a tripartite Economic Negotiating Forum with the mandate to discuss and decide upon a wide range of social and economic issues. The Government needed also to act to end the violence. The Conference could make its conclusions only in the light of this posturing by the current Government. The ILO should not send the wrong signals to the Government by its premature entrance into the country. It should come into South Africa only when a transitional authority or interim government was in place. This authority should be there only to prepare for elections of a constituent assembly. If the transitional authority or interim government took it upon itself to draw up a new constitution, NACTU would resist and refuse to accept its legitimacy to do so. Having said this, the ILO should be prepared to give, at the appropriate time, a variety of much needed assistance. In particular, technical cooperation should be given to assist in the formation of a single employers' organisation in South Africa provided it would be non-racial, representative, and accepting of ILO standards, as well as the ILO Declaration on Action Against Apartheid. The ILO should also work to strengthen the labour movement both within the country and the subregion. Preparatory research and assistance could also be done outside of the country in consultation with the democratic trade unions in South Africa and the contemplated employers' organisation. Assistance should be given to the liberation movements to enable them to understand international labour standards and the framework of ILO operations. The ILO should also assist the trade union movement, government and employers in the front-line States to set up vocational training centres in southern Africa. Lastly, the issues raised by migrant labour should also be taken up by the ILO.

35. The observer of the Organisation of African Trade Union Unity (OATUU) stated that economic integration was currently a major preoccupation in Africa; this was particularly applicable to southern Africa, considering the weak national economies of the front-line States. The Pan-African Economic Community Treaty signed by African Heads of State in June 1991 provided a framework for region-wide integration and OATUU recently organised a seminar on trade unions' role in forging this integration.

As a first stage in the treaty's implementation, article 6 called for strengthening of existing subregional economic coordinating bodies and the formation of subregional economic communities where they do not already exist. A conclusion of the OATUU seminar emphasised that both regional and subregional integration structures should address the social dimensions of integration: a social clause should be included in the Community Treaty to guarantee worker and trade union rights. In this same context, the Conference background paper could well have expanded upon the social dimension of economic integration including the situation of workers during implementation of structural adjustment programmes; the ILO could increase assistance to trade unions addressing the effects of implementation of these programmes. National leaders should now ratify the Treaty and exhibit the political will needed to give it effect in subregional integration plans. OATUU believed that democracy and popular participation were essential for successful economic integration. The move towards democracy in South Africa is not yet conclusively irreversible as democracy did not yet exist there; as long as the movement was incomplete, the chances for economic integration would be threatened. Therefore, efforts to combat apartheid should be continued. OATUU condemned the arrest in Malawi of Chakufwa Chihana, SATUCC Executive Secretary, as it reflected a government attitude which threatened the democratic climate needed for integration. A complaint to the ILO Committee on Freedom of Association was being considered.

36. The observer of the Pan-African Congress of Azania (PAC) considered that the Conference had been convened to carry out a mandate to "review the situation in South Africa with a view to providing up-to-date information to the International Labour Conference in 1992, and suggestions for further action to be taken in the light of the prevailing circumstances". PAC believed that in calling for the abandonment and lifting of sanctions the South African Government had made a mockery of the principles of negotiation. PAC did not consider CODESA to be genuine, representative negotiations. There was recently in Johannesburg a conference sponsored by the Konrad Adenauer Foundation under the auspices of a group called the Community Development Fund. The participants were to be the national liberation movements of South Africa plus the parties within CODESA; the objective was to determine how much progress had been made at CODESA. Of those within CODESA only the Democratic Party (DP) and the Inkatha Freedom Party (IFP) responded to the invitation; PAC and AZAPO represented those without. Of great interest was that both the DP and the IFP bemoaned the undemocratic way the de Klerk regime and some participants conducted the CODESA proceedings through the self-imposed principle of "sufficient consensus". The audience was informed that the de Klerk delegation, the National Party (NP) delegation, plus one or two other party delegations were the only ones whose consensus was always sufficient on any matter, even though there were 19 parties in CODESA. In other words even if 16 parties disagreed on a vital national issue, as long as the above three mentioned delegations agreed, their strength constituted "sufficient consensus"; there would be no further debate on the issue. The audience was shocked by these revelations and suggested that CODESA members should discuss these developments on public media such as television and radio; the DP representative agreed. It was also revealed at this meeting that a leaflet had been distributed by the NP – de Klerk's party – purporting to have the endorsement of CODESA. This leaflet was distributed prior to the "all-Whites referendum" and it said: "If you are afraid of majority rule vote YES on March 17." The DP speaker was shown this leaflet by AZAPO and asked whether as a participant in CODESA he endorsed his message. Needless to say many a White voter had voted YES and the majority of mankind believed South Africa was nearer to eradication of apartheid and the establishment of a democratic society under the repentent National Party of de Klerk. A PAC delegation of six, pursuant to its declared position to negotiate, met with de Klerk's Minister of Foreign Affairs, Mr. Pik Botha, now leader of the NP in the Transvaal, at Abuja, Nigeria, in April 1992. The exploratory talks were fruitful and cordial. Both parties agreed to pursue them in the future. The meeting was facilitated by the President of Nigeria, current Chairman of the OAU. PAC believed that at no stage should any structure be mandated or entrusted with national responsibility or national decision-making responsibility before the entire nation has been given a chance through a vote to legitimise that structure. The conclusions of the Conference should bring to the attention of the International Labour Conference the false democracy of these negotiations, in hopes of bringing the parties, including PAC, and the Government back on to the path of a genuine representative negotiation process leading to peaceful resolution. In conclusion, PAC considered that it would be highly detrimental to the fight against apartheid to recommend that the ILO or any of the UN agencies should even contemplate at this or any other stage moving into South Africa before there is a government which is democratically elected and a constitution which enjoys the support of all the people.

37. The Government representative of Angola, speaking on the subject of subregional economic integration, noted that it had adopted a plan for socio-economic development which was closely linked to integration objectives, and observed that development of petroleum, chemical and transport resources would be a key factor in establishing integration. Angola was ready to cooperate with neighbouring governments in efforts to integrate economically. With this in mind the role of SADCC and PTA should be analysed with a view to using them to achieve more complete economic integration; the objectives and strategies of these organisations should be reoriented towards this goal. While the difficulties experienced by the people of southern Africa were common to lesser developed countries, those experienced here were worsened by two additional factors: the civil wars in Mozambique and Angola and the effects of apartheid on front-line States, as well as South Africa itself. Additionally, the economies in the subregion did not complement one another. These factors should be considered in any discussion of economic integration. It was hoped that integration would soon be a reality, in particular with respect to agriculture, transport and communica-

tions, energy and tourism; these sectors of economic activity should receive special attention.

38. The Employers' member of Pakistan expressed concern over the wide-ranging effects of the severe drought which had hit the subregion and hoped that timely, regionally coordinated action would avert catastrophe. Economic integration between States in the subregion presented many complexities, as the South African economy overshadowed all the rest. As had been previously pointed out, however, a post-apartheid South Africa would have its own difficulties in providing economic activities for its inhabitants; further dependence by neighbouring States might well not meet expectations. These States would therefore need support from the international community, including the ILO, to reach their goal of self-reliance. As regards the discussion on wages in the Conference background paper, it was feared that wage increases without corresponding productivity increases had led to economic difficulties. In a related area, ILO action in support of human resources development, education and training in the region was sorely needed. Specific action-oriented proposals in the Conference's conclusions would be welcomed.

39. The Government representative of Denmark addressed three subjects: recent developments in South Africa, subregional integration and the ILO's role in transitional and post-apartheid southern Africa. Although full confidence was placed in the CODESA process, the positive developments in South Africa could be noted only in the context of the continued threat posed by widespread violence there. Violence threatened the process and had to end; the international community had the right and the responsibility to try to remedy this situation. Concerning subregional integration, the existing arrangements (SADCC, PTA and SALC) could provide the basis for further integration. These arrangements could also be supplemented by bilateral agreements. The proposal presented at an OAU meeting in Kampala in May 1991 called "Conference on Security, Stability, Development and Cooperation in Africa" would probably be more susceptible to implementation at the subregional level. As regards the ILO, the Organisation had long been the spearhead against apartheid; it must maintain this position in the transitional and post-apartheid period. To do so, it should be able to work within South Africa. A decicion should be taken at the 1992 International Labour Conference as regards activities within South Africa if the ILO is to remain at the forefront of the battle against apartheid. Having heard the positions of COSATU and NACTU, it appeared that the Conference woud be able to provide appropriate conclusions in this regard to the Committee on Apartheid of the International Labour Conference. Lastly, the Declaration concerning Action Against Apartheid in South Africa did, indeed, need to be updated. A proposal to this effect was strongly supported.

40. The Employers' member of Botswana addressed the effects of political and economic developments in South Africa on the lesser developed States in the subregion. These effects included "brain drain" and a diversion of investments away from these States, as well as the effects of returning semi-skilled migrant labourers from South Africa. The ILO could play a role in addressing these effects at three levels. In the lesser developed countries, it could promote small-scale entrepreneurism, income and employment generating activities in rural areas, and human resource development, including basic skills programmes. In South Africa, the ILO could assist in building capacity in areas of management development, workers' education, industrial relations training for both management and labour, and promoting the ratification of labour Convention. At the subregional level, the ILO could assist in institution building, particularly in areas of management training, infrastructure capacity and material development, and the provision of technical expertise among local staff.

41. The observer from the Commonwealth Secretariat noted that the Commonwealth Heads of Government had met in the very same Conference Centre in Harare in October 1991, and had welcomed the progress towards the goal of a non-racial democracy in South Africa. At the meeting of Heads of Government, human resources development for a post-apartheid South Africa had been emphasised. The report adopted at that meeting stated that the legacy of apartheid would have to be dealt with, and that education and training of the deprived majority for key positions in the transition period was essential. People-to-people sanctions were lifted and a start should be made with training and placements within South Africa as well as continuing those without. The main target groups for the programme of human resource development included key civil servants, Black professionals in central and local government and in the private sector, trade unionists, teachers, educationalists, NGOs and community-based organisations and returning exiles. The importance of institution buildings was highlighted, as were programmes concerning youth, particularly through distance education and gender issues. The Commonwealth Secretariat was examining its training programme in the light of the above priorities and looked forward to future collaboration with the ILO in this regard. He pointed out that the SADCC Conference in Maputo had discussed post-apartheid South Africa and the SADCC region and the Commonwealth Secretariat continued to attach the highest priority to technical support to the SADCC countries. The Commonwealth Secretariat was in consultation with the United Nations about convening an international donors conference to consider assistance in the area of human resources development for a post-apartheid South Africa. Preparations for this conference were already under way.

42. The Workers' member of the Russian Federation, representing the General Confederation of Trade Unions, stated that he shared the assessment of the present situation in South Africa advanced by his colleagues in the Workers' group. It was with satisfaction that he acknowledge the progress towards a political settlement in South Africa. Particularly positive were the lifting of racist laws, the formation of CODESA and the results of the March referendum. Of concern, however, was the fact that the Conservative Party and a number of other radical organisations of the White community were not part of CODESA. He pointed out that the efforts of the international community for the abolition of apartheid had achieved appreciable results. A major contribu-

tion had been made through the application of economic sanctions, and he drew attention to the continued importance of the UN Security Council Resolution No. 417 regarding the embargo on nuclear technology and armaments until a new Constitution had been adopted and democratic elections held. It was with particular satisfaction that he noted the contribution of the ILO towards the abolition of racial oppression in South Africa. The ILO should continue to monitor developments in South Africa, and to ensure that the negative consequences of apartheid in labour relations were eliminated. He expressed solidarity with trade unions in South Africa and assured them of continued support and assistance.

43. The Government representative of Namibia expressed the hope that the discussions at the Conference would assist the ILO in finding ways to support effectively the positive changes taking place inside South Africa. However, he felt that there should be no relaxation of efforts to eradicate the apartheid system. He cautioned that the South African Government should not be praised without qualification for their attempts to bring about change. Instead, praise should go to those patriotic forces in the country relentlessly fighting for democracy. It was an illusion to think that the economic and social ills of the subregion would be cured when South Africa became a democracy, as post-apartheid South Africa would continue to be plagued by severe social and economic imbalances which would take a long time to eliminate. The economic problems of the region would only be solved if southern African States pooled their meagre resources. In the labour field they would have to do more to bring about the equitable distribution of wealth, and to implement the principles of equality and social justice. The situation of migrant workers would have to be reviewed immediately in order to find alternatives to employment in South Africa. This would involve job creation and wealth-generating programmes in the neighbouring States. Assistance could be sought from the ILO for studies of the informal sector in the region to enable southern African States to develop this rapidly growing sector as an alternative to formal wage employment. He added that southern Africa was rich in minerals, soils, human skills and labour, but had been unable to realise its potential because of the devastating impact of apartheid. With the prospect of that system being dismantled in favour of a non-racial democracy, the region might at last be in a position to tap its vast resources for the benefit of all its people. Noting the existence of SADCC, PTA and SACU, he suggested that their activities be reviewed in an effort to avoid the overlap and duplication of these regional economic organisations. In conclusion, he appealed for unity among the progressive forces in South Africa during the critical phase of constitutional negotiations.

44. The Government representative of Indonesia expressed satisfaction at the steps taken towards integration between the economies of southern Africa in order to uplift the people of the region. Asian countries shared a number of similarities with the countries of southern Africa, with large agricultural and informal sectors and low levels of human resources development. In the past decade, however, many Asian countries had seen high growth due to the selective choice of technology and a strong emphasis on human resources development. The informal sector remained central to those economies, however, and efforts had been made to improve its productivity and to promote small enterprise development. The ILO had provided assistance in this regard. Southern African States could learn from the Asian example, and South-South cooperation was important in this respect. He suggested that southern African States should cooperate to develop trade, both within the region and for the world market. The inclusion of South Africa would increase the potential of the regional market. In anticipation of South Africa's entry into the international community, the best use should be made of the ILO in developing training programmes; promoting human resources development; setting up labour market information systems; entrepreneur development programmes, including the informal sector; and study visits to other countries, including those in Asia.

45. The observer of the Organisation of African Unity (OUA) congratulated the ILO and the Governing Body for its efforts in combating apartheid, including the establishment of the Conference Committee on Action Against Apartheid, the Governing Body Committee on Discrimination and the Special Report of the Director-General on Action Against Apartheid. The assistance given to the national liberation movements and front-line States further reflected the ILO's commitment to the struggle against apartheid. Inaddition, the International Labour Conference had been the first organisation to invite Mr. Oliver Tambo and Mr. Nelson Mandela to address it. The OAU welcomed the changes taking place in South Africa and the Government's acceptance of the recent Fact-Finding and Conciliation Commission. However, sanctions against South Africa should remain until a democratic government was in place. For the OAU, the fight against apartheid remained a major preoccupation. The OAU Assembly of Heads of State and Government, the OAU Council of Ministers, and the OAU Labour Commission had permanent items on their agendas concerning apartheid. In this regard, he made special mention of the commitment of both the OATUU and Pan African Employers' Cônfederation. The OAU welcomed the idea of economic cooperation and integration in the southern African subregion as is believed that this was an essential first phase in the formation of an African Economic Community. The OAU proposed that future ILO activity should focus on vocational training and rehabilatation; workers' education; human resources development; labour legislation; the abolition of racial discrimination in employment; the extension of the Basic Conditions of Employment Act and the Unemployment Insurance Act to cover farmworkers, domestic workers and civil servants; assistance to the tripartite macro-economic negotiating forum; and the monitoring of the emplementation of labour laws. As for the action by the international community he appealed to it to continue implementing the United Nations sanctions, arms and oil embargo and to put pressure on the South African Government until a complete eradication of apartheid has become a reality. He added that the international community should spare no effort to lend its assistance to the reform process taking place

in South Africa, and give its material and moral support to the people of South Africa.

46. The Employers' member of the Netherlands read out the following conclusions proposed by the Employers' group which were being submitted for consideration by the Working Party:

(1) *Technical assistance*

The meeting recommends that the International Labour Conference take the following decision at its 79th Session: the ILO should, in line with other UN agencies, prepare projects for technical assistance to South African employers' and workers' organisations. For this purpose ILO experts should meet with representatives of these organisations in South Africa and consult with them on the nature and content of proposed projects. Such projects could then be implemented after the creation of an interim government.

(2) *ILO Declaration*

The meeting consideres that it is premature to denounce or revise the ILO Declaration concerning Action Against Apartheid. The meeting expresses the wish that future developments in South Africa will in due time make the content of the Declaration obsolete.

(3) *South African employers' organisations*

The meeting notes with satisfaction that the IOE, PEC and their members have undertaken the effort – in line with the conclusions of the 78th Session of the ILO annual Conference – to convene a meeting with the South African employers' organisations, FABCOS, NAFCOC, SACCOLA. At a meeting which took place in Harare in January 1992, FABCOS, NAFCOC and SACCOLA "expressed their agreement on the principle of the creation of a unified and representative non-racial umbrella employers' organisation in South Africa able to represent and defend the common interests of its constituents while preserving their specificity and identity". The meeting expresses the wish that the creation of such an organisation will pave the way for the inclusion of South African employers into the IOE and ILO.

(4) *Regional cooperation*

The meeting expresses the wish that – in line with further political developments in South Africa – the integration of South Africa in SADCC, PTA, SALC will be favourably considered by governments of the countries in the southern African region. An economic and social balance is of great importance to employers and workers in this subregion.

(5) *ILO Declaration on multinational enterprises*

The meeting urges employers' and workers' organisations and multinational and national enterprises operating in southern Africa to observe the principles embodied in the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. In this respect particular attention is drawn to the provisions in the Declaration on employment, training, equality of opportunity and treatment, conditions of work and life, safety and health, freedom of association and the right to organise and collective bargaining.

(6) *South African labour legislation and tripartite body: Investment*

The meeting strongly urges the actors in the labour field in South Africa to extend appropriate labour legislation to domestic and farmworkers. This legislation should be in accordance with the principles laid down in ILO instruments. It regrets that the National Manpower Committee is at present not able to function in a proper way. The meeting recommends that the creation in South Africa of a tripartite economic and social body should be seriously and expeditiously considered. The meeting urges the full implementation of the conclusions and recommendations as laid down in the report of the Fact-Finding and Conciliation Commission after its visit in February 1992 to South Africa. It is advised that in this tripartite body a debate can be held on an investment code for South Africa by South Africans.

(7) *Convention No. 111 – Action against discrimination*

The meeting strongly urges full implementation in South Africa of the principles laid down in ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The removal of all discrimination is of particular interest to the further development of a non-racial South Africa.

47. The observer of the International Confederation of Free Trade Unions (ICFTU) recognised that southern Africa was going through a period of profound changes. Several countries were taking steps to democratise their societies and the negotiations currently taking place in South Africa were part of these changes. Respect for human and trade union rights remained an essential prerequisite for these changes. In this connection, the continued violation of trade union rights and failure to extend these rights to large sectors of the workforce – farm, domestic and public sector workers – should be condemned. All working people should fully enjoy the right to participate in the determination of their working conditions as well as in the social and political life of their countries. He condemned the Government of Malawi for arresting and detaining Chakufwa Chihana, Secretary General of the Southern African Trade Union Coordinating Council (SATUCC) for his call to the Malawi authorities to bring about the necessary reforms for establishing a democratic government in the country. The ICFTU could not accept that violation of freedom of association be considered simply as an internal matter. He therefore called on the Malawi authorities to release Chihana and any other member of SATUCC's staff who might be imprisoned and to authorise the reopening of SATUCC's offices in Lilongwe, so that this organisation could resume its normal work. In this regard, he was pleased to note the statements of the representativeds of COSATU and NACTU and appealed to all trade unions to demonstrate their solidarity with their imprisoned comrades in Malawi. He thanked the ILO for having addressed a letter to the Government demanding their release. He also indicated that the ICFTU had submitted a complaint on this matter

to the ILO Committee on Freedom of Association. The ICFTU, which had always been in the forefront of the fight against apartheid, observed that much remained to be done before a non-racial and democratic South Africa was created. In his statement to the Conference, the Secretary-General of COSATU had indicated that the South Africa region continued to use violence to destabilise the Black majority and refused to extend labour legislation to certain sectors of the workforce. It was seeking international recognition while it continued to undermine tripartite mechanisms and to take unilateral initiatives for restructuring the economy. The Secretary General of NACTU had pointed out that the Government talked of negotiations while it was preparing taxation proposals which would weigh heavily on the poor. It was therefore obvious that the Government had no intention of transferring power to the majority; on the contrary, it sought to maintain the status quo. The ICFTU therefore intended to continue its efforts to exercise maximum pressure, so as to bring about a genuinely democratic system of government. Over the years the South African trade union movement had grown not only in size, but also in influence. It had been able to take various important initiatives for the develpment of social and economic policies. The ICFTU had followed with particular interest the campaign which it had conducted for the abolition of apartheid laws. It had used its influence on the shopfloor to negotiate with employers and to bring in the Government only when both parties had reached an agreement. One of the most important of these initiatives was the negotiation which had taken place between SACCOLA, the employers' organisation, COSATU and NACTU on the Labour Relations Act which resulted in a new Act being brought before the South African Parliament. The restructuring of the clothing and textile industries was also an initiative of the trade union in this sector, and this made it possible to start developing policies which would improve the competitiveness of the sector. At its congress in Caracas, Venezuela, the ICFTU had discussed the issues of South Africa at length and it renewed its commitment to support, within the framework of its Coordinating Committee for Southern Africa, the democratic trade unions of South Africa until a democratic government, founded on the principle of "one man one vote", had been established. The ICFTU congress in Caracas had also recognised the extreme inequalities which existed in South Africa, especially in the form of racial discrimination and the exploitation of communities. He appealed to the international community to give priority to education training. The congress had also called for the adoption of a code of practice on foreign companies investing in South Africa, and this code should be based on international labour standards and include measures to encourage companies to accelerate the pace of change in the sphere of education and training and to promote the implementation of such a code through direct discussions with multinational corporations and national governments. The ICFTU intended to take urgent measures to implement the resolution made by its Congress. On 23 April the ICFTU Coordinating Committee on Southern Africa had decided to work closely with democratic trade unions in drafting a code of conduct for multinationals operating in South Africa. Measures should also be taken to support all initiatives aimed at assisting African trade unions in the fields of education, training and the respect for human rights. The Southern African Trade Union Coordinating Committee had a major role to play in this area. As regards the ILO, this Organisation was a true home for those seeking freedom and democraty and its action had greatly contribued to alleviating the suffering of people in the region. He joined the representatives of NACTU and COSATU in requesting that the ILO did not begin operations in South Africa until after the establishment of an interim government.

48. The Government representative of Egypt expressed the hope that the Conference would mark the last mile in the struggle to make South Africa a free, non-racial and democratic society. While a great deal had been achieved in the struggle, much remained to be done to eliminate the system in practical terms, to anticipate the needs of a new South Africa and to assist the country in confronting the aftermath of apartheid. In this regard, he associated himself with the conclusion made by the ILO in the report on economic integration in southern Africa according to which the challenge facing the social partners was to ensure that the forthcoming changes would be for the good of all concerned, to promote economic growth with equity and to establish a solid basis for democracy and human rights. In this regard, he could not but commend the ILO's activities in the southern African region, in particular in South Africa itself. He emphasised the need for the ILO to continue and consolidate its action, taking into account the needs of the South African people. There was no doubt that the ILO's action, based on the Organisation's own standards, other international standards and those of the OAU, would continue to assist national liberation movements and workers in South Africa and all others who were struggling to build a new society. His Government fully concurred with the Employers' member of Botswana and the Government member of Indonesia as regards the areas in which the ILO should consolidate its activities. Turning to economic integration in southern Africa, he stated that such integration would no doubt be beneficial to the ILO's efforts to build a post-apartheid South Africa and foster integration throughout Africa. This matter should be addressed with great caution. As the Workers' member from Finland had stated, the approach to the problem of economic integration should not be based solely on economic considerations, but should be placed within the context of full respect for civil, political, economic, social and cultural rights. In this connection, he referred to two basic texts. First, the African Charter on Human and People's Rights which was adopted by the OAU in 1981 and which had come into force in 1986. This Charter referred, inter alia, to the rights of every individual to work in equitable and satisfactory conditions as well as to the principle of equal pay for equal work. The Charter also referred to other human rights such as freedom of association, freedom of assembly, the right of people to economic, social and cultural development, with due regard to their identity. The second document was the Declaration adopted by the Heads of State and Government of the OAU in 1990 concerning the economic situation in Africa. The Declaration underlined the gravity of the situation in Africa; for the

continent to effect the required social and economic change to achieve economic integration, it was necessary to establish social and political democracy, based on the respect for human rights and the rule of law. In conclusion, he stated that the Conference should make a strong appeal to the international community to help the countries in southern Africa in their efforts to execute structural adjustment programmes and to counter the negative impact of these programmes on their development. The Conference was no doubt aware of the negative effects which failure by the international community to confront these issues in southern Africa might have. As in the past, his Government was ready to join with others to contribute to African and international efforts to eradicate apartheid, to ensure a successful transition to democracy in South Africa, and to achieve economic integration not only in southern Africa, but on the continent as a whole.

49. The Government representative of the United Republic of Tanzania emphasied that the Conference was taking place at an opportune time. The countries of southern Africa had experienced the scourge of apartheid for decades, but the days when these countries were terrorised by the racist governments that had succeeded one another in South Africa were numbered. The United Republic of Tanzania and other States of the subregion were ready to welcome a new partner in their regional bodies. The abolition of apartheid could give birth to a new democratic South Africa which, given its GDP and population, could overshadow the entire region. Being the greatest absorber of migrant labour in the region, South Africa would undoubtedly seek new solutions for its problems of unemployment and employment. It was therefore important to seek, at regional level, harmonisation of legislation in the fields of employment, labour relations, migration, industrial policy and investment codes, etc. Cooperation with a democratic South Africa could help to avoid the danger that South Africa's producers would dominate their competitors in neighbouring countries. In other words, economic integration was inevitable once apartheid was entirely abolished. The challenge facing the social partners would be to ensure that the changes taking place were for the good of all, that they promoted economic growth and social justice and provided a solid basis for democracy and human rights. Howewer, the time had not yet come to court South Africa. In keeping with its long-standing position, and as it had stated before the ad-hoc committee at the recent OAU Conference held in Arusha, the United Republic of Tanzania, his Government was in favour of maintaining sanctions as long as apartheid was not totally eradicated. While the de Klerk Government should be congratulated for its efforts, these were not yet sufficient. Following the referendum in which the White minority had endorsed the negotiation process, it was clear that apartheid was doomed. Yet, the mere fact that the referendum was reserved for Whites only proved that apartheid was still very much alive. The international community should refrain from lifting sanctions because of the scant progress achieved. This only delayed the negotiation process and added to the suffering of the people of South Africa and of the entire region.

50. The Workers' member if Sri Lanka was encouraged by the developments in South Africa. The role played by the country's independent trade union movement in redressing the injustices perpetrated had been positive and the movement should continue efforts to involve itself in economic restructuring. As regards activities within South Africa, the ILO should not change its strategy in providing technical assistance as long as the racist government was in control, although the situation should be closely monitored Concerning economic integration, the trade union movement should play an important role if it was to succeed; governments not yet convinced of this should reconsider their position. The Conference should call for the social partners' full involvement in subregional and national planning as their participation was an absolute prerequisite for success. With respect to technical assistance, ILO support to trade unions organising rural and agricultural workers should be strengthened, ratification of the Rural Workers' Convention, 1975 (No. 141), should be promoted. Assistance should also be aimed at eliminating discrimination affecting, women and youth. Lastly, a call was made for implementation through national legislation of the Social Charter recently adopted by SALC in this regard. ILO assistance should be made available where it would be useful.

51. The Workers' member of Guinea observed that, as the world was democratising, so was South Africa: change to date was, however, neither complete nor sufficient. The fight against apartheid should not stop with a half-victory. The ILO was called upon to develop research activities in all areas in which it is competent in order to assure that related problems are properly addressed in the post-apartheid period. Workers' education in modern trade union techniques would also be useful. Lastly, until it was appropriate for the ILO to provide assistance in South Africa, it should maintain its readiness to do so.

52. The Government representative of Zimbabwe welcomed the timing of the Confrence as it was being held amidst historic changes; its convening reflected the ILO's confidence in the early demise of apartheid and its desire to ensure that benefical effects arose from post-apartheid subregional integration. The Conference gave the ILO an opportunity to review its programme of action in response to the new situation in the subregion. Despite encourging developments in South Africa, full political rights had yet to be extended to all. Full tripartism did not exist, and not all industrial organisations were independent, democratic and non-racial. Therefore, sanctions should be lifted only as agreed upon by the international community. It would be premature for the ILO to establish either formal relations with the southern African regime or its presence in South Africa before the setting up of an interim government entrusted with supervising the transition to democratic rule. As regards economic integration, existing institutions might well be rationalised, taking new imperatives into consideration. Consultations were under way in this regard. The ILO's assistance could be designed to facilitate harmonisation of policies and programmes in the subregion relating to human resources development, employment, labour mobility and labour conditions with a view to promoting economic development and genuine integration.

53. The observer of the Southern African Trade Union Coordinating Council (SATUCC), who was also Worker member from Zambia, welcomed the recent adoption by SALC of the Social Charter and urged that the social partners take action to implement its provisions, as violations of human rights, whether by South Africa or by any independent and democratic Black government in the region could not be tolerated. The detention of Chalufwa Chihana and other members of the SATUCC staff, and the closure of SATUCC offices by the Government of Malawi should be condemned by this Conference. A mission visiting Malawi from 26 to 29 April 1992 was disappointed at not having been given the opportunity to meet with senior government authorities in order to obtain an explanation of the Government's actions; the mission had also been denied access to jailed colleagues. SATUCC sadly noted that the detentions took place hardly two weeks after Malawi had participated in the adoption of the SALC Social Charter. Economic integration could not be achieved without freedom and meaningful participation of free and independant trade unions. SATUCC recommended that the Conference strongly condemn the Malawi Government for its primitive actions against democracy and that the ILO, the governments and all organisations represented at the Conference put pressure on the Malawi Government to release SATUCC officials, reopen SATUCC offices and provide full freedom and political pluralism.

54. The Workers' member of the Zimbabwe Congress of Trade Unions considered that the subregion was in a state of crisis; unemployment was widespread, physical and social infrastructure including schools, hospitals and roads were deteriorating; economies were declining; and the subregion was suffering severe drought. Although there were many reasons for these problems, the failure of tripartite institutions to empower the people was the primary cause. While the process of change in South Africa brought prospects for a better future, observers should remain on guard until change was complete. International organisations would play a major contribution to social transformation in the subregion; the ILO would play an important role in South Africa when the time was right. Urgent measures needed to be taken in the areas of human resources development, including technical, vocational, numeracy and literacy training. Employment centres were also needed. Lastly, international organisations should be asked to be ready to respond to future requests for support from trade union movements in training and skills upgrading in the fields of collective bargaining processes and health and safety matters.

55. The observer of the World Federation of Trade Unions stated that many changes had occurred since the last International Labour Conference, both in South Africa and at the international level, in respect of developments in the southern African subregion. The main task of the Conference was to agree on fields of future ILO involvement in the subregion. ILO involvement would be appropriate in the following areas: rebuilding and restructuring of the subregion's socio-economic system; developing employment; harmonising of industrial relations practices and labour law; assisting democratic worker and employer organisation; addressing the problems of migrant labour; promoting occupational safety and health; and providing workers' education. Finally, the ILO should prepare for distribution to the International Labour Conference a supplement to the Special Report of the Director-General concerning Application of the Declaration on Action Against Apartheid providing information on the most recent developments in the subregion, including the conclusions of the Fact-Finding and Conciliation Commission which recently visited South Africa to investigate a complaint made by COSATU concerning infringement of freedom of association principles.

56. The observer of the United Nations Economic Commission for Africa (ECA) recalled the role played by the ECA in the formation and functioning of certain regional and subregional bodies, including SALC, and pledged continued technical support. With regard to assistance to post-apartheid South Africa, ECA was discussing with the liberation movements specific areas where its technical support could be provided. Economic integration, based on the Lagos Plan of Action, the Treaty establishing the African Economic Community and development of subregional communities, was considered vital. Eastern and southern African structures, including PTA, SADCC, IGADD and IOC, could form the basis for subregional integration; decisions to rationalise the activities of these groups were welcomed. In this same vein, a recent meeting of Ministers of Economic Planning requested the ECA to work more closely with the OAU and ADB to accelerate the pace of regional economic integration; to this end, ECA activities, including a subregional conference on the subject, were being contemplated for elaborating a programme of action.

57. The Workers' member of the United Kingdom raised two points and asked that they be included in the conclusions of the Conference. First, a recommendation should be made that all workers in all areas of South Africa be covered by protective labour legislation and be granted full rights of association. Second, the ILO should consider taking action to help match retrenched public servants with employment and retraining opportunities, and that special efforts be made to strengthen possibilities of management training for this particular group of skilled and talented workers.

58. The Government representative of Botswana, noting the positive developments in the subregion, warned the Conference participants not to be too optimistic in regarding the democratisation process. As concerns guidelines for future ILO action in the subregion, the followinbg points should be noted: the ILO should concentrate efforts on human resources development, especially in the field of technical and vocational education with special reference to Black youth in South Africa; employers should be encouraged to train for their own market needs; regional institutions should be used as a basis for subregional economic integration; and the ILO should consider giving assistance in the creation of national productivity centres designed to promote sustainable development by reinforcing the work ethic.

59. At the close of the general debate the Secretary-General of the Conference stated that the Working Party would consider the many suggestions that had been made in the course of the debate. Both

the Workers' and Employers' groups had submitted draft conclusions to be considered by the Working Party, and the opinions of organisations inside South Africa had also been heard. He therefore felt that it was possible to suggest new ways of addressing the situation in South Africa and in the subregion. Mr. Maier noted that the view had been expressed that the ILO should wait until agreement had been reached on transitional or interim arrangements before providing the full range of assistance within South Africa. It had also been stated in the Conference that it might be necessary for the International Labour Conference to examine the relevance of the Declaration on Action Against Apartheid. For procedural and constitutional reasons, this could not be done before 1993. In the meantime, the ILO should continue its action in the same way as the UN had done through its Resolution 46/79A. Mr. Maier pointed out that the report of the Fact-Finding and Conciliation Commission would be finalised this week and would provide guidance on matters relating to industrial relations in South Africa. Indeed, it was evident that there was a need to achieve a greater degree of harmonisation in labour laws and social conditions throughout the region. Similarly, there was a need to address the social dimensions of the process of economic development and structural change in the context of regional integration. It was the mandate and the responsibility of the ILO to provide technical assistance to the subregion in employment promotion, labour market issues, reabsorption of returning migrants, promotion of tripartism, human resources development and the achievement of equality of opportunity and treatment, irrespective of race or sex.

Conclusions

60. The Working Party appointed by the Conference met on the penultimate day of the Conference for the purpose of drafting conclusions to be placed before the Conference for adoption.

61. In presenting the proposed conclusions on behalf of the Working Party, the Reporter, Mr. Pedersen, clarified with respect to recommendation No. 25 that certain prerequisites for action by the ILO were contained therein. These were that the organisations to be assisted should be non-racial, democratic and willing to accept international labour standards; that the ILO should conduct consultations with workers and employers on the nature and content of proposed projects to be undertaken in South Africa and once the green light had been given, consultations could take place anywhere; and that such projects would only be implemented after the creation of an interim government.

62. The Conference proceeded to adopt the following conclusions proposed by the Working Party:

Social, economic and labour aspects of subregional integration in post-apartheid southern Africa

(1) Good relations should prevail between all States in the subregion, founded on the principle of mutual respect between sovereign States. The Conference calls on the South African Government to refrain from any actions which harm stability in the southern African subregion.

(2) In southern Africa, priority should be given to supporting efforts aimed at balanced policies for economic and social growth, social justice, and basic human and trade union rights in all the countries, to the benefit of the whole region.

(3) The Conference expresses the hope that – in line with further positive political developments in South Africa – the integration of South Africa in SADCC, PTA, and SALC will be favourably considered by governments of the countries in the subregion, in cooperation with Employers' and Workers' organisations.

(4) The Conference notes with appreciation the work of the Southern African Trade Union Coordination Council and calls on governments, of the subregion to implement fully the social charter of workers' rights adopted recently by the Southern African Labour Commission (SALC) in Lusaka, Zambia.

(5) The following areas should be covered by the ILO Programme of Action in southern Africa: (i) job creation; (ii) promotion of small business and cooperatives; (iii) vocational education, training and retraining; (iv) improvement of labour laws and upgrading of labour standards; (v) promotion of equality of opportunity; (vi) improving working and living conditions and organisation of rural workers; (vii) occupational health and safety; (viii) migration of labour.

(6) The ILO should continue to support assistance to migrant workers in southern Africa and provide more resources to technical and vocational training and the creation of employment opportunities for returning migrant workers. Such programmes should be conducted in conjunction with trade union organisations of the subregion and particularly through the coordination and cooperation of the Southern African Trade Union Coordination Council. The governments in the subregion should also give immediate priority to the initiation of specific programmes providing job opportunities for migrant workers and provide for regular consultation and collaboration with workers' and employers' organisations in the formulation and implementation of policies affecting migrant workers.

(7) The ILO should effectively assist the countries in the subregion in setting up adequate mechanisms for social and economic dialogue; for constructive industrial relations, and for tripartite consultation and cooperation. They are essential pillars in the building up of national infrastructure, which is indispensable for the preparation and implementation of economic and social programmes.

(8) The ILO should play its full role with the international financial institutions as well as with the national governments in the subregion, to make sure that the concerns of workers and employers are effectively taken into account and that their organisations are involved when programmes and policies for structural adjustment are planned and implemented.

(9) The Conference urges governments, employers' and workers' organisations and multinational and national enterprises operating in southern Africa to observe the principles embodied in the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. In this respect, particular attention is drawn to the provisions in the Declaration on employment, training, equality of opportunity and treatment, conditions of work and life, safety and health, freedom of association and the right to organise and collective bargaining.

Recent development concerning apartheid in South Africa

(10) The Conference considers that it is premature to repeal or revise the ILO Declaration concerning Action Against Apartheid in South Africa. It expresses the hope that future developments in South Africa will, in due time, make the content of the Declaration obsolete.

(11) Sanctions should be maintained on South Africa to speed up the process of change, in line with the decisions of the United Nations.

(12) The ILO should continue to support the democratic trade unions' struggle to extend basic trade union rights to all workers in South Africa. Particular attention should be given to farm, domestic, public sector workers and those in *bantustans* who continue to be denied basic trade union rights.

(13) The ILO should continue to support the efforts of the democratic trade unions to ensure that basic human and trade union rights, such as the right of workers to belong to trade unions, trade union independence from government, employers and political parties, the right to resort to strike action, freedom of association and expression, are entrenched in a new South African Constitution and should urge the Government of South Africa and all political groups to respond positively to this demand.

(14) The Conference strongly urges full implementation in South Africa of the principles laid down in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The removal of all discrimination and the promotion of equality are of particular interest to the further development of a non-racial South Africa.

(15) The Conference notes with appreciation that the IOE, PEC and their members have undertaken the effort – in line with the conclusions of the 78th Session of the ILO annual Conference – to convene a meeting with the South African employers' organisations, i.e. FABCOS, NAFCOC, SACCOLA. At a meeting which took place in Harare in January 1992, FABCOS, NAFCOC and SACCOLA "expressed their agreement on the principle of the creation of a unified and representative non-racial umbrella employers' organisation in South Africa able to represent and defend the common interests of its constituents while preserving their specificity and identity". The Conference expresses the hope that the creation of such an organisation will pave the way for the inclusion of South African employers into the ILO, once South Africa becomes a member State of the ILO.

(16) The Conference stresses the importance of education and training so that the transition process can lead to improved working and living conditions, equality and social stability. In particular, the Black population should be able to occupy positions crucial to the building of non-racial democratic institutions throughout society. They must be equipped with the skills needed for an expanding economy, which should include basic literacy education, technical and vocational training and retraining.

(17) Employers and employers' organisations are requested to provide adequate in-house training in order to upgrade the skills of workers.

(18) The democratic trade unions have an important role to play in this area and have to be involved at the planning and implementation stages.

(19) Assistance programmes on workers' education should be expanded and adapted to the needs of the transition and post-apartheid period. Maximum support should be given to the non-racial democratic trade union movement through ILO Workers' Education Activities. Assistance programmes should also be developed for non-racial, democratic employers' organisations.

(20) The Conference strongly urges that measures should be taken to ensure that domestic and farmworkers and workers in the public sector are covered by labour legislation. This legislation should be in accordance with the principles laid down in ILO instruments.

(21) The Conference regrets that the National Manpower Commission is at present not able to function in a proper way.

(22) The Conference recommends that the creation in South Africa of a tripartite economic and social body should be seriously and expeditiously considered.

(23) The Conference recommends that in this tripartite body negotiations be held on an investment code for South Africa, which could be part of a broader economic and social programme.

(24) The Conference deplores the practice whereby the South African Government recruits skilled and semi-skilled workers, particularly from Eastern Europe and Hong Kong, as well as the preferential treatment and job opportunities given by employers to White immigrant workers even in circumstances where local workers are qualified and available or could be readily trained; in addition, immigrant workers are paid more than local workers, the latter being subjected to strict tests when applying for jobs. The Conference recalls the conclusion adopted in this regard by the International Labour Conference at its 78th Session (1991) (paragraph 64(i)) of the report of the Conference Committee on Action Against Apartheid.

(25) The Conference recommends that the 79th Session of the International Labour Conference (June 1992) take the following decision:

> The ILO should – in line with other UN agencies – prepare projects for technical assistance to South African employers' and workers' organisations, on the understanding

> that these organisations are non-racial, democratic and are willing to accept international labour standards. For this purpose the ILO should, in accordance with the usual procedure for consultation with workers and employers, respectively, meet with representatives of these organisations and consult with them on the nature and content of proposed projects in South Africa. Such projects could then be implemented after the creation of an interim government.

63. The Conference also agreed to transmit a message to His Excellency the President of Malawi, the text of which appears in Appendix III.

64. At its final sitting, the Conference also unanimously adopted the draft text of its report, subject to a number of editorial corrections. A reservation to conclusion No. 10 was entered by the Government member of the United States, and to conclusion No. 11 by the Employers' group.

65. The Employers' Vice-President and the Workers' Vice-President both delivered brief closing addresses. The Workers' Vice-President brought to the attention of delegates the main points of her meeting in Johannesburg on the previous day with Mr. Nelson Mandela, President of the African National Congress. Mr. Mandela had confirmed his wish to see the ILO Declaration retained, and United Nations sanctions maintained. Mr. Mandela encouraged the creation of a non-racial employers' association, and recommended that no ILO office be established in South Africa before the creation of an interim government and a request from the ANC to that effect. Mr. Mandela also convoyed his appreciation for the work of the Conference Committee on Action Against Apartheid.

66. The Assistant Director-General for Africa thanked the Workers' and Employers' Vice-Presidents, the President, Mr. Nkomo, His Excellency Mr. Robert Mugabe, and the secretariat for their contributions to the success of the Conference.

67. In his closing address, the President touched on a number of the conclusions which recommended that the ILO embark on the preparatory work of technical assistance projects; facilitate the setting up of tripartite decision-making structures; promote the adoption and implementation of labour standards; and assist in furthering the aims of mutual economic cooperation and balance regional integration for the benefit of all the countries in the region. He expressed the hope that this, the fourth in the series of ILO Tripartite Conferences concerning Apartheid in Southern Africa, would be the last. The days of apartheid were numbered and the ILO had taken timely action to define a programme of action that would contribute to the establishment of a non-racial and democratic South Africa.

Harare, 8 May 1992.

(Signed) J.L. Nkomo,
President.

J. Pedersen,
Reporter.

APPENDIX I

Opening address by His Excellency the President, Comrade R. G. Mugabe, on the occasion of the ILO Tripartite Conference on Southern Africa at the Harare International Conference Centre on 6 May 1992

Mr. Chairman, the ILO Director-General, members of the ILO Governing Body, members of the Diplomatic Corps, Honourable Ministers, distinguished delegates, invited guests, ladies and gentlemen.

On behalf of the Government and people of Zimbabwe, and on my own behalf, it gives me great pleasure to welcome you to Harare, and to this International Labour Organisation Tripartite Conference on Southern Africa, whose main objective is to assess developments concerning apartheid in South Africa, as well as to reflect on the post-apartheid situation in the southern African subregion. We extend to you a hearty welcome and wish you all an enjoyable and fruitful stay in our country.

It is noted that this is the fourth occasion during the last 11 years that an ILO Conference of this nature has been held in southern Africa. At all occasions the objective has been to assess the progress made towards the dismantling of apartheid in South Africa and to recommend appropriate actions to this effect. On all previous occasions in 1981, 1984 and 1988, the Conference was held in an atmosphere of despair and anguish as the apartheid system in South Africa became more entrenched, more violent and more destructive on its victims. At all those occasions the Conference condemned the system of apartheid in the strongest of terms and recommended actions designed to undermine the policy and practice of apartheid.

Apartheid has long been condemned as a crime against humanity and a threat to international peace and stability. Apartheid manifested itself in every walk of life, in labour matters as well as in political, economic and social fields. The system of apartheid has had several negative effects including turning South Africans into refugees in front-line and neighbouring States, disrupting family life, inflaming racial hatred and moulding a mood of violence, and extreme impoverishment of the Black population. Outside South Africa, acts of aggression, sabotage and destabilisation have been perpetrated against neighbouring States, causing untold human suffering and damage worth millions of dollars with the intention to undermine the support for struggle by the oppressed people of South Africa. Thus, the policy of apartheid directly exerted a negative influence on the priorities of the subregion as neighbouring States were compelled to spend significant proportions of their budgets on defence in order to counter South Africa's destabilisation programme.

However, on the occasion of this Conference, there is a feeling of hope and optimism that the days of apartheid are numbered. This optimism has been kindled by the positive developments that have taken place in South Africa in the last few months. We have seen the start of the dismantlement of the system of apartheid, through the repeal of its legal pillars that include the Group Areas Act, the Population Registration Act and the Land Acts.

We have witnessed the release of political prisoners, the lifting of the ban on political organisations and the return of political exiles. We have also been encouraged by the establishment of CODESA as a forum to facilitate the process of negotiation and political reform. More recently, the results on the 17 March referendum have clearly revealed that Whites are ready to commit themselves to political reform through dialogue with the majority Black population.

Mr. Chairman, we are, however, deeply distressed at the escalating violence and daily loss of innocent lives in South Africa, especially in the Black townships. We believe that any divide-and-rule tactics at this juncture are dangerous and can only plunge the country into chaos from which no one will benefit. We are therefore concerned at the lack of common purpose and unity among the opposition forces at this critical moment in the struggle against apartheid, when these forces should be providing each other support in the negotiations with the White regime. We urge them to pursue this objective with vigour. In spite of the setbacks and negative developments, we remain optimistic that a democratic order will eventually emerge in South Africa. We call upon the international community to continue to play an active role in the dismantling of apartheid by giving guidance and encouragement to the democratisation process in South Africa.

We must commend the International Labour Organisation for playing its part in the struggle against apartheid. Through the Declaration concerning the policy of apartheid initially adopted in 1964 and subsequently updated in 1981, 1984 and 1988, not only has the ILO condemned apartheid in the strongest terms, but it has also urged and taken concrete measures through its constituent members to fight against this evil system. The actions taken have been aimed not only at undermining the system of apartheid itself, but also at providing support and assistance to the victims of apartheid, both inside and outside South Africa. Training and other technical services have been provided to the liberation movements, the Black workers and their independent trade unions. Neighbouring States have been provided with assistance to enable them to provide facilities for refugees from South Africa and Namibia at institutions of their own through the provision of equipment, expertise and fellowships. The ILO has continued to monitor and compile reports of labour and social conditions in South Africa which have provided valuable information to its members and the international community.

This Conference therefore signifies the continued solidarity of the ILO with the peoples of South Africa who over the years have borne the brunt of the violence of apartheid. Economic development needs a stable international, regional and national environment. For us in Africa, the external environment has been most unfavourable and even quite hostile. We have experienced drastic increases in oil prices in the 1970s. We have also witnessed the collapse of commodity prices, unequal terms of trade and increased protection against the exports of developing countries and steep rises in interest rates at world financial markets in the 1980s. There seems little to cheer about in the 1990s. At the regional level, efforts are under way to establish an Economic African Community as a continental framework for the development, mobilisation and utilisation of human and material resources of Africa in order to promote trade and socio-economic development on a self-reliant and indigenous basis. However, the regional approach needs to be complemented by economic building blocks at the subregional level.

Mr. Chairman, the discussions and conclusions of your Conference should enable the ILO to adopt an appropriate posture towards South Africa and to formulate a programme of action that will strengthen, facilitate and consolidate the process of reform, and progressively improve the social and labour conditions for the Black population in that country.

In conclusion, I would like to express our gratitude to the ILO for organising this Conference in Harare. This event signifies the ILO's solidarity with the people of southern Africa. On our part we affirm our conviction in the aims and objectives of the ILO. Zimbabwe is ready to shoulder its responsibilities in the Organisation, and the struggle against apartheid.

With these remarks, it is now my pleasure to declare the Conference open. Thank you.

APPENDIX II/ANNEXE II

TRIPARTITE CONFERENCE ON SOUTHERN AFRICA
CONFÉRENCE TRIPARTITE SUR L'AFRIQUE AUSTRALE

(Harare, 5-8 May 1992)
(Harare, 5-8 mai 1992)

LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS

Members appointed by the Governing Body
Membres nommés par le Conseil d'administration

Government members
Membres gouvernementaux

BANGLADESH

Chowdhury, Haroon Ahmed, Mr., High Commissioner, Bangladesh High Commission in Zimbabwe.

Rahman, M., Mr., Counsellor, Bangladesh High Commission in Zimbabwe.

CHINA/CHINE

Gu, Xiner, Mr., Ambassador of the People's Republic of China to Zimbabwe.

Gu, Xiaotie, Mr., Third Secretary, Embassy of the People's Republic of China in Zimbabwe.

DENMARK/DANEMARK

Pedersen, Jorgen Maersk, Mr., Deputy Permanent Representative, Permanent Mission of Denmark in Geneva.

EGYPT/ÉGYPTE

Badawy, Ibrahim, Mr., Ambassador of Egypt to Zimbabwe.

Tawfik, Mohamed, Mr., Second Secretary, Embassy of Egypt in Zimbabwe.

INDONESIA/INDONÉSIE

Simanjuntak, Payaman, Mr., Director-General, Industrial Relations, Development of Labour Standards, Minister of Manpower.

Abdullah, Samsi, Mr., Ambassador of Indonesia to Zimbabwe.

Hasbi, A. N., Mr., Second Secretary, Embassy of Indonesia in Zimbabwe.

NIGERIA/NIGÉRIA

Metteden, M. L., H.E., Mr., High Commissioner.

Nanna, Alfred J., Mr., Minister, Nigeria High Commission in Zimbabwe.

Fachano, Iliya, Mr., First Secretary (Economic), Nigeria High Commission in Zimbabwe.

RUSSIAN FEDERATION/FÉDÉRATION DE RUSSIE

Yukalov, Y. A., Mr., Ambassador of Russia to Zimbabwe.

Popov, Yuri, F., Mr., First Secretary, Russian Embassy in Zimbabwe.

Antonov, Yuri A., Mr., Counsellor, Russian Embassy in Zimbabwe.

UNITED STATES/ÉTATS-UNIS

Dinger, John, Mr., Regional Labor Officer, United States Department of State.

Jackson, Robert, Mr., First Secretary, United States Department of State.

Employer members
Membres employeurs

Dan, Charles, M., secrétaire exécutif, Organisation internationale des employeurs.

Dejardin, Jean, M., secrétaire exécutif adjoint, Organisation internationale des employeurs.

Hak, Cornelie, Miss (Netherlands), Adviser, International Labour Affairs, Netherlands Council of Employers' Federations.

Hernandez, Benildo G., Mr., Vice-President, Employers' Confederation of the Philippines.

Mackie, Anne M., Miss (United Kingdom), International Consultant, CBI.

Okogwu, Gabriel Chike, Mr. (Nigeria), Director General, Nigeria Employers' Consultative Association.

Owuor, T. D., Mr. (Kenya), Executive Director, Federation of Kenya Employers.

Tabani, A., Mr. (Pakistan), President, Employers' Federation of Pakistan.

Toure, Ousmane, M. (Mali), secrétaire permanent, Fédération nationale des employeurs du Mali.

Worker members
Membres travailleurs

Ahmed, K., Mr. (Pakistan), General Secretary, All-Pakistan Federation of Trade Unions.

Brett, William, Mr. (United Kingdom), General Secretary, Institution of Professionals, Managers and Specialists.

Carr*, Shirley, Mrs. (Canada), President, Canadian Labour Congress.

Chirwa, Alec, Mr., Secretary General, Zambia Congress of Trade Unions.

Kebe, Mohamed S., M. (Guinée), secrétaire général, Confédération nationale des travailleurs de Guinée.

Laurijssen, E., Mr., Director, International Confederation of Free Trade Unions, Geneva Office.

Mugalla, Joseph, Mr. (Kenya), Secretary-General, Central Organisation of Trade Unions.

Scherbakov**, Vladimir, Mr. (Russia), Chairman, General Confederation of Trade Unions.

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* Jackson, Richard, Mr., Director, Canadian Labour Congress, accompanying Mrs. Carr; Puritt, Paul, Mr., Canadian Labour Congress, accompanying Mrs. Carr.

** Balog, Vassily, Mr., Head of Section, International Department, General Confederation of Trade Unions.

Sundaram, M. P., Mr. (Sri Lanka), International Representative, Ceylon Workers' Congress.

Tapiola, Kari, Mr. (Finland), Director for International Affairs, Central Organisation of Finnish Trade Unions SAK.

Front-line States
Etats de première ligne

ANGOLA

Gongo, Joao, Pedro, M., directeur du Cabinet juridique, ministère du Travail, de l'Administration publique et de la Sécurité sociale (G).

Rodrigues Da Costa, Nelson, M., deuxième secrétaire, ambassade d'Angola au Zimbabwe (G).

BOTSWANA

Mooki, N. E., Mr., Department of Labour and Social Security, Ministry of Labour and Home Affairs (G).

Lisindi, Joseph, Mr., Country Director, Botswana Federation of Commerce, Industry and Manpower (E).

Seisa, Nyane, Mr., Executive Board Member, Botswana Federation of Trade Unions (W).

MOZAMBIQUE

Mavila, G. L., Mr., Vice-Minister of Labour, Ministry of Labour (G).

Guilande, Diogo, Mr., Chairman, AEPRIMO (E).

NAMIBIA/NAMIBIE

Iitula, Katrina, Ms., Deputy Director of Labour Relations, Ministry of Labour and Manpower Development (G).

Mouton, A. J., Mr., Representative of the Business Council of Namibia (E).

SWAZILAND

Mndzebele, Joshua M., Mr., Deputy Commissioner of Labour, Department of Labour (G).

UNITED REPUBLIC OF TANZANIA/ RÉPUBLIQUE-UNIE DE TANZANIE

Muzo, Coelestin Mr., Minister Counsellor, Tanzania High Commission in Zimbabwe (G).

Mboggo, David, Mr., Assistant Labour Commissioner, Ministry of Labour and Youth Development (G).

Mpangala, Bruno, Mr., Secretary General, Organisation of Tanzania Trade Unions (W).

ZAMBIA/ZAMBIE

Sondashi, Ludwig S., Mr., Minister of Labour and Social Security (G).

Nyirenda, E. J., Mr., Assistant Labour Commissioner, Ministry of Labour and Social Security (G).

Sikalu, Nchimunya, Mr., High Commissioner for Zambia in Zimbabwe (G).

Chanda, Peter A., Mr., Executive Director, Zambia Federation of Employers (E).

Shamenda, F., Mr., Chairman, General Zambia Congress of Trade Unions (W).

ZIMBABWE

Nkomo, J. L., The Hon., Minister of Labour, Manpower Planning and Social Welfare (G).

Chitauro, F. L., Mrs., The Hon., Deputy Minister of Labour, Manpower Planning and Social Welfare (G).

Rushesha, O. C., Mrs., The Hon., Deputy Minister of Political Affairs (External) (G).

Moyo, J. G., Mr., Secretary for Labour, Manpower Planning and Social Welfare (G).

Munjanganja, L. E., Mr., Deputy Secretary for Manpower Planning and Employment (G).

Bango, J. M., Mr., Ministry of Labour, Manpower Planning and Social Welfare (G).

Dzuiti, P. Z., Mr., Ministry of Labour, Manpower Planning and Social Welfare (G).

Chipangura, Mr., Ministry of Political Affairs (G).

Ngarande, T. R., Ms., Ministry of Foreign Affairs (G).

Chifamba, T. T., Mr., Department of Regional and International Co-operation (G).

Bare, T., Mr., Department of Regional and International Co-ordination (G).

Shonhiwa, S. O., Mr., President, Employers' Confederation of Zimbabwe (EMCOZ) (E).

McManus, R., Mr., First Vice-President, Employers' Confederation of Zimbabwe (EMCOZ) (E).

Chiweshe, E., Mr., Second Vice-President, Employers' Confederation of Zimbabwe (EMCOZ) (E).

Johnston, P., Mr., Member of the Executive Committee. Employers' Confederation of Zimbabwe (EMCOZ) (E).

Mwalo, Margaret, Ms., Information Officer, Employers' Confederation of Zimbabwe (EMCOZ) (E).

Sibanda, G., Mr., President, Zimbabwe Congress of Trade Unions (ZCTU) (W).

Njekesa, E., Mr., Vice-President, Zimbabwe Congress of Trade Unions (ZCTU) (W).

Chifamba, S., Mr., Vice-President, Zimbabwe Congress of Trade Unions (ZCTU) (W).

Tsvangirayi, M., Mr., Secretary General, Zimbabwe Congress of Trade Unions (ZCTU) (W).

Mudzengerere, N., Mr., Assistant Secretary General, Zimbabwe Congress of Trade Unions (ZCTU) (W).

OBSERVERS/OBSERVATEURS

Intergovernmental Organisations
Organisations intergouvernementales

United Nations Economic Commission for Africa Nations Unies Commission Economique pour l'Afrique

Gondwe, B. C., Mr., Economic Affairs Officer.

United Nations Development Programme
Programme des Nations Unies pour le développement

McAdams, David, Mr., Senior Adviser for South Africa.

Dragic, Dusan, Mr., Resident Representative in Zimbabwe.

UN Special Committee Against Apartheid

Bista, Dipendra, Mr., Vice Chairman of the Committee.

Organisation of African Unity
Organisation de l'unité africaine

Farag, Aziz, Mr., Counsellor.

Commonwealth Secretariat

Wright, Carl, Mr., Assistant Director, Fellowships and Training Programme.

Preferential Trade Area for Eastern and Southern Africa

Nyaguse, Joseph M., Mr., Administration Officer.

Non-governmental Organisations
Organisations non gouvernementales

International Confederation of Free Trade Unions
Confédération internationale des syndicats libres

Laurijssen, E., Mr., Director, Geneva Office.
Kailembo, Andrew, Mr., Head, Africa Desk.
O'Laughlin, Daniel, Mr., AFL-CIO, USA.
Mugadza, Walter, Mr., Project Co-ordinator.

International Organisation of Employers
Organisation internationale des employeurs

Dan, Charles, M., Secrétaire exécutif.
Dejardin, Jean, M., Secrétaire exécutif adjoint.

World Confederation of Labour
Confédération mondiale du travail

Yon, Aloysius Frederick, Mr., President of the Namibian Christian Social Trade Unions.

World Federation of Trade Unions
Fédération syndicale mondiale

Hamernik, Emilian, M., chef du Département pour les relations avec les Nations Unies.

Organisation of African Trade Union Unity
Organisation de l'unité syndicale africaine

Besha, Michael P., Mr., Assistant Secretary General.

Hassan Fathy Institute for Construction Workers
Institut Hassan Fathy pour les travailleurs dans la construction

Njeksa, Edward, Mr., Secretary General of the Zimbabwe Construction and Allied Trades Workers Union.

Mugabe, Fozert, Secretary.

Commonwealth Trade Union Council

Museve, Shakie, Co-ordinator.

Representatives of Liberation Movements
Représentants des mouvements de libération

African National Congress

Kunene, Heritage, Mr., Administrator.
Mashinini, Dee, Mr., Official.

Pan African Congress of Azania
Congrès panafricain d'Azanie

Makhanda, Lesaona D., Mr., Labour Secretary.
Sineke, Joe, Mr., Member.

Palestine

Ahmad, Afif, Mr.
Halimeh, Ali, Mr.
Rabba, Ahmad, Mr.

APPENDIX III

Appeal to His Excellency Dr. K. H. Banda, President of the Republic of Malawi

The Tripartite Conference of the International Labour Organisation on Southern Africa, meeting in Harare, Zimbabwe, on 5 to 8 May 1992, is gravely concerned about the recent developments in Malawi. The Conference deeply regrets the violence exercised by the security forces against peaceful demonstrators resulting in the killing and injuring of many people. The Conference is also deeply shocked to lean of the arrest and detention of Chakufwa Chihana, Secretary-General of SATUCC and of the arrest of SATUCC staff members, and the closure of SATUCC offices in Lilongwe. These are gross violations of fundamental human and trade union rights and the Conference demands the immediate release of Chakufwa Chihana and his colleagues and for SATUCC offices to be reopened.

The Conference also calls upon your Government to honour its commitments to respect human and trade union rights guaranteed under the Constitution of the International Labour Organisation and the Charter of the United Nations, of both of which Malawi is a Member.

Harare, 8 May 1992.

(Signed) John L. Nkomo,
President of the Conference

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No. 4 – Thursday, 4 June 1992

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International Labour Conference

Provisional Record

Seventy-ninth Session, Geneva, 1992

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Second Item on the Agenda: Programme and Budget Proposals and other Financial Questions

Further information and proposals submitted by the Governing Body of the International Labour Office to the 79th Session of the Conference.

1. This number of the *Provisional Record* includes information and proposals by the Governing Body in respect of:

A. Appointments to the Administrative Board (ILO Staff Pensions Fund) and to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board) (paragraph 2).

B. Matters relating to the Administrative Tribunal of the ILO (paragraphs 4, 6).

C. Assessment of the contributions of the Republic of Korea and Viet Nam (paragraphs 8, 10).

D. Assessment of the contributions of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania (paragraph 12).

E. Scale of assessment of contributions for 1993 (paragraph 12).

F. The Working Capital Fund (paragraph 14).

G. Financial Report and Audited Financial Statement for 1990-91 (paragraph 16).

H. Treatment of 1990-91 cash surplus (paragraph 18).

Appendix I	Extract from the Second Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992)
Appendix II	Extract from the Second Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd (May-June) Session
Appendix III	Extract from the Second Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd (May-June) Session
Appendix IV	Extract from the report of the Allocations Committee to the Governing Body at its 252nd Session (February-March 1992)
Appendix V	Extract from the report of the Allocations Committee to the Governing Body at its 253rd Session (May-June 1992)
Appendix VI	Extract from the report of the Allocations Committee to the Governing Body at its 253rd Session (May-June 1992)
Appendix VII	Extract from the First Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992)
Appendix VIII	Extract from the First Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992)
Appendix IX	Extract from the First Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992)
Appendix X	Statements showing the status of collection of annual contributions.
Appendix XI	Draft scale of assessments for 1993.
Appendix XII	Appropriations from the 1990-91 cash surplus.
Appendix XIII	Draft amendments to the Financial Regulations.
Appendix XIV	Incentive scheme for early payment of member States' assessed contributions.

The points for decision are in paragraphs 3, 5, 7, 9, 11, 13, 15, 17, 19.

A. APPOINTMENTS TO THE ADMINISTRATIVE BOARD (ILO STAFF PENSIONS FUND) AND TO THE ILO STAFF PENSION COMMITTEE (UNITED NATIONS JOINT STAFF PENSION BOARD)

2. Appendix I contains an extract from the Second Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992).

FOR DECISION

3. On the recommendation of its Programme, Financial and Administrative Committee the Governing Body decided on 29 May 1992 to submit the following resolution to the International Labour Conference at its 79th Session (June 1992) for adoption:

The General Conference of the International Labour Organisation:

Appoints to the Administrative Board of the ILO Staff Pensions Fund and the ILO Staff Pension Committee (United Nations Joint Staff Pension Fund), for a period of three years until 8 October 1995, the following members and substitute members of these bodies, namely:

Members:	Mr. Y. CHOTARD (France) Miss A.M. MACKIE (United Kingdom) Mr. R. VANNI (Italy)
Substitute members:	Mr. D. PELEKANOS (Cyprus) Mr. R.M. SCHIBLI (Switzerland) Mr. W.M. YOFFEE (United States).

B. MATTERS RELATING TO THE ADMINISTRATIVE TRIBUNAL OF THE ILO

A. *Statute of the Tribunal*

4. Appendix II contains an extract from the Second Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd (May-June 1992) Session.

FOR DECISION

5. On the recommendation of its Programme, Financial and Administrative Committee, the Governing Body decided on 29 May 1992 to submit the following resolution to the International Labour Conference at its 79th (June 1992) Session for adoption:

The General Conference of the International Labour Organisation,

Decides:

(a) to amend article III, paragraph 1, of the Statute of the Administrative Tribunal of the International Labour Organisation to read as follows:

> The Tribunal shall consist of [three judges and four deputy] *seven* judges, who shall all be of different nationalities;

(b) to delete the words "and deputy judges" from article III, paragraph 2;

(c) to amend article III, paragraph 4, as follows:

> A meeting of the Tribunal shall be composed of three members [, of whom one at least must be a judge] *or, in exceptional cases, five, or seven, to be designated by the President.*

(d) to delete (as being no longer relevant) article III, paragraph 3, of the Statute which reads as follows:

> The terms of office of the judges and deputy judges who were in office on 1 January 1940 are prolonged until 1 April 1947 and thereafter until otherwise decided by the appropriate organ of the International Labour Organisation. Any vacancy which occurs during the period in question shall be filled by the said organ.

B. *Composition of the Administrative Tribunal of the ILO*

6. Appendix III contains an extract from the Second Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd (May-June 1992) Session.

FOR DECISION

7. On the recommendation of its Programme, Financial and Administrative Committee, the Governing Body decided on 29 May 1992 to submit the following resolution to the International Labour Conference at its 79th (June 1992) Session for adoption:

The General Conference of the International Labour Organisation,

In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organisation,

Decides to appoint as judge of the Administrative Tribunal, for a term of three years, with effect from 18 November 1992:

Mr. Michel Gentot (France),

Decides to appoint as judge of the Administrative Tribunal, for a term of three years and with immediate effect:

Mr. Mark Fernando (Sri Lanka),

Decides to extend the term of office of Mr. Pierre Pescatore by a further period of three years,

Declares that, as from the adoption by the Conference of the proposed amendment to article III of the Statute of the Administrative Tribunal repealing the distinction between judges and deputy judges, all deputy judges in office will be considered as judges for the remaining part of their term of office.

C. ASSESSMENT OF THE CONTRIBUTIONS OF THE REPUBLIC OF KOREA AND VIET NAM

Republic of Korea

8. Appendix IV contains an extract from the report of the Allocations Committee to the Governing Body at its 252nd Session (February-March 1992).

FOR DECISION

9. On the recommendation of its Allocations Committee, the Governing Body decided on 5 March 1992 to submit the following resolution to the International Labour Conference at its 79th Session (June 1992) for adoption:

The General Conference of the International Labour Organisation,

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for the period of its membership in 1991 an annual assessment rate of 0.68 per cent for the contribution of the Republic of Korea to the 1990-91 Programme and Budget of the International Labour Organisation;

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for 1992 an annual assessment rate of 0.68 per cent for the contribution of the Republic of Korea to the 1992-93 Programme and Budget of the International Labour Organisation.

Viet Nam

10. Appendix V contains an extract from the report of the Allocations Committee to the Governing Body at its 253rd Session (May-June 1992).

FOR DECISION

11. On the recommendation of its Allocations Committee, the Governing Body decided on 29 May 1992 to submit the following resolution to the International Labour Conference at its 79th Session (June 1992) for adoption:

The General Conference of the International Labour Organisation,

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for 1992 an annual rate of 0.01 per cent for the contribution of Viet Nam to the 1992-93 Programme and Budget of the International Labour Organisation.

D. ASSESSMENT OF THE CONTRIBUTIONS OF AZERBAIJAN, ESTONIA, KYRGYZSTAN, LATVIA AND LITHUANIA

E. SCALE OF ASSESSMENT OF CONTRIBUTIONS FOR 1993

12. Appendix VI contains an extract from the report of the Allocations Committee to the Governing Body at its 253rd Session (May-June 1992).

FOR DECISION

13. On the recommendation of its Allocations Committee, the Governing Body decided on 29 May 1992 to submit the following resolutions to the International Labour Conference at its 79th Session (June 1992) for adoption:

(i) The General Conference of the International Labour Organisation,

Following the practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations;

Noting that the assessment rates of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania in the United Nations for their periods of membership in the United Nations in 1991 and 1992 will not be approved by the General Assembly of the United Nations until later in 1992;

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that consideration of the rates of assessment of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania for their periods of membership in the Organisation in 1991 and 1992, together with those of any other new member States for which rates of assessment have not been established in the 1992-94 United Nations scale of assessments, be deferred to the 80th (June 1993) Session of the International Labour Conference,

(ii) The General Conference of the International Labour Organisation,

Following the practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations;

Noting that the assessment rates of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithunaia in the United Nations scale of assessments for the years 1992, 1993 and 1994 will not be approved by the General Assembly of the United Nations until later in 1992,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations,

(a) to adopt the draft scale of assessments for 1993 as set out in column 4 of Appendix XI to this document, subject to such adjustments as might be necessary following any further change in the membership of the Organisation before the Conference was called upon to adopt the recommended scale;

(b) *that the rates of assessment of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania for 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of assessment be deducted from the rate of assessment of the Russian Federation in the draft scale*;

(c) that the rates of assessment for 1993 of any other States which formed part of the former USSR and may become Members of the ILO before 1 January 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of assessment be deducted from the rate of assessment of the Russian Federation in the draft scale;

(d) *that consideration of the rates of assessment for 1993 of any other new member States for which rates of assessment have not been established in the 1992-1994 United Nations scale of assessments be deferred to the 80th (June 1993) Session of the International Labour Conference.*

F. THE WORKING CAPITAL FUND

14. Appendix VII contains an extract from the First Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992).

FOR DECISION

15. On the recommendation of its Programme, Financial and Administrative Committee, the Governing Body decided on 29 May 1992 to submit the following resolutions to the International Labour Conference at its 79th Session (June 1992) for adoption:

(i) The General Conference of the International Labour Organisation,

Decides that, in accordance with article 19, paragraphs 2(a) and 4 of the Financial Regulations, the amounts standing to the credit of member States in Part I of the Working Capital Fund on 31 December 1991 shall be liberated and applied to reduce regular budget contributions payable by member States for 1993, without prejudice to the amendment of the Financial Regulations referred to in the following resolution;

Decides that interest accruing for the year ended 31 December 1992 on the amount so liberated shall be credited to the Working Capital Fund.

(ii) The General Conference of the International Labour Organisation,

Recalling that, at the 248th (November 1990) Session of the Governing Body, the Programme, Financial and Administrative Committee had set up a Working Party to review the current arrangements governing the Working Capital Fund;

Recognising that amendments to the Financial Regulations are required in order to implement the recommendations of the Governing Body concerning the operation of the Working Capital Fund;

Recalling that the 78th (1991) Session of the International Labour Conference decided that amendments to the Financial Regulations required to establish the incentive scheme for early payment of member States' assessed contributions would be introduced at the same time;

Recognising that the 77th (1990) Session of the International Labour Conference decided that one-half of any net premium earned for a biennium on forward purchasing transactions between US dollars and Swiss francs should be distributed to the Incentive Fund, but did not define specific criteria for the distribution of this half of the net premium to member States;

Decides to approve in principle the amendments set out in Appendix XIII, to this document, on the understanding that it will be for the Governing Body, after having had an opportunity to consider more closely at its next session their possible interrelationships with other amendments and proposals still pending, to bring them into effect definitively as from 1 January 1993, and to make proposals for any amendments as may appear appropriate.

G. FINANCIAL REPORT AND AUDITED FINANCIAL STATEMENTS FOR 1990-91

16. Appendix VIII contains an extract from the First Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992).

FOR DECISION

17. At its 253rd Session (May-June 1992) the Governing Body adopted the proposal put forward by the Programme, Financial and Administrative Committee and it therefore recommends that the Conference adopt the Financial Report and Audited Financial Statements for 1990-91.

H. TREATMENT OF 1990-91 CASH SURPLUS

18. Appendix IX contains an extract from the First Report of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992).

FOR DECISION

19. On the recommendation of its Programme, Financial and Administrative Committee, the Governing Body decided on 29 May 1992 to submit the following resolution to the International Labour Conference at its 79th Session (June 1992) for adoption:

The General Conference of the International Labour Organisation,

Noting that for the 1990-91 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 19,369,458 Swiss francs;

1. Decides, as an exceptional one-time measure and in derogation of article 18 of the Financial Regulations, to set aside 10,324,000 Swiss francs of the 1990-91 cash surplus in a special account, to be used for the purpose of financing the purchases of capital equipment itemised in Appendix XII to this document, and 2 million Swiss francs to be transferred to the Building and Accommodation Fund, thereby reducing by corresponding amounts the sum which would otherwise be available for reducing member States' assessed contributions for 1993.

2. Notes that, taking account of the above appropriations, the amount available under article 18 of the Financial Regulations for reducing the assessed contributions of member States for 1993 will be 7,045,458 Swiss francs.

APPENDIX I

EXTRACT FROM THE SECOND REPORT OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE TO THE GOVERNING BODY AT ITS 253RD SESSION (MAY-JUNE 1992)

Appointments to the Administrative Board (ILO Staff Pensions Fund) and to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board)

8. The Committee considered a paper (GB.253/PFA/9/6) which recalled that, in accordance with article 3 of the ILO Staff Pensions Fund Regulations and article 6(c) of the Regulations of the United Nations Joint Staff Pension Fund, three members and three substitute members were appointed for three years by the Conference to the Administrative Board of the ILO Staff Pensions Fund and the ILO Staff Pension Committee of the United Nations Joint Staff Pension Fund. In order to enable the Governing Body to be more directly represented in the two bodies which dealt with pensions and to ensure that the principle of tripartism was respected, it was proposed to appoint as titular members, as of 9 October 1992, Mr. Y. Chotard, representing the Government of France on the Governing Body, Miss A.M. Mackie, Employer member of the Governing Body and Mr. R. Vanni, Worker member of the Governing Body. Mr. Chotard and Mr. Vanni would thus be re-elected for a second mandate. Since Messrs. Pelekanos, Schibli and Yoffee had indicated their readiness to continue to participate in the two bodies, it was suggested that they be reappointed as substitute members with effect from the expiration of their current mandate on 8 October 1992. Their competence and long experience in pensions questions, and particularly in the operation of the United Nations Joint Staff Pension Fund, would ensure the necessary continuity of the work.

9. *The Committee recommends that the Governing Body submit the following resolution to the Conference at its next session:*

> The General Conference of the International Labour Organisation:
>
> Appoints to the Administrative Board of the ILO Staff Pensions Fund and the ILO Staff Pension Committee (United Nations Joint Staff Pension Fund), for a period of three years until 8 October 1995, the following members and substitute members of these bodies, namely:

Members:	Mr. Y. CHOTARD *(France)* Miss A.M. MACKIE *(United Kingdom)* Mr. R. VANNI *(Italy)*
Substitute members:	Mr. D. PELEKANOS *(Cyprus)* Mr. R.M. SCHIBLI *(Switzerland)* Mr. W.M. YOFFEE *(United States).*

APPENDIX II

EXTRACT FROM THE SECOND REPORT OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE TO THE GOVERNING BODY AT ITS 253RD (MAY-JUNE) SESSION

A. *Statute of the Tribunal*

10. The Committee considered a paper (GB.253/PFA/10/3) proposing changes in the Statute of the Tribunal Administrative. It was proposed to repeal the distinction between judges and deputy judges on the grounds that it was obsolete. A constant increase in the number of cases required the presence of deputies at all sessions of the Tribunal and a deputy judge no longer sat just when required to replace a judge. It was therefore recommended that the reference in article III, paragraph 1, of the Tribunal's Statute to three judges and four deputy judges be replaced by a reference to seven judges and that article III, paragraph 4, be consequently amended by deleting the words "of whom one at least must be a judge". It was further proposed to add a phrase to article III, paragraph 4, to allow more than three members, but always an odd number in total, to sit in especially important or complicated cases.

11. These changes would entail no significant extra cost for the ILO, as the expenses of sessions or hearings were borne by the organisations against which complaints were filed.

APPENDIX III

EXTRACT FROM THE SECOND REPORT OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE TO THE GOVERNING BODY AT ITS 253RD (MAY-JUNE) SESSION)

B. *Composition of the Administrative Tribunal of the ILO*

13. The Committee took note of a paper (GB.253/PFA/10/11) informing it that Mr. Ducoux, President of the Tribunal, had offered his resignation with effect from 17 November 1992, and that Tun Suffian did not envisage an extension of his term of office which was due to expire in June 1992. The Director-General proposed to replace Mr. Ducoux and Tun Suffian by Mr. Michel Gentot and Judge Mark Damian Hugh Fernando, respectively. In addition, the term of office of Mr. Pescatore was due to expire in June 1992, and the Director-General proposed its extension for a further three years.

14. The adoption of the proposed amendment to article III of the Statute of the Administrative Tribunal would abolish the category and title of deputy judge.

15. A representative of the Director-General (the Legal Adviser), replying to a question from the representative of the Government of Ireland, pointed out that, in accordance with the Rules of Court adopted by the Tribunal, it would be for the seven members of the Tribunal to appoint their President and Vice-President when they met at their next session.

16. *The Committee recommends to the Governing Body, and through it, to the Conference, that they express their deep appreciation to Mr. Ducoux, who served the Tribunal for many years as Vice-President before assuming, with great distinction, the presidency since 1987, at a time when the Tribunal has been faced with an increase in the number of organisations which have recognised its competence and, above all, a considerable increase in the number of cases before it, as well as to Tun Suffian, who served as a judge, and since 1987 as Vice-President, for the devotion with which both of them have fulfilled their important duties in the service of the international community, and for their outstanding contribution to the development of the law relating to the international civil service.*

APPENDIX IV

EXTRACT FROM THE REPORT OF THE ALLOCATIONS COMMITTEE TO THE GOVERNING BODY AT ITS 252ND SESSION (FEBRUARY-MARCH 1992)

Assessment of the contributions of the Republic of Korea

2. The Committee had before it a paper (GB.252/AC/1/2) describing the procedure whereby a rate of assessment was fixed for a new member State upon joining the ILO.

3. The Republic of Korea became a Member of the International Labour Organisation on 9 December 1991, and accordingly the Allocations Committee was required to recommend to the Governing Body, for submission to the 79th (1992) Session of the International Labour Conference, a rate of assessment for the Republic of Korea for the period of its membership in 1991 and for the year 1992.

4. Scales of assessment for the calculation of member States' contributions to the budget of the Organisation for 1991 and 1992 had already been adopted by the Conference at its 77th (1990) and 78th (1991) Sessions respectively, which meant that assessments on the Republic of Korea for 1991 and 1992 would be additional to the approved budget of income applicable to those years.

5. The Republic of Korea was admitted as a member State of the United Nations on 17 September 1991, and the 46th Session of the General Assembly had fixed its annual rate of assessment for the period of membership in 1991 and for the years 1992 to 1994 inclusive at 0.69 per cent.

6. The ILO scale of assessments for member States' contributions was based on that of the United Nations, subject only to arithmetical adjustment arising from differences in membership between the two organisations. In the case of the Republic of Korea, the differences in membership in the two organisations resulted in a reduction in the annual rates of assessment from 0.69 per cent to 0.68 per cent, as shown in the Appendix to this report. The Committee acknowledged that it would be necessary to recommend this percentage if it wished to maintain the principle of harmonising the ILO scale of contributions with that of the United Nations.

7. *The Committee recommends that the Governing Body propose to the Conference that the contributions of the Republic of Korea to the ILO budget for the period of its membership of the Organisation during 1991 and for 1992 be based on an annual assessment rate of 0.68 per cent.*

APPENDIX V

EXTRACT FROM THE REPORT OF THE ALLOCATIONS COMMITTEE TO THE GOVERNING BODY AT ITS 253RD SESSION (MAY-JUNE 1992)

Assessment of the contributions of Viet Nam

2. The Committee had before it a paper (GB.253/AC/1/1) describing the procedure applied in fixing a rate of assessment for a new member State upon joining the ILO.

3. The Socialist Republic of Viet Nam resumed membership of the International Labour Organisation on 20 May 1992, and accordingly the Allocations Committee was required to recommend to the Governing Body, for submission to the 79th (1992) Session of the International Labour Conference, a rate of assessment of Viet Nam for the period of its membership in 1992 and for the year 1993.

4. Since a scale of assessment of the calculation of member States' contributions to the budget of the Organisation for 1992 was already adopted by the Conference at its 78th (1991) Session, an assessment for Viet Nam for 1992 would be additional to the approved budget of income for that year.

5. The ILO scale of assessment for member States' contributions was based on that of the United Nations, subject only to arithmetical adjustment arising from differences in membership between the two organisations. In the case of Viet Nam, which was assessed in the UN at the minimum rate of 0.01 per cent, no adjustment was required, and its assessment would therefore be recommended at that rate.

6. *The Committee recommends that the Governing Body propose to the Conference that the contribution of Viet Nam to the ILO budget for the period of its membership of the Organisation during 1992 be based upon an annual assessment rate of 0.01 per cent.*

APPENDIX VI

EXTRACT FROM THE REPORT OF THE ALLOCATIONS COMMITTEE TO THE GOVERNING BODY AT ITS 253RD SESSION (MAY-JUNE 1992)

Assessment of the contributions of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania

7. The Republic of Kyrgyzstan was admitted to membership of the United Nations on 2 March 1992 and became a member of the International Labour Organisation on 31 March 1992. The Allocations Committee would normally recommend to the Governing Body for submission to the Conference an appropriate rate of assessment for its period of membership in the ILO in 1992, but this was not yet possible because of various matters relating to the determination of the United Nations rate of assessment for Kyrgyzstan.

8. The UN Committee on Contributions will consider an appropriate rate of assessment for Kyrgyzstan at its next meeting in June-July 1992 and any recommendation made by that Committee would not be approved by the General Assembly until its 47th session in late 1992. This situation is the same as that of three other new member States, Estonia, Latvia and Lithuania, for which rates of assessment were considered by the Allocations Committee at its meeting during the 252nd Session of the Governing Body. Because no information on the UN rates of assessment for these member States will be available until late 1992, the Governing Body decided to propose to the International Labour Conference that consideration of the rates of assessment for these States be deferred until the 80th (1993) Session of the Conference.

9. If the Allocations Committee wished to continue the practice of harmonising as far as possible the ILO rates of assessment with those of the United Nations it would be necessary to recommend to the 79th (1992) Session of the Conference that a decision on the rate of assessment for Kyrgyzstan for the period of its membership in the ILO in 1992 also be deferred until its 80th (1993) Session.

10. The representative of the Director-General (the Treasurer and Financial Comptroller), said that an almost identical situation existed for Azerbaijan, which had joined the ILO on 19 May 1992, too late to be reported in the paper before the Committee. He advised that further States had joined the United Nations on 22 May 1992 and it was possible that some of these countries might apply for membership of the ILO between now and the end of the Conference. As a practical solution he proposed slight modifications to the point for decision in paragraph 7 of the Office paper so as to avoid the need for a meeting of the Allocations Committee on purely procedural matters during the remainder of the present session of the Governing Body or during the 79th (June 1992) Session of the Conference.

11. *The Committee recommends to the Governing Body that, in accordance with the established practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations, and taking into account that the assessment rates of Azerbaijan and Kyrgyzstan for their periods of membership in the United Nations in 1992 will not be approved by the General Assembly of the United Nations until later in 1992, it propose to the Conference that consideration of the rates of assessment of Azerbaijan and Kyrgyzstan for the period of their membership in the Organisation in 1992, together with those of any other new member States for which rates of assessment have not been established in the 1992-1994 United Nations scale of assessments, be deferred to the 80th (June 1993) Session of the International Labour Conference.*

12. The paper before the Committee recalled that a draft scale of assessments for 1993 had already been approved by the Governing Body for submission for the 79th (June 1992) Session of the International Labour Conference. This draft scale did not include rates for Estonia, Latvia or Lithuania, because it was based on the present 1992-1994 scale of assessments approved by the UN General Assembly in November 1991. The General Assembly resolved that a decision on the rates of assessment for these three member States would be taken at its 47th session, upon a recommendation by the Committee on Contributions, and these rates would be deducted from the assessment rate included in the scale for the USSR. The paper noted that a similar situation now applied in respect of Kyrgyzstan, and that the Committee might wish to recommend that the Governing Body propose a revision to the draft scale of assessments of member States for 1993 and expand the proposal in respect of 1993 assessment rates for Estonia, Latvia and Lithuania, and the deductions of these assessment rates from that of the Russian Federation, to include Kyrgyzstan.

13. The paper before the Committee was accompanied by an appendix containing a table of the member States of the ILO at the time the paper was prepared, and showing for each:

Column 1 – the percentage rate of assessment in the UN scale in 1991. These assessments totalled 100.51 per cent, due to the differences in membership between the United Nations and the ILO;

Column 2 – the ILO scale of assessment for 1992, which was based on the UN scale for 1989-1991;

Column 3 – the percentage rate of assessment in the UN scale for 1992-1994. These assessments totalled 100.57 per cent due to the differences in membership between the UN and the ILO;

Column 4 – a draft ILO scale of assessment for 1993, based on the UN scale for 1992-1994, adjusted arithmetically for differences in membership, and with the maximum and minimum rates of contribution set at 25 per cent and 0.01 per cent respectively, as in the UN scale;

14. The Treasurer pointed out that Azerbaijan now found itself in a situation analagous to that of Kyrgyzstan, and he proposed minor amendments to the point for decision to avoid the need for a meeting of the Allocations Committee during the remainder of the present Governing Body session or during the forthcoming session of the Conference,

15. Further minor amendments to the point for decision were discussed and agreed upon by the Committee.

16. *The Committee recommends to the Governing Body that, in accordance with the established practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations, and taking into account the fact that the assessment rates of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania in the UN scale of assessment for the years 1992, 1993 and 1994 would not be approved by the General Assembly of the United Nations until later in 1992, it propose to the Conference:*

(a) *the adoption of the draft scale of assessments for 1993 as set out in column 4 of Appendix XI to this paper (Appendix XI to this Provisional Record), subject to such adjustments as might be necessary following any further change in the membership of the Organisation before the Conference was called upon to adopt the recommended scale;*

(b) *that the rates of assessment of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania for 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of* *assessment be deducted from the rate of assessment of the Russian Federation in the draft scale;*

(c) *that the rates of assessment for 1993 of any other States which formed part of the former USSR and may become Members of the ILO before 1 January 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of assessment be deducted from the rate of assessment of the Russian Federation in the draft scale;*

(d) *that consideration of the rates of assessment for 1993 of any other new member States for which rates of assessment have not been established in the 1992-1994 United Nations scale of assessments be deferred to the 80th (June 1993) Session of the International Labour Conference.*

APPENDIX VII

EXTRACT FROM THE FIRST REPORT OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE TO THE GOVERNING BODY AT ITS 253RD SESSION (MAY-JUNE 1992)

102. The Committee had before it a paper (GB.253/PFA/4/4) containing the report of the meeting of the Working Party on the Working Capital Fund held on Friday, 28 February 1992.

103. The Chairman drew the Committee's attention to paragraphs 31 and 32 of the report, presenting two alternative draft resolutions which set out two different positions on the level of the Working Capital Fund. The draft resolution set out in paragraph 31 represented the position taken by a majority of the members of the Working Party which was set out in the form of a recommendation in paragraph 28 of the report. Paragraph 28 recommended that the level of the Working Capital Fund be fixed provisionally at 35 million Swiss francs. It also recommended that the level of the Fund and the proposal to fix the level as a percentage of the total biennium income budget be reviewed after two biennia. Paragraph 32 set out the second draft resolution and represented the views of the Governments of Germany and the United States which were contained in paragraph 29 of the report. These two Governments recommended that the level of the Working Capital Fund be set at 25 million Swiss francs rather than 35 million Swiss francs. They also recommended the removal of the authority to contract loans should the Fund be temporarily insufficient to finance approved expenditure. The Committee should now decide which of these two resolutions to accept.

104. Miss Mackie, on behalf of the Employer members, raised three preliminary points in relation to the discussion of the paper before the Committee. First, the Employer members deplored the late arrival of the report of the Working Party, as some of them had received it only a few hours earlier. As a member of the Working Party, she knew that it had been planned for the Working Party to meet at the beginning of the 252nd (February-March 1992) Session of the Governing Body and that it had been intended to present the report to the Committee at that session. Surely if it had been considered possible to make arrangements for the report to be presented within a week, which was what would have been required, it should have been possible for it to have been ready in March, April, or, at the latest, early May 1992, so that all members of the Committee could consider it, especially as the document was extremely complex in parts.

105. Secondly, the Employer members wished to ask, in view of the lack of urgency attached to the delivery of the document, whether it was now urgent for it to be discussed at the current meeting. The probable answer was that the report contained a recommendation which needed to be brought before the International Labour Conference, and that that should be done at the 1992 Session of the Conference. If that was the case, the report should have been received a month earlier. She asked the representative of the Director-General to explain why the Committee should consider the report without due preparation.

106. Thirdly, the Employer members asked for clarification on the content of the draft resolution submitted by the majority of the members of the Working Party. Paragraph 28, which set out their recommendations, contained three subparagraphs. However paragraph 31, which presented the draft resolution, did not contain anything which reflected subparagraph (c) of paragraph 28. The draft resolution asked for an absolute decision on the level of the Fund to be taken, but excluded the important proviso recorded in subparagraph (c).

107. The Employer members requested a reply to these points after which they would continue with the discussion on the substantive items in the report.

108. The representative of the Director-General (the Treasurer and Financial Comptroller) apologised for the lateness in the delivery of the document, for which he took responsibility. Several members of the Committee had made the same complaint, as had the Director-General. There were various reasons for delays in the delivery of documents for the Programme, Financial and Administrative Committee and in order to remedy these an internal working party had been set up.

109. With regard to the urgency of discussing the report, the Committee could choose whether or not to continue the discussion. Postponing the discussion would mean that the proposed reimbursement of Part I of the Working Capital Fund would be delayed by one year; apart from this consideration, there was no overriding reason why the resolution had to be considered by the Conference in 1992.

110. Turning to the Employers' question on the exclusion of subparagraph (c) of paragraph 28 from the draft resolution, he explained that a review of the level of the Working Capital Fund to be decided by the Governing Body did not require a Conference resolution. However, if the Committee preferred that the Conference decide that a review should be made after two biennia, then that proposal could be included in the draft resolution.

111. Miss Mackie accepted the apology from the Treasurer, but was dismayed that no specific reason had been given for the delay in the delivery of the report. She also regretted that she had not received an answer, other than the obvious, on whether it was necessary to discuss the report at this session of the Committee. Some of the report concerned matters upon which there was not unanimous agreement. The point to which the Treasurer referred, the reimbursement of Part I of the Working Capital Fund, had been agreed to unanimously, and it was feasible, although not preferable, for the Committee to deal with that. Discussion on the more complex matters should be deferred. If the Working Party, which was set up specially to consider these points, could not agree, then it was difficult to imagine how members of the full Committee, who had had little time to consider its contents, could be expected to reach decisions on matters of principle as well as textual amendments.

112. The representative of the Government of Denmark felt that, although it was unacceptable that the report had not been delivered in reasonable time, it was also unacceptable to defer the discussion and not deal with any of the matters contained in the report. He believed that the draft resolution contained in paragraph 30 could be discussed. As the author of a compromise for which few of his Government colleagues had initially shown much enthusiasm, he would feel very disappointed if this part of the report could not be dealt with. It was unacceptable that the Conference could not decide to reimburse Part I of the Working Capital Fund and that these reimbursements could not be deducted from contributions for 1993.

113. The representative of the Government of Italy was against postponement if agreement could be reached immediately. The Committee could adopt the two unanimous proposals and postpone discussion of the others which reflected difficult problems.

114. The representative of the Government of Germany sympathised with the Employer members and agreed that the whole issue was complex and far-reaching. He suggested that the External Auditor clarify some of the financial questions and the Committee could meanwhile come to a decision on the points upon which the Working Party had reached unanimous agreement.

115. The representative of the Government of Nigeria agreed with the Employer members that the Committee members had not had sufficient time to examine the document. Papers needed to be distributed early enough to allow for consultation and clarification of any ambiguities. He felt that in November 1992 the Committee would be in a better position to consider these issues.

116. The representative of the Government of the United States expressed his support for the representative of the Government of Germany's request for clarification of the proposals by the External Auditor. He also wondered whether, if the draft amendment concerning the incentive fund was not adopted until 1993, this would mean that the rebates to countries would be delayed. He considered that the Committee should go ahead with the adoption of those proposals agreed on unanimously by members of the Working Party.

117. The representative of the Government of the United Kingdom mentioned that delays in distribution of documents had occurred on other occasions, and that this had not prevented the Committee from continuing its deliberations. There was no justification for a delay in this case since this was not a new issue. It had already been debated a number of times in the Governing Body and thoroughly at the meetings of the Working Party. She also pointed out that the document had been in the possession of all groups, albeit in draft form, since early March.

118. After further comments, it was clear that the views of Committee members fell initially into two groups. First, there were those who wished to recommend that the draft resolutions in paragraph 30 unanimously accepted by the Working Party should be proposed by the Governing Body to the forthcoming session of the Conference, so that the amounts standing to the credit of member States in Part I of the Working Capital Fund on 31 December 1991 could be liberated and applied to reduce regular budget contributions payable by member States for 1993, with consideration of the other draft resolutions deferred to a later session of the Governing Body.

119. Another group of members felt that the document had been distributed too late for full consideration before the present meeting and that no decisions concerning the recommendations of the Working Party should be taken at this session of the Governing Body.

120. In answer to a question, the Legal Adviser observed that, in application of article 19.4 of the Financial Regulations as they presently existed, the Conference could perfectly limit itself to the adoption of the decision in paragraph 30(a). However, if in the view of the Committee the draft resolution in paragraph 30, which had been unanimously agreed, was supposed to form a package, he proposed the following amendments to the text of the draft resolutions contained in paragraph 30 of the Office paper, in order to reconcile the desire to distribute Part I of the Working Capital Fund with the need for a less hasty consideration of the possible interrelationships between the amendments which had been unanimously agreed and those which had not:

30(a) Insert after "1993" in the last line of the first paragraph "subject to the adoption of the amendments to the Financial Regulations contained in Appendix I in the manner referred to in paragraph (b)";

30(b) Replace last paragraph with: "Decides to approve in principle the amendments set out in Appendix I, on the understanding that it will be for the Governing Body, after having had an opportunity to consider more closely at its next session their possible interrelationships with other amendments and proposals still pending, to bring them into effect definitively as from 1 January 1993 with such possible amendments as may appear appropriate."

121. After further discussion a consensus of the Committee agreed on the following compromise position:

- That the draft resolutions in paragraphs 30(a) and 30(b), with appropriate amendments in the light of the previous proposals and of the discussion, be proposed to the Governing Body for submission to the Conference;
- That the Governing Body defer to its November 1992 Session consideration of the amendments to the Financial Regulations, which had not been unanimously agreed by the Working Party.

122. The amended texts to the resolutions in paragraph 30 are reproduced in paragraphs 123 and 124 below:

123. *The Programme, Financial and Administrative Committee proposes to the Governing Body for submission to the 79th (1992) Session of the International Labour Conference a resolution in the following terms*:

> The General Conference of the International Labour Organisation,
>
> Decides that, in accordance with article 19, paragraphs 2(a) and 4 of the Financial Regulations, the amounts standing to the credit of member States in Part I of the Working Capital Fund on 31 December 1991 shall be liberated and applied to reduce regular budget contributions payable by member States for 1993, without prejudice to the amendment of the Financial Regulations referred to in paragraph 124;
>
> Decides that interest accruing for the year ended 31 December 1992 on the amount so liberated shall be credited to the Working Capital Fund.

124. *The Programme, Financial and Administrative Committee proposes to the Governing Body for submission to the 79th (1992) Session of the International Labour Conference a resolution in the following terms*:

> The General Conference of the International Labour Organisation,
>
> Recalling that, at the 248th (November 1990) Session of the Governing Body, the Programme, Financial and Administrative Committee had set up a Working Party to review the current arrangements governing the Working Capital Fund;
>
> Recognising that amendments to the Financial Regulations are required in order to implement the recommendations of the Governing Body concerning the operation of the Working Capital Fund;
>
> Recalling that the 78th (1991) Session of the International Labour Conference decided that amendments to the Financial Regulations required to establish the incentive scheme for early payment of member States' assessed contributions would be introduced at the same time;
>
> Recognising that the 77th (1990) Session of the International Labour Conference decided that one-half of any net premium earned for a biennium on forward purchasing transactions between US dollars and Swiss francs should be distributed to the Incentive Fund, but did not define specific criteria for the distribution of this half of the net premium to member States;
>
> Decides to approve in principle the amendments set out in Appendix I, on the understanding that it will be for the Governing Body, after having had an opportunity to consider more closely at its next session their possible interrelationships with other amendments and proposals still pending, to bring them into effect definitively as from 1 January 1993, and to make proposals for any amendments as may appear appropriate.

APPENDIX VIII

EXTRACT FROM THE FIRST REPORT OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE TO THE GOVERNING BODY AT ITS 253RD SESSION (MAY-JUNE 1992)

Financial Report and Audited Financial Statements

7. The Committee was invited to take note of the Auditor's report and to propose that the Governing Body submit the Financial Report and Audited Financial Statements for the 62nd financial period (1990-91) to the Conference for consideration and adoption (GB.253/PFA/1/1).

8. The representative of the Director-General (the Treasurer and Financial Comptroller) indicated that in the English version of the Financial Report and Audited Financial Statements for 1990-91, on page 20, paragraph 89 was incomplete and paragraph 90 omitted altogether. The correct full text for both paragraphs was as follows:

> 89. In my report on ILO's 1986-87 accounts I commented on ILO's procedures for monitoring and evaluating programmes and projects, including technical cooperation projects, and identified inconsistencies in the standard of reporting and monitoring at project level. In 1987, the 73rd International Labour Conference adopted Resolution VI concerning the role of the ILO in technical cooperation. This resolution included 45 conclusions designed to improve ILO's approach to technical cooperation and the management of project activities. It noted the continuing need to improve the quality, efficiency and practicality of the technical cooperation programme and called for improvements in project design, financial planning, monitoring and evaluation.
>
> 90. Since 1988 the Director-General has reported annually to the Conference on action taken in response to the Resolution. ILO have concentrated their efforts on ensuring that operational activities complement their objective of improving working conditions through international labour standards; and maximising participation of government and donors in technical cooperation.

9. Sir John Bourn, the Comptroller and Auditor-General of the United Kingdom, introducing his report on the financial statements, expressed his pleasure at having the opportunity of presenting personally his report to the Committee. As the External Auditor of the ILO he was completely independent and his report likewise was objective and impartial. Nevertheless, he was committed to the objectives and purposes of the ILO and saw his role as External Auditor to report independently and from outside, but he was none the less as committed to the success of the ILO as the Committee itself. It was in this spirit of objectivity and commitment that his report and address were delivered.

10. In conjunction with his audit of the regular budget and the subsidiary funds of the ILO he also examined and gave audit opinions and, where appropriate, reported on the separate financial statements relating to the ILO's participation in the United Nations Development Programme and the United Nations Population Fund. He pointed out that in the published financial statements for 1990-91 his main report was followed by a shorter report on the ILO's UNDP funds. The UNDP report was separately transmitted to the United Nations Development Programme but arose from work carried out in connection with his main report on the ILO.

11. There were four general points to be made about the audit report. Firstly, on the financial audit, he was glad to report that the results summarised in the audit opinion confirmed that the financial statements presented fairly the ILO's financial position as at 31 December 1991 and the results of its operations during the biennium. He was therefore pleased to give an unqualified opinion on the ILO's financial statements for that biennium.

12. Secondly, referring to the audit of management matters, he pointed out that this was undertaken in accordance with article 36.2 of the Financial Regulations which required him to comment in general on the administration and management of the Organisation. For 1990-91 an examination was carried out on technical cooperation projects because of the significance of the ILO's work in assisting governments in promoting sustainable development in employment through regional, national and local projects.

13. Thirdly, there was a brief comment to be made on the action taken on recommendations in previous audit reports. He was glad to note the positive response given by the Office on recommendations made in previous reports; in particular, the improvements in the control exercised over allocation changes, in the guidance issued to staff responsible for the ILO external offices' and UNDP account verification, and in the introduction of quarterly reporting to headquarters by the Regional Office for Asia and the Pacific on the scope and depth of account verification. The Office had, of course, provided its own report to the Committee on the recommendations in his audit report for the previous biennium but he wished to mention that he felt his recommendations for the 1988-89 biennium had been taken seriously and that really useful action had been taken by the Office.

14. Fourthly, he pointed out that his report followed the new format recommended by the United Nations Panel of External Auditors.

15. On a more detailed level, paragraphs 20 and 47-50 of the report described the system of Swiss franc assessments combined with the forward purchasing of US dollar requirements, introduced in 1990-91. The report drew attention to the consequential changes arising from this system in the presentation of the ILO's financial statements, including in particular the introduction of a new schedule 2.2 which showed the calculation of the net premium earned for 1990-91, amounting to $7.5 million. This was an important addition to the contents of the financial statements.

16. Paragraphs 21-22 and 51-55 dealt with the ILO plans to complete the decentralisation of accounting functions to the Americas region in 1990. These had been deferred to 1992 because of problems in establishing reliable communication links. The External Auditor was concerned that there had been significant delays in processing imprests and accounts and he recommended in his report that the ILO should take steps to ensure the timely processing and verification of data coming in from the field.

17. Paragraphs 24-26 and 59-68 dealt with internal audit, which had been reviewed in 1990-91. The External Auditor valued the important work done by the internal auditors and was keen to ensure their continued effectiveness. It was gratifying to see that the Office intended to review whether there was a need to strengthen the independence of internal audit and its agreement to introduce more systematic planning and training for internal audit staff.

18. Paragraphs 27, 29 and 69-76 described the review carried out of the ILO computer installation and pointed out that after the reorganisation of computer services begun in 1991 the revised structure now corresponded with the main operational functions of the branch. The review identified a number of areas where the computer installation controls should be strengthened, and he was pleased to note that the Office would be addressing these matters in the 1992-93 biennium.

19. Paragraphs 30-31 and 77-84 referred to the review of inventory control. During the review it was found that inventory records had not been kept up to date in all cases, which meant that the value of supplies and equipment rec-

orded at 31 December 1991 were unable to be fully substantiated. He recommended that the ILO should review the status and management of inventories and the arrangements for keeping them up to date.

20. The External Auditor noted that a CCAQ(FB) Working Party had been established to make proposals on common accounting standards for United Nations agencies and he strongly supported the ILO's participation in this important work.

21. Turning to management matters and the examination of technical cooperation projects, he was pleased that the review showed that the majority of project documents, documents crucial for the success of technical cooperation projects, properly showed objectives, resource requirements and planned activities. Although the general quality of these documents was satisfactory, in some projects there were shortcomings which had contributed to delays in implementation and he welcomed the steps that had been taken by the ILO to improve the planning and design of projects. The scope and coverage of project work plans had varied considerably and he recommended that the ILO establish a standard format of work plans and issue guidelines to improve their effectiveness.

22. The quality of progress reporting varied significantly between projects and there was no Office-wide monitoring system to help in the identification of outstanding and overdue progress and evaluation reports. This was dealt with in detail in paragraphs 35-39 and 105-113. He was pleased to see that the ILO was reviewing the need to extend existing monitoring systems to all technical cooperation projects and he recommended that the ILO should introduce standard formats for progress reporting to ensure consistent and high quality reporting.

23. The audit examination had revealed several projects where recorded commitments or expenditure exceeded allocations, in contravention of the ILO Financial Rules. This was dealt with in detail in paragraphs 40-42 and 114-118 of the report, and he welcomed the ILO's plans to ensure the prompt identification and correction of instances where allocations were overspent and to ensure that allocations were updated on a timely basis.

24. A review of project delivery was described in paragraphs 43-44 and 119-124 of the report. Some of the principal causes of delay in the implementation of projects were identified as the difficulties in the recruitment of chief technical advisers, the lengthy government approval procedures and problems arising from securing funds from donors. He acknowledged that many of the difficulties facing the ILO were not under its own control or within its field of competence, but he recommended that it explore the possibility of identifying suitable candidates and resource needs well in advance so as to minimise these delays. Paragraphs 45-46 and 125-130 described the review carried out on project evaluation and he was pleased to see that the ILO was now reviewing evaluation criteria for large or technically demanding projects, although in his view all major projects should be subjected to a measure of independent review.

25. The Comptroller and Auditor-General said that his oral report covered only some of the highlights of his examination, but they were fully documented in his written report included with the financial statements. He also expressed his appreciation for the open and constructive cooperation given to his staff by the Office and in particular by the headquarters finance staff. The good working relationships which he as the External Auditor enjoyed with the Office and the headquarters finance staff represented a most positive contribution to the effectiveness of the audit. Sir John concluded by saying that he was delighted on this occasion to have had the opportunity to present his report in person.

26. Miss Mackie, for the Employer members, expressed appreciation for a document which was comprehensive, helpful and valuable for the work of the Committee, and for the audit report just introduced by Sir John Bourn. His comments were illuminating and were provided in a spirit of objectivity and commitment. Unfortunately, the Committee did not give itself enough opportunity to discuss the financial report and audited financial statements. They were worth more than a cursory examination and perhaps as part of a review of Governing Body procedures consideration could be given to whether a small technical subcommittee of the Programme, Financial and Administrative Committee could be established, to look in greater detail at the various committee documents so that the Committee could carry out its work more effectively. In this way the Committee could make even better use of material such as the External Auditor's Report.

27. Ms. Carr, for the Worker members, also expressed appreciation for the document before the Committee and for the oral report just given by Sir John Bourn. The report seemed to indicate that there were no major problems in the financial accounts and management of the Office, even though there was room for improvement in the areas highlighted so clearly in the External Auditor's Report. The Workers were happy to support the point for decision.

28. The representative of the Government of Germany associated himself with the remarks of the two previous speakers in expressing appreciation to Sir John Bourn for the quality of his report. In view of its contents, he wondered whether it was sufficient merely to propose that the Governing Body should submit the financial accounts to the Conference for consideration and adoption. The report contained many interesting comments and suggestions concerning the implementation of technical assistance and it was not enough only to take note of them. Perhaps the Director-General could be asked to report to the 1993 Conference on the response the Office was able to make to the suggestions of the External Auditor, or on the future plans for doing so. It should not involve much extra work because the Office had to consider anyway what to do about the External Auditor's suggestions, and this could simply be included in a report to the Conference. Procedurally it should also be simple enough and should not require any amendments to the Financial Regulations.

29. The representative of the Government of the United Kingdom joined previous speakers in expressing appreciation to the External Auditor for his report on the ILO's financial statements. It was very reassuring to the Committee to know that the audit of the ILO was in the hands of an independent expert. A number of matters gave rise to concern - project expenditure in excess of allocations, 43 out of 92 projects reviewed delayed between six and 19 months, and the delay in processing accounts from the field which resulted, for example, in 70 per cent of external office accounts for October 1991 not being entered by the end of December. It was also alarming that the ILO had no disaster contingency plan for its computer system even though external consultants had twice proposed that such action should be taken. The Committee was confident that the Office took appropriate remedial action whenever problems were identified, but she agreed with the previous speaker and also with the Employers that it would be helpful to have some more formal and regular follow-up to the External Auditor's Report, and it should become a regular feature on the Committee agenda, for reference to either the Governing Body or the Conference, as appropriate.

30. Mr. Nasr (Employer member) expressed appreciation for the Report of the External Auditor and observed that the paragraphs dealing with technical assistance gave useful guidance on how financial and control procedures for technical assistance could be improved. The Office should take careful note of the External Auditor's comments, especially those relating to project delivery and proper control of the supply of equipment.

31. The representative of the Director-General (the Treasurer and Financial Comptroller) assured the rep-

resentative of the Government of Germany that the Office had always followed up on the report of the External Auditor and, indeed, would have been taken to task by the External Auditor himself over the years if it had not. The Office would continue to do so because he, as Treasurer, as much as anyone in the Committee, appreciated the Report of the External Auditor. Admittedly, an organisation that spent over $1 million a day was bound to have certain shortcomings no matter what it did; hence it was useful for weaknesses to be identified by the External Auditor as an independent expert.

32. The assumption until two years ago - and it was a totally valid assumption was that the Office followed up without any prompting from the Governing Body or anyone else on recommendations made by the External Auditor. However, two years ago the Programme, Financial and Administrative Committee had requested the Office to produce a formal report on the follow-up given to the External Auditor's Report and this would be considered under the next item on the agenda. This was not a one-time exercise but after discussions with the External Auditor the Office believed that, subject to the views of the Committee, it might in future be prefeable to present this report after the first year of a biennium, with follow-up also reported in the External Auditor's Report one year later. Again subject to the views of the Committee, the Office paper might perhaps be included in the *Provisional Record* for the Finance Committee of Government Representatives so that it was informed of what action had been taken. However, it should be clearly understood that although the reporting procedures might be new the Office had always acted upon these recommendations. If it had not, the External Auditor would certainly have said so, so in this sense no news was good news.

33. Another important development was that the United Nations Panel of External Auditors had decided that audit reports should now include a reference to follow-up action to recommendations in previous reports. From now on, as a matter of course, the Committee would have a report on these matters from both the Office and the External Auditor.

34. Turning to some of the specific criticisms raised by members of the Committee, the Treasurer pointed out that the excess of expenditure over allocations reported on some projects was not as bad as it appeared. For example, frequently a UNDP project might be nearing the end of its life and the ILO and UNDP would be engaged in negotiations to renew or extend the project. Normally the ILO would be advised by facsimile or telex by the UNDP Resident Coordinator that the project was to be extended. It could take weeks or even months for this instruction to move through the UNDP and ILO bureaucracies and show up as an increase to a project allocation. Once the Resident Coordinator indicated that a project was to be extended, however, the ILO was perfectly ready to continue with commitments for expenditure because the paperwork was a formality. The same situation existed with respect to trust funds. Furthermore, in paragraph 117 of the External Auditor's Report, it was stated that the ILO had investigated the negative balances and had found only one case where expenditure commitments plus valid obligations exceeded funds available. To date, the ILO had never incurred a loss in committing expenditure before the allocation was available. Nevertheless, the ILO was now more sensitive to negative allocation balances and an official was being assigned to monitor them so that they could be corrected earlier or perhaps even eliminated altogether.

35. Paragraph 120 of the External Auditor's Report gave the reasons for delays in project delivery. Occasionally there were delays in equipment purchasing because of the need to call for tenders, but the great majority of delays were caused by recruitment problems, government approval procedures and availability of donor funds. The ILO did not take these delays less seriously simply because they were outside its control. It was a full partner in technical cooperation projects and would do all it could in discussions with donors and recipient governments to accelerate procedures.

36. The Treasurer agreed with the comment of the representative of the Government of the United Kingdom that it was extremely worrying that the Organisation was so vulnerable in the absence of any disaster contingency plans for its computer systems. Such a plan would cost about $1 million but it had not been possible to allocate the necessary funds in view of the current zero growth regime.

37. The representative of the Government of Nigeria could not accept the Treasurer's observation that no news was good news because he had not received a copy of the External Auditor's Report, and was not familiar with its contents. However, he was confident that other members of the Committee would make criticisms where they were justified. It was not clear to what extent project evaluations looked at the efficient use of resources. In his own country there was probably more scope fot replacing expensive international experts with cheaper local experts, and this could perhaps be investigated further. He associated himself with the remarks of the representative of the Government of Germany concerning the Report of the External Auditor, and he urged the Office to ensure that in future the Committee documents were dispatched earlier.

38. The Treasurer replied that the Financial Regulations provided that the audited accounts were to be circulated to member States six weeks before the opening of the Conference, and this invariably was done. Copies were sent to the capital cities of member States and to the missions. If particular problems in the transmission of the document could be identified, advance arrangements could be made to use special couriers. His earlier statement that no news was good news was used in a special sense, and meant that the External Auditor had never reported to the Governing Body that the Office was ignoring his Report. From now on, of course, the External Auditor would be reporting every two years in the normal way on the ILO's follow-up to his recommendations, and the ILO itself would be reporting every other year. With regard to technical cooperation projects, for trust fund projects the ILO charged actual cost and, for UNDP projects, the standard cost set by UNDP itself.

39. The Committee took note of the External Auditor's Report.

40. *The Committee proposes that the Governing Body submit the final accounts for the 62nd financial period (1990-91) to the 79th (June 1992) Session of the International Labour Conference for consideration and adoption.*

APPENDIX IX

EXTRACT FROM THE FIRST REPORT OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE TO THE GOVERNING BODY AT ITS 253RD SESSION (MAY-JUNE 1992)

Treatment of 1990-91 cash surplus

49. The Committee had before it a paper (GB.253/PFA/3/7) containing proposals concerning the 1990-91 cash surplus.

50. Miss Mackie, speaking on behalf of the Employer members, stated that the paper had been the subject of considerable discussion by the Employers' group and that a wide variety of views had been expressed. The ILO had experienced income shortfalls in the past and had taken certain management decisions, which included expenditure reductions, in anticipation of such income shortfalls. In order to state her group's position clearly, it would be useful to have details of relevant programme reductions made by the ILO.

51. The representative of the Director-General (the Treasurer and Financial Comptroller), in response to Miss Mackie, gave brief details regarding programme reductions in 1986-87 and 1988-89, which had affected most departments. It was difficult to determine whether programmes which had been reduced in the past were still valid at the present time, but fuller details regarding the programme cuts could be made available to the Employers' group if required.

52. Miss Mackie thanked the Treasurer for the information provided and pointed out that, in accordance with the ILO's Financial Regulations, income shortfalls could have been compensated by withdrawals from the Working Capital Fund, which would have required replenishment by supplementary assessments on member States. The Governing Body had decided, however, when it was the largest contributor that was falling behind and the size of the shortfall was considerable, that it was more sensible to restrict the ILO's activities. As a consequence, member States were not called upon to make up the shortfall. Now the payment of those arrears of contributions had resulted in a cash surplus. The redistribution of such a surplus to member States would not constitute a reimbursement to them; it would represent a paradoxical situation where the late payment of contributions by member States resulted in part of those contributions being repaid to them. The Director-General's proposal to waive the provisions of article 18 was therefore fully supported.

53. Several of the items proposed for funding through the cash surplus had already been approved by the Governing Body. Due to the constraints of a zero-growth budget, however, it had not been possible to make the necessary budgetary provisions for these proposals in the past. The proposed items of expenditure were valid and necessary and would contribute considerably to the efficiency of the Office. This was especially true where substantial investment had already been made and where further funding was now required to ensure that full benefit was derived from the proposed improvements.

54. In order to enable the Committee to monitor the expenditure proposed in the paper, a small group or subcommittee should be created which would be in a better position to carry out a detailed assessment of the Office's use of these funds, and should submit progress reports to the Committee in the future. This would provide the Committee with a much tighter means of control and involvement than was presently available.

55. Ms. Carr, speaking on behalf of the Worker members, agreed that the ILO should not be penalised because of late payments made by member States. The proposals set out in the paper were very valid and represented a real need for modernisation which would ensure the improved efficiency of the ILO in the future. The repayment of the cash surplus to member States was certainly unacceptable, since it had resulted directly from the late payment of certain member States' contributions. The proposed waiver of article 18 of the Financial Regulations was therefore totally supported.

56. With specific reference to the proposed electronic voting system, there should be control over the use of the system by other parties, and the question of ownership should be clarified in view of the fact that it would be financed from ILO funds. With regard to the proposed transfer to the Building and Accommodation Fund, it would be useful to have details of the proposed use of the Fund.

57. The representative of the Government of Morocco stated that it was very difficult to carry out necessary improvements under a zero-growth budget. The proposed waiver of article 18 of the Financial Regulations was therefore supported.

58. The representative of the Government of Germany agreed that it was important that member States' contributions should be paid on time. The provisions of article 18 should, however, be strictly adhered to. It was not clear how the proposed investments would have been funded had the cash surplus not existed. Although the proposals were well motivated, his Government was not convinced that a waiver of article 18 should be accepted.

59. The representative of the Government of Canada stated that, although it was important that the Financial Regulations should be strictly applied, it was recognised that, when income shortfalls had occurred, it had been extremely difficult to include provisions in the budget for certain major items of capital expenditure. It was therefore reasonable to consider such expenditure now that arrears had been paid. A distinction should, however, be made between items that constituted an investment and those that were clearly normal maintenance. The former category would include the electronic voting system, cabling, text processing, electronic mail and the PERSIS project, whereas repairs to sound equipment, telephones and the proposed transfer to the Building and Accommodation Fund would fall under the latter, and were, or should have been provided for in the regular budget.

60. The representative of the Government of India noted that capital investment in equipment during the last few years by the Office had been hampered by the imposition of zero real growth and related budgetary cuts. While her country stood to gain considerably if the surplus was distributed amongst member States, she endorsed the proposals, which would engender greater long-term efficiency and productivity within the Office.

61. The representative of the Government of Nigeria advised caution in departing from the Financial Regulations, in particular article 18. He questioned the need to replace existing equipment if it was already functioning efficiently. Countries currently facing difficult economic and financial conditions may already have difficulty in meeting future assessed contributions, and the strict application of article 18 would help such countries to do so.

62. The representative of the Government of Chad also referred to the current political and economic difficulties faced in particular by the French-speaking African countries. One outcome was that contribution payments were often delayed, but he stressed that this did not indicate any lack of goodwill on the part of member States. Where a member State's contributions were in arrears for more than two years, it might be more beneficial for the ILO to organise a mission to the country to initiate contacts at the

proper government level in an attempt to find a solution rather than continuing with an exchange of correspondence.

63. The representative of the Government of Denmark complimented the Office on the positive financial management leading to the budgetary savings in the 1986-87 and 1988-89 biennia. The current proposals represented a serious and positive management approach and he strongly supported them. However, the presentation could have been enhanced by a more detailed analysis of each proposal. He was unable to support the proposed transfer of 4 million Swiss francs to the Building and Accommodation Fund until additional information had been supplied. He also noted the worsening situation concerning the dispatch of the Office's documents to member countries, and wondered whether the Office could establish a working group to analyse the procedures and eventually introduce measures to improve the current system.

64. The representative of the Government of the United Arab Emirates acknowledged the importance of the proposals, but stressed that the Financial Regulations and in particular article 18 should be strictly adhered to. Consideration of these proposals could only legally be contemplated once article 18 had been amended, and he recommended that if the Committee wished to proceed along these lines, this should be the first priority.

65. The representative of the Government of Italy agreed with other speakers that it was important to adhere to the Financial Regulations and that any derogation from them must be restricted to exceptional circumstances only. The proposals for the modernisation of existing equipment and for investment in new technology represented long-term objectives for which the Office had already committed resources in some areas in the 1990-91 biennium. These were ongoing commitments built into the regular programme and budget and should therefore not be included as part of the one-time exceptional proposals presented in the paper.

66. Of the proposals presented, an electronic voting system would undoubtedly save time and money, and he supported both it and the proposal on the PERSIS project. The replacement of the central text-processing equipment could be supported if the contribution was to be used to complete the project, but otherwise, it should remain as a regular budget commitment, together with the remaining proposals.

67. The representative of the Government of Lesotho stressed that the Organisation needed to keep abreast of current technological advances in communication and audio systems and supported the proposals as presented.

68. The representative of the Government of the United Kingdom affirmed her Government's position that the Financial Regulations should always be adhered to, although she noted that one of the reasons that a surplus existed was that not all governments had abided by them in the past. She agreed that the Office's programmes should not be constrained by unreliable obsolete equipment, but added that regular budget programmes, notably programme 170.4, already contained a sizable provision for the maintenance and repair of technical installations. It was true none the less that past budgetary constraints faced by the Office imposed difficulties for the proper repair and maintenance of Office equipment, and for this reason the proposals should receive sympathetic consideration. However, she agreed with the representative of the Government of Canada that a clear distinction needed to be established between exceptional items and those items that would normally be incorporated into a regular budget programme.

69. She expressed support for the electronic voting system and suggested that it might be feasible for the Office to rent out the system later to interested users as a means of recovering some of the initial investment, but was unconvinced in respect of the proposal to increase the Building and Accommodation Fund by 4 million Swiss francs without more specific details of how the funds would be spent.

70. The representative of the Government of France endorsed the remarks of earlier speakers. The Financial Regulations should be applied sensibly, and he considered that investment by the Office in new technology and equipment when funds were available represented a sensible management approach. It was clear that any delay now would only commit the Office to greater expenditure in the future and he fully supported the proposals of the Office.

71. The representative of the Government of Australia acknowledged that the Office was emerging from an extended period of financial difficulty during which capital investment had been restrained. He supported in principle the proposed investment in equipment, and recommended the waiver of article 18 of the Financial Regulations as an exceptional measure, although he felt that a more thorough cost-benefit analysis should have been provided for each item. In the absence of any specific building proposals, he was unable to support the transfer of resources to the Building and Accommodation Fund, but would welcome any additional detailed information provided by the Office. He endorsed earlier speakers' comments that the Office should clarify the exact priority of the computer disaster back-up system before any decision was made.

72. The representative of the Government of the United States stressed that the 1990-91 cash surplus should be returned to member governments as stipulated by article 18 of the Financial Regulations. He acknowledged the financial difficulties the Office had faced over recent biennia and thought that the proposals for equipment and repairs should be considered sympathetically, but could not support the proposal for transfer to the Building and Accommodation Fund until the Office was able to put forward specific proposals on how the money would be spent.

73. The representative of the Government of Ireland expressed concern over the departure from the strict application of the Financial Regulations. This was not the first time this had occurred and the Office perhaps needed to re-examine and amend the existing Regulations so that they remained applicable even in exceptional circumstances.

74. He supported the proposed expenditure on equipment items which should generate improved efficiency within the Office. In respect of the proposed transfer to the Building and Accommodation Fund, no clear proposals had been put forward, and he was unable to support the point for decision as it stood.

75. The representative of the Director-General (the Treasurer and Financial Comptroller) explained that the balance in the Building and Accommodation Fund as reported in the audited accounts was only the actual cash balance of the Fund. As described in the footnote, the Governing Body had already approved expenditure of 2.6 million Swiss Francs under the Fund this biennium and the available balance was therefore considerably less.

76. The Director-General had occasionally been informally approached by some member States in which ILO offices were situated on the possibility of the construction of premises to accommodate the ILO office, with the host country making a gift of the required land. It had not been possible to pursue these tentative offers in view of the limited funds available under the Building and Accommodation Fund. He cited examples of certain recent offers that had been made.

77. The installation of electronic voting equipment at the Palais des Nations would require the permanent installation of cables and wiring only. All portable equipment would be kept in the Office and any request for hiring or renting could be negotiated by the Office in accordance with normal procedures.

78. In respect of the audio system, patchwork repairs were very costly and the entire system should be replaced. It was equally important for the Committee to take prompt decisions concerning the installation of cabling systems which was now half completed, and the replacement of the telephone exchange which was now 17 years old. The PTT had advised the Office that the telephone system was obsolete and they would not be able to maintain it for more than two years.

79. In reply to the question from the representative of the Government of Germany, the Treasurer stated that the proposals had not been put forward merely because there was a cash surplus. The 1990-95 Medium-Term Plan, discussed in 1988, referred to the inadequacy of the telephone system and there was a constant stream of complaints about the audio system. The only reason these proposals had not been included in normal budgetary proposals was the zero-growth regime imposed on the Office in recent years.

80. The Chairman, in summing up the discussion so far, observed that there seemed to be a fairly broad measure of consensus in favour of the items of equipment described in paragraph 22 of the Office paper. Equally, there appeared to be a number of reservations against the transfer of 4 million Swiss francs to the Building and Accommodation Fund, particularly in the absence of concrete proposals on what these funds would be used for. So as not to prolong the debate unnecessarily a workable compromise might be to accept the Office proposal, except for the transfer to the Building and Accommodation Fund, and to discuss this last matter in more detail when the Office was able to present specific proposals.

81. Ms. Carr expressed the Workers' agreement with the Chairman's summation, but added that the 4 million Swiss francs originally proposed for the Building and Accommodation Fund should not be refunded to member States. It should be set aside in a reserve account pending discussions by the Committee on firm proposals from the Office.

82. Miss Mackie said that the Employers very much regretted that arguments advanced against returning money as part of the cash surplus had not been fully recognised in the suggested compromise, and associated herself with the proposal put forward by the Workers that the 4 million Swiss francs should be retained in a frozen account for the time being.

83. The representative of the Government of Germany had reservations about the proposal. Nevertheless, if the 4 million Swiss francs proposed for the Building and Accommodation Fund was to be transferred to the cash surplus for distribution to member States he would be prepared to withdraw the reservations he had expressed earlier.

84. The representative of the Government of Morocco expressed his support for the compromise proposal put forward by the Chairman.

85. The representative of the Government of Denmark was unable to agree to the suggestion that the 4 million Swiss francs should be added to the cash surplus for distribution. Many convincing arguments had been put forward in favour of a transfer to the Building and Accommodation Fund. Perhaps the Committee might agree to a transfer of 2 million Swiss francs to the Building and Accommodation Fund, with the remaining 2 million Swiss francs being added to the cash surplus.

86. Ms. Carr was unable to accept this proposal. The great majority of speakers had expressed themselves in favour of the proposal in the Office paper, and she reiterated her view that the 4 million Swiss francs should be placed aside until proposals on how it might be used were discussed.

87. Miss Mackie expressed full support for the remarks of the previous speaker. However, even that position was a substantial concession from what the Employers originally wanted because there were strong and convincing arguments in favour of retaining the entire sum and thus making it possible to consider restoring provisions for expenditure previously deleted.

88. The representative of the Government of the United Kingdom thought the Chairman's proposal was a sensible compromise. From the course of the discussion so far, it was clear that many speakers had made substantial concessions from their original positions and the Committee was on the verge of reaching agreement. She urged the Employer and Worker members to reconsider their views on the treatment of the 4 million Swiss francs so that the Committee could come to a decision without further ado.

89. Ms. Carr observed that many of the speakers so far had expressed themselves - some admittedly with reluctance - in favour of the proposals for expenditure on equipment, even though they were against the transfer of 4 million Swiss francs to the Building and Accommodation Fund. But even here they had expressed a willingness to consider firm proposals from the Office and the Workers believed it would be wrong for the 4 million to be added to the cash surplus for distribution before the Committee had debated these proposals. All she was asking was that the 4 million Swiss francs be placed in a reserve account and not distributed in the meantime.

90. Miss Mackie said that there was substantial agreement among the Employer members to the compromise. During their discussions the Employer members had taken note of the remarks made by the External Auditor concerning disaster recovery precautions and the possibility that these might cost 1 million Swiss francs. Although the Employer members were not proposing a further amendment, they wished to record their surprise that a matter of this importance had not formed part of the list. In regard to the proposed compromise solution, the Employer members agreed, albeit reluctantly, to accept it.

91. Ms. Carr said that the Worker members accepted the proposed compromise solution that 2 million Swiss francs should be refunded to member States in accordance with article 18, and that 2 million Swiss francs should be transferred to the Building and Accommodation Fund.

92. The representative of the Government of the United States, clarifying his earlier statement, restated that his Government had hoped that a refund would be made in accordance with article 18, but was nevertheless willing to accept that the Organisation needed the extra money to repair, upgrade or buy equipment. However, he was not in favour of any transfer to the Building and Accommodation Fund, which could be considered as a contingency fund. If money was needed for building purposes then proposals should have been made and considered as part of the normal budget procedure. It was disappointing that governments had once again been asked to compromise and give up money which should have been reimbursed to them in accordance with the Financial Regulations. The governments had made an extremely generous compromise by agreeing to these proposals, but were unhappy to have been asked once again to give up money which should have been refunded to them. It was preferable to adhere to the Financial Regulations.

93. The representative of the Government of Germany agreed with the position taken by the representative of the Government of the United States. He did not believe that the Building and Accommodation Fund should receive 2 million Swiss francs because 4 million francs was too much; nor was he convinced either by the paper before the Committee or by the clarifications given by the representative of the Director-General that it was possible to specify an amount corresponding to the requirements of this Fund. However, compromises did emerge, and although they

might not be entirely logical, it was sometimes necessary to choose the lesser of two evils. He shared the same regret expressed by the representative of the Government of the United States that governments were not to be refunded in accordance with article 18, but he was willing to agree to the compromise solution put forward by the representative of the Government of Denmark.

94. The representative of the Government of the United Kingdom stated that she would normally oppose a recommendation of this sort which was in effect a disguised supplementary budget, and which contained proposals which were not fully justified or costed. However, due to the exceptional circumstances she was prepared to support the expenditure on the items listed under the heading of equipment. She was not convinced that each item had been fully justified and costed, but it did make sense to take this opportunity to replace equipment. Her reservations concerning the transfer of money to the Building and Accommodation Fund remained. There were no firm proposals to support this transfer, and indeed after the discussion on the amount to be transferred her hesitation had been reinforced. It would appear that the original amount of 4 million Swiss francs had not been properly costed or justified if 2 million Swiss francs would now suffice. If expenditure was required on building or accommodation for the Office, then the Committee, the Governing Body and the Conference were prepared to consider properly costed and argued proposals. In the case of the ILO Regional Office for Africa in Abidjan, for example, it was obvious that expenditure on the building was in the interests of the Organisation, and that a return on the investment would be secured within a short period. Concrete proposals of this sort would be considered. On the other hand it was difficult to accept that an arbitrary amount of money should be transferred into the account "just in case". There were already a number of these "just in case" accounts and there was no justification for increasing this Fund at present. She would not ask for a vote, but the Committee should consider seriously whether it wanted to take decisions on financial and other important matters on the basis of arbitrary rather than well-considered arguments.

95. The Chairman reminded the Committee that it should be considering whether or not it accepted the compromise proposed by the representative of the Government of Denmark. There was no point in repeating views already expressed in the earlier discussion and he asked subsequent speakers to indicate their views on the compromise solution under debate.

96. The representative of the Government of Australia disagreed that governments should be denied the opportunity to place on record their reluctance to accept the compromise solution. There was no rationale for either 2 million or 4 million Swiss francs to be transferred to the Building and Accommodation Fund, and 2 million was only better than 4 million because it was a smaller sum. If there was a clear reason for spending money on buildings then it should be discussed and decided upon in the Governing Body. He accepted the compromise solution proposed by the representative of the Government of Denmark but, given the lack of information, did so with reluctance.

97. The representative of the Government of the Russian Federation stated that his Government had reviewed its previous position concerning the stringent observation of the Financial Regulations after considering the remarks made by the representative of the Government of Germany. Measures should be adopted to improve equipment. Although such expenditure was recurrent and it would be logical to provide the necessary money through the budget, it would be a mistake to believe that all financial decisions were immutable. In this particular case there were good reasons to finance certain kinds of expenditure from the cash surplus. Earlier his Government had supported the position taken by the Chairman, but a new solution had now been proposed, and although his Government did not like it very much it would not hinder its adoption.

98. The representative of the Government of Nigeria believed that the transfer of money to the Building and Accommodation Fund was important. His Government had been paying the rent of the ILO office in Lagos since its transfer from Accra and it would therefore appreciate it if these costs were taken over by the ILO. He believed that 2 million Swiss francs was insufficient and would prefer that the full 4 million Swiss francs or even more be transferred to the Fund. However, since a compromise was being sought he would support it.

99. The representative of the Government of Mexico repeated her support for the original proposal made by the Director-General but indicated that she had no difficulty in agreeing to any compromise solution reached.

100. The Chairman reminded the Committee that the first compromise proposed, which did not have the support of the Employer or Worker members, involved not transferring any funds to the Building and Accommodation Fund. The second compromise, which had met with less opposition, proposed that 2 million Swiss francs be refunded to member States, and 2 million Swiss francs be transferred to the Building and Accommodation Fund. Although certain governments had expressed their regret or reservations in regard to the second compromise solution, they had also stated that they would not oppose it. That being the case he proposed that the Committee accept the second compromise solution.

101. *The Committee recommends that the Governing Body propose to the 79th (1992) Session of the International Labour Conference that, as an exceptional one-time measure and in derogation of article 18 of the Financial Regulations, the urgent capital equipment purchases itemised in the Appendix (Appendix XII to this Provisional Record) to this report amounting to 10,324,000 Swiss francs together with a transfer to the Building and Accommodation Fund of 2 million Swiss francs, be financed from the 1990-91 cash surplus, and that it adopt a resolution in the following terms:*

> The General Conference of the International Labour Organisation,
>
> Noting that for the 1990-91 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 19,369,458 Swiss francs;
>
> 1. Decides, as an exceptional one-time measure and in derogation of article 18 of the Financial Regulations, to set aside 10,324,000 Swiss francs of the 1990-91 cash surplus in a special account, to be used for the purpose of financing the purchases of capital equipment itemised in the Appendix to this report, and 2 million Swiss francs to be transferred to the Building and Accommodation Fund, thereby reducing by corresponding amounts the sum which would otherwise be available for reducing member States' assessed contributions for 1993.
>
> 2. Notes that, taking account of the above appropriations, the amount available under article 18 of the Financial Regulations for reducing the assessed contributions of member States for 1993 will be 7,045,458 Swiss francs.

APPENDIX X

STATEMENTS SHOWING THE STATUS OF COLLECTION OF ANNUAL CONTRIBUTIONS AS AT 22 MAY 1992

(in Swiss francs)

I. ASSESSED CONTRIBUTIONS FOR 1992

State (French alphabetical order)	Assessed contributions for 1992		Amount received to 22 May 1992	Balance due on 22 May 1992
	%	Amount Sw.frs.	Sw.frs.	Sw.frs.
A. *States which have paid their 1992 contributions in full*				
Saudi Arabia	1.01	3 175 538	3 175 538	–
Austria	0.73	2 295 191	2 295 191	–
Belgium	1.16	3 647 153	3 647 153	–
Canada*	3.07	9 652 379	9 652 379	–
Cyprus	0.02	62 882	62 882	–
Congo*	0.01	31 441	31 441	–
Denmark	0.68	2 137 986	2 137 986	–
Dominica*	0.01	31 441	31 441	–
Egypt*	0.07	220 087	220 087	–
Spain	1.94	6 099 549	6 099 549	–
Fiji	0.01	31 441	31 441	–
Finland	0.51	1 603 490	1 603 490	–
France	6.21	19 524 844	19 524 844	–
Greece	0.40	1 257 639	1 257 639	–
Indonesia	0.15	471 615	471 615	–
Irland	0.18	565 938	565 938	–
Iceland	0.03	94 323	94 323	–
Japan	11.30	35 528 301	35 528 301	–
Jordan	0.01	31 441	31 441	–
Kuwait	0.29	911 788	911 788	–
Lesotho	0.01	31 441	31 441	–
Luxembourg	0.06	188 646	188 646	–
Mali*	0.01	31 441	31 441	–
Malta*	0.01	31 441	31 441	–
Mauritius*	0.01	31 441	31 441	–
Mozambique	0.01	31 441	31 441	–
Myanmar*	0.01	31 441	31 441	–
Namibia	0.01	31 441	31 441	–
Norway	0.55	1 729 254	1 729 254	–
Paraguay	0.03	94 323	94 323	–
Netherlands	1.64	5 156 320	5 156 320	–
Poland	0.56	1 760 695	1 760 695	–
United Kingdom	4.83	15 185 990	15 185 990	–
San Marino	0.01	31 441	31 441	–
Saint-Lucia	0.01	31 441	31 441	–
Singapore	0.11	345 851	345 851	–
Sri Lanka	0.01	31 441	31 441	–
Sweden*	1.20	3 772 917	3 772 917	–
Switzerland	1.07	3 364 184	3 364 184	–
Tanzania, United Republic of*	0.01	31 441	31 441	–
Thailand*	0.10	314 410	314 410	–
Total – States which have paid their 1992 contributions in full	38.05	119 632 908	119 632 908	–

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* States which paid before 1 January 1992.

State (French alphabetical order)	Assessed contributions for 1992 %	 Amount Sw.frs.	Amount received to 22 May 1992 Sw.frs.	Balance due on 22 May 1992 Sw.frs.
B. *States which have paid part of their 1992 contributions*				
Algeria	0.15	471 615	433 703	37 912
Germany	9.29	29 208 665	14 262 433	14 946 232
Australia	1.56	4 904 792	4 123 415	781 377
Bahrain	0.02	62 882	547	62 335
Bangladesh	0.01	31 441	40	31 401
Barbados	0.01	31 441	297	31 144
Belarus	0.33	1 037 552	7 807	1 029 745
Belize	0.01	31 441	70	31 371
Bolivia	0.01	31 441	1 222	30 219
Botswana	0.01	31 441	808	30 633
Central African Republic	0.01	31 441	292	31 149
China	0.78	2 452 396	1 233 029	1 219 367
Colombia	0.14	440 174	29 078	411 096
Côte d'Ivoire	0.02	62 882	17 329	45 553
Ethiopia	0.01	31 441	343	31 098
Ghana	0.01	31 441	253	31 188
Honduras	0.01	31 441	2 279	29 162
Hungary	0.21	660 260	7 056	653 204
India	0.37	1 163 316	7 971	1 155 345
Italy	3.96	12 450 626	122 928	12 327 698
Jamaica	0.01	31 441	28 518	2 923
Kenya	0.01	31 441	15 814	15 627
Lao People's Democratic Rep.	0.01	31 441	22	31 419
Malaysia	0.11	345 851	3 658	342 193
Malawi	0.01	31 441	298	31 143
Morocco	0.04	125 764	966	124 798
Mexico	0.93	2 924 011	2 062	2 921 949
Mongolia	0.01	31 441	276	31 165
Nepal	0.01	31 441	349	31 092
New Zealand	0.24	754 583	1 850	752 733
Uganda	0.01	31 441	8	31 433
Pakistan	0.06	188 646	8 678	179 968
Portugal	0.18	565 938	5 766	560 172
Romania	0.19	597 379	2 094	595 285
Russian Federation[1]	9.92	31 189 446	221 917	30 967 529
Rwanda	0.01	31 441	216	31 225
Sao Tome and Principe	0.01	31 441	713	30 728
Sudan	0.01	31 441	353	31 088
Swaziland	0.01	31 441	52	31 389
Chad	0.01	31 441	308	31 133
Czechoslovakia	0.65	2 043 663	10 854	2 032 809
Tunisia	0.03	94 323	58 254	36 069
Turkey	0.32	1 006 111	112 854	893 257
Ukraine	1.24	3 898 681	28 958	3 869 723
Venezuela	0.57	1 792 136	16 008	1 776 128
Zaire	0.01	31 441	353	31 088
Zambia	0.01	31 441	312	31 129
Total – States which have paid part of their 1992 contributions	31.54	99 164 835	20 772 411	78 392 424

State (French alphabetical order)	Assessed contributions for 1992		Amount received to 22 May 1992	Balance due on 22 May 1992
	%	Amount Sw.frs.	Sw.frs.	Sw.frs.
C. *States which have made no payment towards their 1992 contributions*				
Afghanistan	0.01	31 441	–	31 441
Albania	0.01	31 441	–	31 441
Angola	0.01	31 441	–	31 441
Antigua and Barbuda	0.01	31 441	–	31 441
Argentina	0.65	2 043 663	–	2 043 663
Bahamas	0.02	62 882	–	62 882
Benin	0.01	31 441	–	31 441
Brazil	1.44	4 527 500	–	4 527 500
Bulgaria	0.15	471 615	–	471 615
Burkina Faso	0.01	31 441	–	31 441
Burundi	0.01	31 441	–	31 441
Cambodia	0.01	31 441	–	31 441
Cameroon	0.01	31 441	–	31 441
Cape Verde	0.01	31 441	–	31 441
Chile	0.08	251 528	–	251 528
Comoros	0.01	31 441	–	31 441
Costa Rica	0.02	62 882	–	62 882
Cuba	0.09	282 969	–	282 969
Djibouti	0.01	31 441	–	31 441
Dominican Republic	0.03	94 323	–	94 323
El Salvador	0.01	31 441	–	31 441
United Arab Emirates	0.19	597 379	–	597 379
Ecuador	0.03	94 323	–	94 323
United States	25.00	78 602 437	–	78 602 437
Gabon	0.03	94 323	–	94 323
Grenada	0.01	31 441	–	31 441
Guatemala	0.02	62 882	–	62 882
Guinea	0.01	31 441	–	31 441
Guinea-Bissau	0.01	31 441	–	31 441
Equatorial Guinea	0.01	31 441	–	31 441
Guyana	0.01	31 441	–	31 441
Haiti	0.01	31 441	–	31 441
Solomon Islands	0.01	31 441	–	31 441
Iran, Islamic Republic of	0.68	2 137 986	–	2 137 986
Iraq	0.12	377 292	–	377 292
Israel	0.21	660 260	–	660 260
Lebanon	0.01	31 441	–	31 441
Liberia	0.01	31 441	–	31 441
Libyan Arab Jamahiriya	0.28	880 347	–	880 347
Madagascar	0.01	31 441	–	31 441
Mauritania	0.01	31 441	–	31 441
Nicaragua	0.01	31 441	–	31 441
Niger	0.01	31 441	–	31 441
Nigeria	0.20	628 820	–	628 820
Panama	0.02	62 882	–	62 882
Papua New Guinea	0.01	31 441	–	31 441
Peru	0.06	188 646	–	188 646
Philippines	0.09	282 969	–	282 969
Qatar	0.05	157 205	–	157 205
Senegal	0.01	31 441	–	31 441
Seychelles	0.01	31 441	–	31 441
Sierra Leone	0.01	31 441	–	31 441
Somalia	0.01	31 441	–	31 441
Suriname	0.01	31 441	–	31 441
Syrian Arab Republic	0.04	125 764	–	125 764
Togo	0.01	31 441	–	31 441
Trinidad and Tobago	0.05	157 205	–	157 205
Uruguay	0.04	125 764	–	125 764
Yemen	0.01	31 441	–	31 441
Yugoslavia	0.46	1 446 285	–	1 446 285
Zimbabwe	0.02	62 882	–	62 882
Total – States which have made no payment towards their 1992 contributions	30.41	95 612 007	–	95 612 007
Total – Assessed contributions for 1992	100.00	314 409 750	140 405 319	174 004 431

II. ARREARS OF CONTRIBUTIONS AND AMOUNTS DUE BY STATES WHEN THEY CEASED TO BE MEMBERS OF THE ILO

State (French alphabetical order)	Arrears due on 1 January 1992 Sw.frs.	Amount received to 22 May 1992 Sw.frs.	Balance due on 22 May 1992 Sw.frs.	Years partly or fully outstanding
A. *States which have arrears of contributions due of less than two years*				
Afghanistan	27 577	–	27 577	1991
Albania	17 744	–	17 744	1991
Angola	5 059	–	5 059	1991
Argentina	3 355 048	961 569	2 393 479	1990-91
Bahamas	70 412	25 810	44 602	1991
Bahrain	57 827	57 827	–	–
Belarus	477 073	–	477 073	1991
Belize	523	523	–	–
Benin	71 521	28 943	42 578	1990-91
Brazil	7 475 917	2 690	7 473 227	1990-91
Burkina Faso	28 757	–	28 757	1991
Burundi	61 927	30 964	30 963	1990-91
Cape Verde	57 828	29 000	28 828	1991
Central African Republic	28 552	–	28 552	1991
Chile	259 500	–	259 500	1990-91
Colombia	171 179	171 179	–	–
Costa Rica	106 100	–	106 100	1990-91
Cuba	610 618	130 000	480 618	1990-91
El Salvador	36 552	–	36 552	1990-91
United Arab Emirates	549 357	549 357	–	–
Ecuador	224 692	69 314	155 378	1990-91
United States	40 103 419	–	40 103 419	1991
Gabon	22 943	–	22 943	1991
Ghana	28 914	–	28 914	1991
Grenada	16 207	–	16 207	1991
Guatemala	156 333	44 766	111 567	1990-91
Guinea	33 373	–	33 373	1990-91
Guinea-Bissau	31 371	–	31 371	1990-91
Haiti	55 676	–	55 676	1990-91
Solomon Islands	28 914	–	28 914	1991
Iran, Islamic Republic of	6 020 439	2 090 000	3 930 439	1990-91
Israel	567 340	313 000	254 340	1991
Lao People's Dem. Rep.[2]	40 856	–	40 856	1988-89
Madagascar	43 315	15 257	28 058	1991
Mauritania	28 362	–	28 362	1991
Mongolia	28 634	–	28 634	1991
Nicaragua	14 203	–	14 203	1991
Niger	62 887	21 051	41 836	1990-91
Nigeria	502 075	–	502 075	1991
Uganda	7 885	–	7 885	1991
Pakistan	208 039	208 039	–	–
Panama	61 486	27 491	33 995	1991
Papua New Guinea	35 294	–	35 294	1990-91
Philippines	321 455	102 404	219 051	1991
Russian Federation[1]	28 682 190	–	28 682 190	1991
Rwanda	28 625	–	28 625	1991
Senegal	89 004	61 163	27 841	1991
Seychelles	62 967	34 053	28 914	1991
Sudan	28 539	–	28 539	1991
Suriname	57 545	57 545	–	–
Syrian Arab Republic	115 654	–	115 654	1991
Togo	29 158	–	29 158	1990-91
Trinidad and Tobago	76 926	–	76 926	1991
Tunisia	28 871	28 871	–	–
Ukraine	1 792 636	–	1 792 636	1991
Uruguay	116 014	115 654	360	1991
Yemen	158 497	58 866	99 631	1990-91
Zaire	14 923	–	14 923	1991
Zambia	7 170	–	7 170	1991
Zimbabwe	9 924	–	9 924	1991
Total – States which have arrears of contributions due of less than two years	93 411 836	5 235 336	88 176 500	

State (French alphabetical order)	Arrears due on 1 January 1992 Sw.frs.	Amount received to 22 May 1992 Sw.frs.	Balance due on 22 May 1992 Sw.frs.	Years partly or fully outstanding
B. *States which are two years or more in arrears and which are subject to paragraph 4 of article 13 of the Constitution*				
Antigua and Barbuda	61 641	–	61 641	1989-91
Cambodia	452 840	–	452 840	1974-91
Cameroon	61 042	–	61 042	1989-91
Comoros[3]	277 440	–	277 440	1980-91
Djibouti	77 179	–	77 179	1989-91
Dominican Republic[4]	838 639	–	838 639	1970-76 1985-91
Equatorial Guinea	148 004	–	148 004	1986-91
Guyana	194 961	–	194 961	1984-91
Iraq	1 327 274	–	1 327 274	1988-91
Lebanon	58 613	–	58 613	1989-91
Liberia	124 736	–	124 736	1987-91
Libyan Arab Jamahiriya	1 619 156	–	1 619 156	1990-91
Paraguay[5]	1 120 702	65 519	1 055 183	1963-90
Peru	552 666	–	552 666	1989-91
Poland[6]	12 655 069	790 942	11 864 127	1981-87
Romania[7]	2 156 862	–	2 156 862	1985-89
Sierra Leone	293 396	–	293 396	1979-91
Somalia	119 755	–	119 755	1988-91
Chad[8]	128 216	–	128 216	1977-82
Yugoslavia	2 673 352	–	2 673 352	1989-91
Total – Arrears of contributions due by Member States which are two years or more in arrears and which are therefore subject to the provisions of paragraph 4 of article 13 of the Constitution	24 941 543	856 461	24 085 082	
C. *Amounts due by States when they ceased to be Members of the ILO*				
Albania	135 142	–	135 142	1964-67
Paraguay[5]	245 066	–	245 066	1937
South Africa	522 727	–	522 727	1964-66
Viet Nam	182 960	–	182 960	1982-85
Total – Amounts due by States when they ceased to be Members of the ILO	1 085 895	–	1 085 895	
Total – Arrears of contributions and amounts due by States when they ceased to be Members of the ILO	119 439 274	6 091 797	113 347 477	

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[1] *Russian Federation* – In a letter of 26 December 1991 addressed to the Director-General by the Permanent Mission of the Russian Federation to the United Nations Office and other international organisations in Geneva transmitting a note from the Ministry of Foreign Affairs, the Russian Federation indicated, inter alia, that it "remains responsible in full for all rights and obligations of the USSR in the International Labour Organisation including the financial obligations".

[2] *Lao People's Democratic Republic* – In accordance with the arrangement approved by the Conference at its 77th Session (1990), the Lao People's Democratic Republic is called upon *(a)* to pay in full in 1990 its contribution for the 1990 year; *(b)* in subsequent years to pay its current contribution in full in the year in which it is due; *(c)* to settle the arrears that have accumulated up to and including 31 December 1989 amounting in total to Sw.frs. 122,568 by the payment of three equal annual instalments of Sw.frs. 40,856 beginning in 1990. The Conference also decided at its 77th Session (1990) that the Lao People's Democratic Republic should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. The Lao People's Democratic Republic has paid its annuities and contributions for 1990 and 1991 and has been credited with its share in the incentive scheme for 1990 of 22 Swiss francs. The arrears of contributions now due from the Lao People's Democratic Republic of Sw.frs. 40,856 represent the balance of its consolidated arrears of contributions to the end of 1989.

[3] *Comoros* – In accordance with the arrangement approved by the Conference at its 70th Session (1984), the Comoros is called upon: *(a)* to pay in 1985 its 1985 contribution ($2,737) in full; *(b)* in subsequent years to pay its current contribution in full in the year for which it is due; *(c)* to settle the arrears that will have accumulated up to and including 31 December 1984, amounting to $56,739, by the payment of nine equal annual instalments of $5,674 beginning in 1985 and a final instalment of $5,673. The Conference also decided at its 70th Session (1984), under paragraph 4 of article 13 of the Constitution, that the Comoros should be permitted to vote. The Comoros made a payment ($5,000) on account of its 1985 annuity in 1986. The Comoros failed to comply with the terms of its arrangement in 1985 and therefore lost the right to vote as from 1 January 1986. The arrears of contributions now due from Comoros of Sw.frs. 277,440 include Sw.frs. 90,544 due in respect of arrears to the end of 1984 and its contributions from 1985 to 1991 amounting to Sw.frs. 186,896.

[4] *Dominican Republic* – In accordance with the arrangement approved by the Conference at its 63rd Session (1977), the Dominican Republic is called upon: *(a)* to pay its current contribution for the year 1977 in full; *(b)* in subsequent years to pay its current contribution in full in the year for which it is due; *(c)* to settle the arrears that have accumulated up to and including 31 December 1976, amounting to $266,286, by the payment of 19 equal annual instalments of $13,314 beginning in 1977 and a final instalment of $13,320. The Conference at its 65th Session (1979) decided, under paragraph 4 of article 13 of the ILO Constitution, that the Dominican Republic should be permitted to vote. The Dominican Republic paid its annuities and contributions for 1977 to 1984 inclusive. The Dominican Republic failed to comply with the terms of its arrangement in 1985 and therefore lost the right to vote as from 1 January 1986. The arrears of contributions now due from the Dominican Republic of Sw.frs. 838,639 comprise Sw.frs. 279,603 due in respect of arrears to the end of 1976 and its contributions from 1985 to 1991 of Sw.frs. 559,036.

[5] *Paraguay* – In accordance with the arrangement approved by the Conference at its 78th Session (1991), Paraguay is called upon *(a)* to pay in full in 1991 its contribution for the year 1991 together with its contribution due to the Working Capital Fund of the Organisation of Sw.frs. 2,625; *(b)* in subsequent years to pay its current contribution in full in the year for which it is due; *(c)* to settle the arrears that have accumulated up to and including 31 December 1990, amounting in total to Sw.frs. 1,174,753, by the payment of 19 equal annual instalments of Sw.frs. 58,738 beginning in 1991 and a final instalment of Sw.frs. 58,731. The Conference also decided at its 78th Session that Paraguay should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Paraguay has paid its contribution to the Working Capital Fund, its annuities and contributions for 1991 and 1992 and has also made a payment of 2,094 Swiss francs on account of its 1993 annuity. Paraguay also owes Sw.frs. 245,066 in respect of contributions to the ILO and other League of Nations organisations for the period prior to 1939. The Conference at its 45th Session (1961) decided that these arrears should be cancelled, such cancellation to become effective on the payment by Paraguay of all its arrears of contributions due since 5 September 1956, the date when Paraguay rejoined the Organisation.

[6] *Poland* – In accordance with the arrangement approved by the Conference at its 75th Session (1988), Poland is called upon: *(a)* to pay in 1988 its contribution for the year 1988 in full; *(b)* in subsequent years to pay its current contribution in full in the year for which it is due; *(c)* to settle the arrears that have accumulated up to and including 31 December 1987, amounting to $9,039,336, by the payment of 19 equal annual instalments of $451,967 beginning in 1988 and a final instalment of $451,963. At its 75th Session (1998) the Conference also decided that Poland should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Poland has paid its annuities and contributions for 1988 and 1992 and thus has the right to vote. The arrears of contributions now due from Poland of Sw.frs. 11,864,127 represent the balance of its consolidated arrears to the end of 1987.

[7] *Romania* – In accordance with the arrangement approved by the Conference at its 77th Session (1990), Romania is called upon *(a)* to pay in full in 1990 its contribution for the 1990 year; *(b)* in subsequent years to pay its current contribution in full in the year in which it is due; *(c)* to settle the arrears that have accumulated up to and including 31 December 1989 amounting in total to Sw.frs. 2,875,816 by the payment of eight equal annual instalments of Sw.frs. 359,477 beginning in 1990. The Conference also decided at its 77th Session (1990) that Romania should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Romania has paid its annuities and contributions for 1990 and 1991 and has been credited with its share in the incentive scheme for 1990 of 2,094 Swiss francs and thus has the right to vote. The arrears of contributions now due from Romania of Sw.frs. 2,156,862 represent the balance of its consolidated arrears of contributions to the end of 1989.

[8] *Chad* – In accordance with the arrangement approved by the Conference at its 69th Session (1983), Chad is called upon: *(a)* to pay in 1983 its contribution for the yeaar 1983 in full; *(b)* in subsequent years to pay its current contribution in full in the year for which it is due; *(c)* to settle the arrears that have accumulated up to and including 31 December 1982, amounting to $122,107, by the payment of 19 equal annual instalments of $6,105 beginning in 1984 and a final instalment of $6,112. The Conference also decided at its 69th Session (June 1983) that Chad should be permitted to vote in accordance with paragraph 4 of article 13 of the Constitution. Chad has paid its annuities and contributions for 1984 to 1991 and has been credited with its share in the incentive scheme for 1990 of 308 Swiss francs and thus has the right to vote. The arrears of contributions due from Chad of Sw.frs. 128,216 represent the balance of its consolidated arrears to the end of 1982.

APPENDIX XI

SCALES OF ASSESSMENT

State (French alphabetical order)	UN assessments 1991 % Col. 1	ILO assessments 1992 % Col. 2	UN assessments 1992-94 % Col. 3	ILO assessments 1993 % Col. 4
1. Afghanistan	0.01	0.01	0.01	0.01
2. Albania	0.01	0.01	0.01	0.01
3. Algeria	0.15	0.15	0.16	0.16
4. Germany	9.36	9.29	8.93	8.86
5. Angola	0.01	0.01	0.01	0.01
6. Antigua and Barbuda	0.01	0.01	0.01	0.01
7. Saudi Arabia	1.02	1.01	0.96	0.95
8. Argentina	0.66	0.65	0.57	0.56
9. Australia	1.57	1.56	1.51	1.50
10. Austria	0.74	0.73	0.75	0.74
11. Azerbaidjan	—	—	—	—
12. Bahamas	0.02	0.02	0.02	0.02
13. Bahrain	0.02	0.02	0.03	0.03
14. Bangladesh	0.01	0.01	0.01	0.01
15. Barbados	0.01	0.01	0.01	0.01
16. Belarus	0.33	0.33	0.31	0.31
17. Belgium	1.17	1.16	1.06	1.05
18. Belize	0.01	0.01	0.01	0.01
19. Benin	0.01	0.01	0.01	0.01
20. Bolivia	0.01	0.01	0.01	0.01
21. Botswana	0.01	0.01	0.01	0.01
22. Brazil	1.45	1.44	1.59	1.58
23. Bulgaria	0.15	0.15	0.13	0.13
24. Burkina faso	0.01	0.01	0.01	0.01
25. Burundi	0.01	0.01	0.01	0.01
26. Cambodia	0.01	0.01	0.01	0.01
27. Cameroon	0.01	0.01	0.01	0.01
28. Canada	3.09	3.07	3.11	3.09
29. Cape Verde	0.01	0.01	0.01	0.01
30. Central African Republic	0.01	0.01	0.01	0.01
31. Chile	0.08	0.08	0.08	0.08
32. China	0.79	0.78	0.77	0.76
33. Cyprus	0.02	0.02	0.02	0.02
34. Colombia	0.14	0.14	0.13	0.13
35. Comoros	0.01	0.01	0.01	0.01
36. Congo	0.01	0.01	0.01	0.01
37. Korea, Republic of	—	—	0.69	0.68
38. Costa Rica	0.02	0.02	0.01	0.01
39. Côte d'Ivoire	0.02	0.02	0.02	0.02
40. Cuba	0.09	0.09	0.09	0.09
41. Denmark	0.69	0.68	0.65	0.64
42. Djibouti	0.01	0.01	0.01	0.01
43. Dominican Republic	0.03	0.03	0.02	0.02
44. Dominica	0.01	0.01	0.01	0.01
45. Egypt	0.07	0.07	0.07	0.07
46. El Salvador	0.01	0.01	0.01	0.01
47. United Arab Emirates	0.19	0.19	0.21	0.21
48. Ecuador	0.03	0.03	0.03	0.03
49. Spain	1.95	1.94	1.98	1.96
50. Estonia	—	—	—	—
51. United States	25.00	25.00	25.00	25.00
52. Ethiopia	0.01	0.01	0.01	0.01
53. Fiji	0.01	0.01	0.01	0.01
54. Finland	0.51	0.51	0.57	0.56
55. France	6.25	6.21	6.00	5.95
56. Gabon	0.03	0.03	0.02	0.02
57. Ghana	0.01	0.01	0.01	0.01
58. Greece	0.40	0.40	0.35	0.35
59. Grenada	0.01	0.01	0.01	0.01
60. Guatemala	0.02	0.02	0.02	0.02
61. Guinea	0.01	0.01	0.01	0.01
62. Guinea-Bissau	0.01	0.01	0.01	0.01
63. Equatorial Guinea	0.01	0.01	0.01	0.01
64. Guyana	0.01	0.01	0.01	0.01
65. Haiti	0.01	0.01	0.01	0.01
66. Honduras	0.01	0.01	0.01	0.01
67. Hungary	0.21	0.21	0.18	0.18
68. Solomon Islands	0.01	0.01	0.01	0.01
69. India	0.37	0.37	0.36	0.36
70. Indonesia	0.15	0.15	0.16	0.16
71. Iran, Islamic Republic of	0.69	0.68	0.77	0.76
72. Iraq	0.12	0.12	0.13	0.13
73. Ireland	0.18	0.18	0.18	0.18
74. Iceland	0.03	0.03	0.03	0.03

State (French alphabetical order)	UN assessments 1991 % Col. 1	ILO assessments 1992 % Col. 2	UN assessments 1992-94 % Col. 3	ILO assessments 1993 % Col. 4
75. Israel	0.21	0.21	0.23	0.23
76. Italy	3.99	3.96	4.29	4.26
77. Jamaica	0.01	0.01	0.01	0.01
78. Japan	11.38	11.30	12.45	12.36
79. Jordan	0.01	0.01	0.01	0.01
80. Kenya	0.01	0.01	0.01	0.01
81. Kyrgyzstan	—	—	—	—
82. Kuwait	0.29	0.29	0.25	0.25
83. Lao. Peoples' Democratic Republic	0.01	0.01	0.01	0.01
84. Lesotho	0.01	0.01	0.01	0.01
85. Latvia	—	—	—	—
86. Lebanon	0.01	0.01	0.01	0.01
87. Liberia	0.01	0.01	0.01	0.01
88. Libyan Arab Jamahiriya	0.28	0.28	0.24	0.24
89. Lithuania	—	—	—	—
90. Luxembourg	0.06	0.06	0.06	0.06
91. Madagascar	0.01	0.01	0.01	0.01
92. Malaysia	0.11	0.11	0.12	0.12
93. Malawi	0.01	0.01	0.01	0.01
94. Mali	0.01	0.01	0.01	0.01
95. Malta	0.01	0.01	0.01	0.01
96. Morocco	0.04	0.04	0.03	0.03
97. Mauritius	0.01	0.01	0.01	0.01
98. Mauritania	0.01	0.01	0.01	0.01
99. Mexico	0.94	0.93	0.88	0.87
100. Mongolia	0.01	0.01	0.01	0.01
101. Mozambique	0.01	0.01	0.01	0.01
102. Myanmar	0.01	0.01	0.01	0.01
103. Namibia	0.01	0.01	0.01	0.01
104. Nepal	0.01	0.01	0.01	0.01
105. Nicaragua	0.01	0.01	0.01	0.01
106. Niger	0.01	0.01	0.01	0.01
107. Nigeria	0.20	0.20	0.20	0.20
108. Norway	0.55	0.55	0.55	0.54
109. New Zealand	0.24	0.24	0.24	0.24
110. Uganda	0.01	0.01	0.01	0.01
111. Pakistan	0.06	0.06	0.06	0.06
112. Panama	0.02	0.02	0.02	0.02
113. Papua New Guinea	0.01	0.01	0.01	0.01
114. Paraguay	0.03	0.03	0.02	0.02
115. Netherlands	1.65	1.64	1.50	1.49
116. Peru	0.06	0.06	0.06	0.06
117. Philippines	0.09	0.09	0.07	0.07
118. Poland	0.56	0.56	0.47	0.47
119. Portugal	0.18	0.18	0.20	0.20
120. Qatar	0.05	0.05	0.05	0.05
121. Romania	0.19	0.19	0.17	0.17
122. United Kingdom	4.86	4.83	5.02	4.98
123. Russian Federation	9.99[2]	9.92[2]	9.41[2]	9.34
124. Rwanda	0.01	0.01	0.01	0.01
125. St. Lucia	0.01	0.01	0.01	0.01
126. San Marino	0.01	0.01	0.01	0.01
127. Sao Tome and Principe	0.01	0.01	0.01	0.01
128. Senegal	0.01	0.01	0.01	0.01
129. Seychelles	0.01	0.01	0.01	0.01
130. Sierra Leone	0.01	0.01	0.01	0.01
131. Singapore	0.11	0.11	0.12	0.12
132. Somalia	0.01	0.01	0.01	0.01
133. Sudan	0.01	0.01	0.01	0.01
134. Sri Lanka	0.01	0.01	0.01	0.01
135. Sweden	1.21	1.20	1.11	1.10
136. Switzerland	1.08	1.07	1.16	1.15
137. Suriname	0.01	0.01	0.01	0.01
138. Swaziland	0.01	0.01	0.01	0.01
139. Syrian Arab Republic	0.04	0.04	0.04	0.04
140. Tanzania. United Republic of	0.01	0.01	0.01	0.01
141. Chad	0.01	0.01	0.01	0.01
142. Czechoslovakia	0.66	0.65	0.55	0.54
143. Thailand	0.10	0.10	0.11	0.11
144. Togo	0.01	0.01	0.01	0.01
145. Trinidad and Tobago	0.05	0.05	0.05	0.05
146. Tunisia	0.03	0.03	0.03	0.03
147. Turkey	0.32	0.32	0.27	0.27
148. Ukraine	1.25	1.24	1.18	1.17
149. Uruguay	0.04	0.04	0.04	0.04
150. Venezuela	0.57	0.57	0.49	0.49
151. Viet Nam	0.01	—	0.01	0.01
152. Yemen	0.01	0.01	0.01	0.01

State (French alphabetical order)	UN assessments 1991 %	ILO assessments 1992 %	UN assessments 1992-94 %	ILO assessments 1993 %
	Col. 1	Col. 2	Col. 3	Col. 4
153. **Yugoslavia**	0.46	0.46	0.42	0.42
154. **Zaire**	0.01	0.01	0.01	0.01
155. **Zambia**	0.01	0.01	0.01	0.01
156. **Zimbabwe**	0.02	0.02	0.01	0.01
	100.51	100.00	100.57	100.00

[1] The Republic of Korea became a Member of the United Nations on 17 September 1991 and of the ILO on 9 December 1991. It was assessed in the UN for its period of membership in 1991 at the annual rate of 0.69 per cent and it is being proposed to the 79th Session (June 1992) of the International Labour Conference that it be assessed for the period of its membership in the ILO in 1991 and for the 1992 year at the rate of 0.68 per cent, the difference being due to an arithmetical adjustment for differences in membership between the two organisations.

[2] These rates were formerly assessed on the USSR.

APPENDIX XII

APPROPRIATIONS FROM THE 1990-91 CASH SURPLUS

Equipment purchases	*Swiss francs*
Electronic voting sytem	600,000
Replacement of audio systems	1,600,000
Installation of cabling system.	2,500,000
Replacement of telephone exchanges.	3,100,000
Electronic mail	670,000
PERSIS	1,054,000
Central word-processing system	800,000
	10,324,000

APPENDIX XIII

Draft amendments to the Financial Regulations

(Deletions are in square brackets, new text is in italics)

Article 11

4. The Director-General shall set aside in an Incentive Fund to encourage early payment of member States' assessed contributions 60 per cent of all interest earned on temporarily surplus regular budget funds in any year for distribution to those member States which have paid in full their assessed contributions by 31 December of that year. The total incentive amount so established in each year will be distributed to eligible member States under an incentive points system which takes into account the dates and amounts of payments of current year's contributions by member States.

5. The Director-General shall distribute any net premium earned on the forward purchasing transactions between US dollars and Swiss francs during a biennium under the Swiss franc assessment system in the following manner: one-half to the Incentive Fund referred to in paragraph 4 above in accordance with the provisions of paragraph 6 below and one-half to member States in accordance with the provisions of paragraph 7 below; the net premium earned being arrived at after allowing for any residual gain or loss on exchange in the same biennium arising from the operation of the Swiss franc assessment system.

6. The one-half share of any net premium distributed to the Incentive Fund shall be credited to those member States which have paid their assessed contributions in full at the end of either the first or second year of the financial period during which the net premium was earned and shall be distributed to each eligible member State in the second year of the next following financial period on the basis of the ratio of the total of the incentive points earned by it during the biennium to the total of the incentive points earned by all eligible member States during the biennium under the incentive points system mentioned in paragraph 4 above.

7. The one-half share of any net premium distributed to member States shall be apportioned among them on the basis of the proportion of the total of each member State's assessed contributions during the biennium in which the net premium was earned to the total of the assessed contributions for the biennium of all member States. The amounts so established shall be used to reduce the contributions of member States in the following way:

(a) member States which have paid their assessed contributions in full during the biennium in which the net premium was earned shall have their share of the net premium deducted from their contributions assessed for the second year of the succeeding biennium;

(b) other member States shall not be credited with their share of the net premium until they have paid in full their assessed contributions for the biennium in which the net premium was earned; when they have done so, their share of the net premium shall be deducted from their contributions assessed for the first year of the next biennium for which a budget is adopted after such payment.

Article 19

[2. The Working Capital Fund shall be of such amount as may be voted from time to time by the Conference and shall be constituted by:

(a) moneys placed in the Fund by the Members of the Organisation, the amount of the share of each Member being assessed in accordance with the budgetary scale of contributions; and

(b) any sums which the Conference may cause to be paid into it from time to time.

3. The sums paid by Members of the Organisation under paragraph 2(a) for the purpose of constituting or augmenting the Working Capital Fund shall be carried to the credit of the Members which have paid such sums. The sums which the Conference causes to be paid into the Fund from time to time shall be carried to the credit of the Organisation.

4. The Conference may liberate all or part of the sums constituting the Working Capital Fund, and the sums so liberated in so far as they are derived from moneys placed in the Fund under paragraph 2(a) shall be returned to the Members which have contributed to the Fund in proportion to the respective shares in the Fund.

5. Subject to a decision of the Conference, States which for any reason cease to be Members of the Organisation shall be entitled to the reimbursement of the total amount of their shares in the Working Capital Fund under paragraph 2(a).

6. Members joining the Organisation shall contribute to the Working Capital Fund even if such payments would bring the Working Capital Fund above a maximum limit fixed for it by the Conference, provided that the position with regard to the Fund shall be reviewed by the Conference from time to time with a view to determining what adjustment, if any, should be made in the amount of the Fund, having regard to consequent excess over the maximum limit.

Article 20

1. The Working Capital Fund shall be administered as a separate account. A statement showing the position of the Fund, audited by the external auditor, shall be submitted to the session of the Conference following the close of each financial period. [Payments into the Fund under article 19, paragraph 2(a), shall be made from the budget. As soon as a Member pays its contribution the Working Capital Fund account shall be immediately credited with a portion of the contributions corresponding to the ratio between the appropriation in respect of the Working Capital Fund for the financial period and the total appropriations for the financial period.]

Article 21

1. (a) Sums [not exceeding the total shares in the Fund of the Members of the Organisation] may be withdrawn from the Working Capital Fund to finance budgetary expenditure for any [calendar year] *financial period* pending receipt of contributions or other income, and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body, and shall be reimbursed to the Fund in the course of the same [year] *financial period* as soon as income from contributions or other income is available for this purpose.

(b) Should the [sums contributed to the] Working Capital Fund [by Members] be temporarily inadequate to finance budgetary expenditure pending receipt of contributions and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body, [advances may be made from that part of the Working Capital Fund which stands to the credit of the Organisation. Such advances shall be reimbursed to the Fund as soon as receipts from contributions or other income are available. Such advances shall also be reported to the Governing Body at the session following the making of an advance. Should the Working Capital Fund as a whole be temporarily inadequate to finance budgetary expenditure pending receipt of contributions and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body,] the Director-General may contract loans or advances for such sums as may be necessary pending the receipt of contributions. The amounts borrowed shall be reimbursed as soon as possible from the subsequent receipts of contributions or other income. Such borrowings shall be reported to the Governing Body at the session following the contracting of a loan or advance.

2. If [in] any [calendar year] sums withdrawn from the Working Capital Fund or borrowed to finance budgetary expenditure pending receipt of contributions or other income and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body cannot be reimbursed in the course of the same [year] *financial period* owing to the fact that the total budgetary income for [that year] *the period* falls short of total authorised expenditure incurred during the [year] *period*, the sums so borrowed or withdrawn shall be reimbursed to the lender or lenders and to the Fund in the second year *of the next* following [the year of such withdrawal] *financial period* by adding to the contributions assessed on member States for that year an additional assessment in Swiss francs equivalent to the amount so borrowed or withdrawn: provided that temporary surpluses of budgetary income over expenditure occurring at any time shall be utilised to the extent possible to reduce the amount of outstanding loans or advances.

APPENDIX XIV

INCENTIVE SCHEME FOR EARLY PAYMENT OF MEMBER STATES' ASSESSED CONTRIBUTIONS

Incentive amounts to be distributed in 1993

(in Swiss francs)

(This table replaces the fourth and fifth colums of Annex III
to the Financial Report and Audited Financial Statements for 1990-91)

Member States (French alphabetical order)	Incentive amound earned		
	60% of interest on budgetary surpluses	50% of 1990-91 net premium	Total
Algeria	8 792	7 014	15 806
Germany	382 372	718 352	1 100 724
Saudi Arabia	70 173	111 959	182 132
Australia	106 811	170 736	277 547
Austria	39 838	62 469	102 307
Bahrain	—	862	862
Bangladesh	40	94	134
Barbados	609	953	1 562
Belarus	—	12 296	12 296
Belgium	76 944	123 173	200 117
Belize	—	109	109
Bolivia	534	426	960
Botswana	608	1 031	1 639
Bulgaria	772	616	1 388
Canada	211 648	336 108	547 756
Central African Republic	—	459	459
China	28 119	43 949	72 068
Cyprus	1 373	2 191	3 564
Congo	29	23	52
Côte d'Ivoire	103	82	185
Denmark	45 518	70 911	116 429
Dominica	569	755	1 324
Egypt	1 360	4 822	6 182
Spain	115 893	93 635	209 528
Ethiopia	687	1 087	1 774
Fiji	671	1 085	1 756
Finland	32 893	53 725	86 618
France	406 794	634 308	1 041 102
Ghana	—	399	399
Greece	22 311	30 863	53 174
Honduras	102	81	183
Hungary	1 747	12 507	14 254
India	23 197	31 059	54 256
Indonesia	1 878	1 498	3 376
Ireland	12 175	19 542	31 717
Iceland	192	600	792
Italy	209 465	360 704	570 169
Jamaica	681	1 099	1 780
Japan	603 197	905 234	1 508 431
Jordan	171	167	338
Kenya	35	28	63
Kuwait	403	16 387	16 790
Lao, People's Democratic Republic	14	46	60
Lesotho	510	809	1 319
Luxembourg	4 144	3 578	7 722
Malaysia	6 118	10 642	16 760
Malawi	211	638	849
Mali	624	964	1 588
Malta	697	1 112	1 809
Morocco	427	1 861	2 288
Mauritius	697	1 112	1 809
Mexico	7 753	9 432	17 185
Mongolia	—	434	434

Member States (French alphabetical order)	Incentive amound earned		
	60% of interest on budgetary surpluses	50% of 1990-91 net prenium	Total
Mozambique	631	997	1 628
Myanmar	697	1 112	1 809
Namibia	630	503	1 133
Nepal	629	1 052	1 681
Norway	36 023	56 262	92 285
New Zealand	5 154	7 025	12 179
Uganda	—	12	12
Netherlands	109 666	176 121	285 787
Poland	296	1 416	1 712
Portugal	3 232	11 660	14 892
Qatar	3 073	2 452	5 525
Romania	4 448	6 846	11 294
United Kingdom	284 869	450 264	735 133
Rwanda	—	340	340
Saint Lucia	697	1 000	1 697
San Marino	641	1 007	1 648
Sao Tome and Principe	605	483	1 088
Singapore	6 280	9 826	16 106
Sudan	—	556	556
Sri Lanka	588	946	1 534
Sweden	81 993	130 950	212 943
Switzerland	72 889	116 054	188 943
Swaziland	6	87	93
Tanzania, United Republic of	697	1 095	1 792
Chad	134	591	725
Czechoslovakia	21 641	34 358	55 999
Thailand	6 787	10 955	17 742
Tunisia	—	1 566	1 566
Turkey	7 541	18 385	25 926
Ukraine	—	45 608	45 608
USSR	—	349 510	349 510
Venezuela	28 634	48 054	76 688
Zaire	—	556	556
Zambia	—	491	491
Total	3 108 380	5 352 166	8 460 546

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Second item on the agenda: Programme and Budget Proposals and other Financial Questions

Further information and proposals submitted by the Governing Body of the International Labour Office to the 79th Session of the Conference 1

No. 5 – Thursday, 4 June 1992

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International Labour Conference
Provisional Record 6
Seventy-ninth Session, Geneva, 1992

REPORTS OF THE SELECTION COMMITTEE

FIRST REPORT

A. MATTERS REPORTED TO THE CONFERENCE AT ITS SECOND SITTING

The Conference was informed orally at its second sitting yesterday of the following decisions and recommendations of the Selection Committee.

Election of the Officers of the Committee

The Selection Committee elected its Officers as follows:

Chairman: Mr. A. Ali (Government member, Bangladesh)

Employers' Vice-Chairman: Mr. M'Kaissi (Employers' member, Tunisia)

Workers' Vice-Chairman: Mrs. Carr (Workers' member, Canada)

Setting up of Conference committees

The Selection Committee recommended that the Conference should set up the following committees:

Finance Committee
Committee on the Application of Standards
Committee on Workers' Claims
Committee on the Prevention of Industrial Disasters
Committee on Human Resources
Committee on Apartheid
Resolutions Committee
Standing Orders Committee

Composition of Conference committees

Proposals were submitted orally to the Selection Committee that the Conference committees should be composed as follows:

Finance Committee: 1 Government representative of each member State represented at the Conference;

Committee on the Application of Standards: 166 members (76 Government members, 32 Employers' members and 58 Workers' members);

Committee on Workers' Claims: 157 members (61 Government members, 48 Employers' members and 48 Workers' members).

Committee on the Prevention of Industrial Disasters: 131 members (56 Government members, 35 Employers' members and 40 Workers' members).

Committee on Human Resources: 134 members (54 Government members, 41 Employers' members and 39 Workers' members).

Resolutions Committee: 158 members (66 Government members, 43 Employers' members and 49 Workers' members).

Standing Orders Committee: 38 members (23 Government members, 4 Employers' members and 11 Workers' members).

The Selection Committee noted that, in accordance with the usual practice, a system of weighting would be applied in each committee to ensure equality of voting strength between the three groups.

The lists of the members of the Conference committees are appended to the present report. These lists also take account of changes in the composition of committees that have occurred since the second sitting of the Conference.

Committee on Apartheid

In accordance with the established practice, the Selection Committee recommended to the Conference that the Committee on Apartheid should, as at previous sessions, be composed of a maximum of 20 members from each group and should meet for a maximum of six sittings.

Discussion of the Reports of the Governing Body and the Director-General: opening date for the discussion and closing date for the list of speakers

(a) The Selection Committee decided that the discussion of the Reports of the Governing Body and the Director-General would begin yesterday afternoon, Wednesday, 3 June and decided that the list of speakers would be closed on Thursday, 11 June at 12 noon, under the usual conditions.

(b) At its 248th Session the Governing Body decided, in the course of its consideration of possible reforms in the functioning of the International Labour Conference, to recommend the Conference to reduce the time-limit for speeches provided for in Article 14, paragraph 6 of the Conference Standing Orders from 15 to ten minutes on a trial basis as from the 78th (1991) Session of the Conference. Following this successful experiment, at its 252nd Session the Governing Body decided to propose to the Conference at its present session that it amend Article 14, paragraph 6 of its Standing Orders so as to confirm this reduction, on the understanding that, pending the approval of the amendment by the Conference at its present session, the practice adopted at its 78th (1991) Session should continue. The Selection Committee accordingly invited the President of the Conference, after consulting the Vice-Presidents in accordance with Article 14, paragraph 6 of the Conference Standing Orders, to submit to the Conference for decision without debate the recommendation of the Governing Body to reduce the time-limit for speeches provided for in that article from 15 to ten minutes.

Suggestions to facilitate the work of the Conference

(a) Quorum

In the plenary sittings a vote is not valid if the number of votes cast for and against is less than half the number of the delegates attending the Conference and entitled to vote. If there is no quorum on a show of hands, a record vote may have to be taken and this wastes much time.

Over the years, the Governing Body has made a number of recommendations to improve the working of the quorum rule, and it is the practice of the Selection Committee to invite the Conference each year to confirm a number of principles based on those recommendations to ensure the satisfactory working of the quorum rule.

The Selection Committee accordingly invited the Conference to confirm the following principles:

(i) the quorum will be fixed provisionally, on the basis of the credentials received, in the brief report of the Chairman of the Governing Body on the day before the opening of the session. This provisional quorum will remain unchanged until the Credentials Committee, in the exercise of its functions under Article 20, paragraph 1(2) of the Standing Orders, determines the quorum on the basis of registrations, it being understood that, if an important vote were to take place in the initial stages of the Conference (once the Credentials Committee has been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report;

(ii) once the quorum has been determined on the basis of registrations, the usual practice of adjusting it, under the authority of the Credentials Committee, so as to take into account, on the one hand, new registrations and, on the other, notices of departure from delegates leaving the Conference, will continue as in the past;

(iii) delegates should register immediately on arrival, since the quorum is calculated on the basis of the number of delegates registered;

(iv) acceptance of appointment as a delegate implies an obligation to be available in Geneva personally or through an adviser authorised to act as a substitute for the work of the Conference until the end, since important votes often take place on the last day;

(v) delegates who are nevertheless obliged to leave the Conference before it finishes should give notice of their forthcoming departure to the secretariat of the Conference. (The form provided for indicating their date of departure also enables them to authorise an adviser to act and to vote in their place.) At group meetings held during the second half of the Conference the attention of members of the groups will be drawn to the importance of completing and handing in this form;

(vi) in addition, one Government delegate of a country may report the departure of the other Government delegate, and the Secretaries of the Employers' and Workers' groups may also give notice of the final departure of members of their groups who have not authorised advisers to act in their place;

(vii) when a record vote is taken in plenary while committees are sitting, delegates are both entitled and expected to leave committees to vote unless they are replaced by a substitute in plenary. Announcements are made in the committees to ensure that all delegates are aware that a record vote is about to take place. Appropriate arrangements will be made for committees meeting in the ILO building.

In arranging the programme of work of the Conference, the Selection Committee will endeavour to ensure that matters which require the holding of votes come before the Conference at the earliest possible moment. The plan of work for Committees endorsed by the Selection Committee takes this requirement into account.

(b) Punctuality

As in previous years, the Selection Committee recommended the Conference to ask committee chairmen to start proceedings very punctually - except where a technical section has not yet completed its preliminary discussions - irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present.

(c) Negotiations

In order to facilitate more continuous negotiation in committees between the different groups, it is the practice for representatives of each group to meet with the chairman and reporter of the committee and with the representative of the Secretary-General, whenever this is desirable, to ensure that the leaders of each group know fully the minds of their colleagues in the other groups; normally such meetings are held before each group has committed itself to a definite position. The function of these informal meetings is to afford opportunities for a fuller understanding of differences of view before definite positions have crystallised.

The Selection Committee recommended the Officers of the Conference committees to continue the above-mentioned practice.

Participation in Conference committees by Members having lost the right to vote

At its 239th Session (February-March 1988), the Governing Body considered the implications of the appointment, as regular members of Conference committees, of representatives of a member State which had lost the right to vote under Article 13.4 of the Constitution of the ILO, having regard to the recent increase in the number of States in this position. It noted that, while the appointment of employers' and workers' representatives from such a State had no practical implications because the employers' and workers' groups operated an effective system under Article 56, paragraph 5(b) of the Conference Standing Orders for ensuring that deputy members of a committee voted in the place of regular members deprived of the right to vote, the same was not true of the Government group. As a result, if a Government that has lost the right to vote is appointed a regular member of a committee, the distribution of votes among the three groups is distorted because the weighting of votes is based on the full regular membership and in practice the Government regular members of committees who are unable to vote do not make use of the possibility afforded by Article 56, paragraph 5(a) of appointing a deputy member to vote in their place.

The Governing Body noted that, in order to avoid such distortions, the practice had been followed by members of the Government group at the 73rd and 74th Sessions of the Conference in 1987 of not applying for regular membership of committees if they were not at the time in question entitled to vote.

The Governing Body accordingly recommended that this practice should be continued, and that, should it for any reason not be fully respected, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote. It reconfirmed this principle again at its 241st Session (November 1988), and the practice has been maintained at all subsequent sessions of the Conference.

The Selection Committee accordingly recommended to the Conference that the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

Plan of work of Conference committees

The Selection Committee endorsed a plan of work for committees, which is not binding but will enable them, in organising their work, to take maximum possible account of the overall needs and possibilities of the Conference. The plan is appended in tabular form for the information of the Conference.

Appointment of members of the Appeals Board panel

At its 43rd Session (1959), the Conference adopted proposals relating to the procedure for the appointment of committees.

In accordance with section III, paragraph 5(a) of those proposals, the Governing Body is required to recommend a panel of five persons of internationally recognised independence and impartiality for appointment by the Conference and from which, prior to every session of the Conference, the Governing Body appoints an Appeals Board of three persons.

The Selection Committee transmitted the following proposals of the Governing Body to the Conference:

- to reappoint to the panel from which the members of the Conference Appeals Board are selected, for a further period of three years expiring on 30 June 1995, Mr. Abi Saab (Egypt), Mr. Calero Rodrigues (Brazil) and Mr. Cottafavi (Italy);

- to appoint to the same panel, for a period of three years as from June 1992, Mr. Winfrid Haase (Germany).

The Employers' members took no part in the decision on this matter.

Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with Article 56, paragraph 9 of the Standing Orders of the Conference, the Selection Committee recommended to the Conference that the following organizations be invited to be represented in the committees stated:

Committee on the Application of Standards

Amnesty International
Arab Organisation for Human Rights
International Centre for Trade Union Rights
International Council of Nurses
International Federation of Chemical, Energy and General Workers' Unions
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Free Teachers' Unions
International Federation of Plantation, Agricultural and Allied Workers

International Movement ATD Fourth World
International Shipping Federation
International Society for Labour Law ad Social Security
Organisation of Workers of Central Africa
Pax Christi International
Postal, Telegraph and Telephone International
Public Services International
Trade Unions International of Workers in Energy
World Federation of United Nations Associations
World Jewish Congress
World Organisation against Torture

Committee on Workers' Claims

International Council of Nurses
International Council of Women
International Federation of Chemical, Energy and General Workers' Unions
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Plantation, Agricultural and Allied Workers
International Movement of Apostolate of Children
International Shipping Federation
International Society for Labour Law and Social Security
International Transport Workers' Federation
Postal, Telegraph and Telephone International
Trade Unions International of Public and Allied Employees
Trade Unions International of Textile, Clothing, Leather and Fur Workers

Committee on the Prevention of Industrial Disasters

International Council of Nurses
International Federation of Chemical, Energy and General Workers' Unions
International Metalworkers' Federation
International Shipping Federation
International Society for Labour Law and Social Security
International Transport Workers' Federation
Pax Christi International
Postal, Telegraph and Telephone International
Public Services International
Trade Unions International of Public and Allied Employees

Committee on Human Resources

International Alliance of Women
International Council of Women
International Federation of Business and Professional Women
International Federation of Chemical, Energy and General Workers' Unions
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Free Teachers' Unions
International Federation of Workers' Educational Associations
International Metalworkers' Federation
International Movement ATD Fourth World
International Movement of Apostolate of Children
International Youth and Student Movement for the United Nations
Postal, Telegraph and Telephone International
Public Services International

Soroptimist International
Trade Unions International of Textile, Clothing, Leather and Fur Workers
World Federation of United Nations Associations
World Jewish Congress
World Organisation against Torture
World Union of Catholic Women's Organizations
Zonta International

Committee on Apartheid

International Federation of Chemical, Energy and General Workers' Unions
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Free Teachers' Unions
International Youth and Student Movement for the United Nations
Pax Christi International
Postal, Telegraph and Telephone International
Public Services International
World Federation of United Nations Associations

The Selection Committee took note that the Governing Body had authorised the Director-General to inform the organizations concerned that they may nominate one person only for each agenda item in respect of which their interest has been recognised by the Selection Committee.

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B. MATTERS REPORTED TO THE CONFERENCE AT ITS FOURTH SITTING

The Selection Committee now submits to the Conference the following decisions and recommendations.

Composition of the Credentials Committee

The Selection Committee proposes to the Conference that the three members of the Credentials Committee should be the following:

Government member:	Mr. Pérez del Castillo (Uruguay)
Employers' member:	Mr. Funes de Rioja (Argentina)
Workers' member:	Mr. Gray (United States)

Appointment of the Conference Drafting Committee

The Selection Committee recommends that, in accordance with the provisions of Article 6, paragraph 1 of the Standing Orders, the Conference Drafting Committee should be composed as follows:

The President of the Conference
The Secretary-General of the Conference
Mr. Maupain, Legal Adviser of the Conference
Mr. Bartolomei de la Cruz, Director of the International Labour Standards Department
Mrs. Kellerson, Assistant to the Legal Adviser of the Conference

Consideration of the Director-General's Report on the situation of workers of the occupied Arab territories

On the basis of proposals submitted to it by the Director-General at the invitation of the Governing Body, the Selection Committee decided to convene a special sitting for the discussion of the Appendix to the Director-General's Report dealing with the situation of workers of the occupied Arab territories, it being understood that speakers would have to confine their remarks at that sitting to this Appendix and that, conversely, that subject would not be discussed in the framework of the discussion on the remainder of the Report. It decided that the special sitting should be held in the afternoon of Tuesday, 16 June.

In addition, the Selection Committee recommends the Conference to allow speakers who so wish to take the floor both on the General Report and during the special sitting, it being understood that the subject to be discussed in that sitting would not be discussed in the debate on the remainder of the Report.

It should be recalled in this connection that, according to Article 14, paragraph 6 of the Standing Orders of the Conference, the time-limit for speeches is a matter for the Conference to decide on the proposal of its Officers. In view of experience at the special sittings held during the 77th (1990) and 78th (1991) Sessions of the Conference, and in particular of the large number of speakers who will probably wish to take the floor, the Selection Committee invites the President, after consulting the Vice-Presidents, to submit to the Conference for decision without debate a proposal concerning the duration of speeches in the special sitting, taking due account of the number of speakers registered. For this purpose the Selection Committee decided that the list of speakers for the special sitting will be closed at 6 pm on Friday, 12 June.

The Selection Committee also noted that the Director-General intended to devote a part of his comprehensive reply to the discussion of his Report to drawing lessons from the special sitting.

Lastly, the Selection Committee decided that the following committees should not meet at the same time as the special sitting: Finance Committee, Resolutions Committee, Committee on Apartheid.

Thirteenth Conference of American States Members of the ILO: interim procedural reform

At its 252nd Session the Governing Body approved a number of reforms in the procedure of regional conferences, based on the conclusions drawn from the reforms introduced on an experimental basis at the Eleventh Asian Regional Conference (Bangkok, November-December 1991) regarding the timetable and procedures. The reforms proposed are summarized in the following draft resolution, which the Governing Body decided to propose to the Conference at its present session:

The General Conference of the International Labour Organisation,

> Recalling that, in the light of the reforms introduced on an experimental basis at the Eleventh Asian Regional Conference to reduce the length and cost of regional conferences provided for in the 1992-93 budget, the Governing Body has decided that it is necessary to introduce certain other changes for the Thirteenth Conference of American States Members of the International Labour Organisation and that, pending revision of the Rules concerning the Powers, Functions and Procedure of Regional Conferences Convened by the International Labour Organisation, authority should be given to the said Conference to derogate from them, as required, to implement these changes on an experimental basis before deciding on a possible revision of the above-mentioned Rules;

Hereby authorizes the Thirteenth Conference of American States Members of the International Labour Organisation, by way of derogation from the applicable Rules,

(a) to consider the business carried out at preliminary group meetings preceding the formal opening of the Conference as having been carried out in official group meetings;

(b) to dispense with the appointment of a Selection Committee and entrust its functions (except in respect of resolutions for which a Resolutions Committee may be appointed under article 13, paragraph 3 of the Rules) to the Officers of the Conference;

(c) to limit the composition of the Resolutions Committee to not more than five members from each group;

(d) to authorize, in case of need, any drafting subcommittee or other subsidiary body set up by a committee of the Conference to report direct to the plenary of the Conference instead of through the Committee;

(e) to suspend the requirement that reports on technical items on the agenda be dispatched by the Office so as to reach governments at least three months before the opening of the Conference if any such report is included in a single volume with other reports of the Director-General, which would thus be required to reach governments two months beforehand;

(f) to reduce the time-limit for addresses to the Conference from 15 to ten minutes.

As this resolution has already been examined in detail by the Standing Orders Committee of the Governing Body and by the Governing Body itself, the Selection Committee refers it direct to the Conference for adoption.

Geneva, 3 June 1992.

79TH SESSION OF THE CONFERENCE (JUNE 1992) - DRAFT PLAN OF WORK FOR COMMITTEES

COMMITTEE	Wed 3	Thu 4	Fri 5	Sat 6	Mon 8	Tue 9	Wed 10	Thu 11	Fri 12	Sat 13	Mon 15	Tue 16	Wed 17	Thu 18	Fri 19	Sat 20	Mon 22
- Finance Committee (Government representatives)		-----	-----	-----	-----	-----		--A--									
- Committee on the Application of Standards	---	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----		--A--		
- Committee on Workers' Claims	---	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----		--A--		
- Committee on the Prevention of Industrial Disasters	---	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----		--A--			
- Committee on Human Resources	---	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----			--A--	
- Committee on Apartheid					-----	-----	-----	-----	-----		--A--						
- Resolutions Committee	---	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	--A--	
- Standing Orders Committee		-----	-----	-----	-----	--A--											

N.B. The lines indicate the duration of the substantive work of the Committee.
The letter A indicates the adoption by the Committee of its report.

COMPOSITION DES COMMISSIONS - COMPOSITION OF COMMITTEES - COMPOSICION DE LAS COMISION

(Note: Names of countries are given in French; los nombres de los paises figuran en frances

COMMISSION DE L'APPLICATION DES NORMES

COMMITTEE ON THE APPLICATION OF STANDARDS

COMISION DE APLICACION DE NORMAS

Membres gouvernementaux - Government members - Miembros gubernamentales:

ALGERIE
ALLEMAGNE
ANGOLA
ARABIE SAOUDITE
ARGENTINE
AUSTRALIE
AUTRICHE
BELGIQUE
BOTSWANA
BRESIL
BURKINA FASO
CANADA
CHILI
CHINE
COLOMBIE
CONGO
REPUBLIQUE DE COREE
COTE D'IVOIRE
CUBA
DANEMARK
DJIBOUTI
EGYPTE
EMIRATS ARABES UNIS
ESPAGNE
ETATS-UNIS
ETHIOPIE
FIDJI
FINLANDE
FRANCE
GABON
GHANA
GUATEMALA
HONDURAS
INDE
INDONESIE
REPUBLIQUE ISLAMIQUE D'IRAN
IRLANDE
ISLANDE
ISRAEL
ITALIE
JAPON
KENYA
KOWEIT
JAMAHIRIYA ARABE LIBYENNE
MALAISIE
MALAWI
MAROC
MAURITANIE
MEXIQUE
MYANMAR
NICARAGUA
NIGER
NIGERIA
NORVEGE
PAPOUASIE-NOUVELLE-GUINEE
PAYS-BAS
PHILIPPINES
POLOGNE
PORTUGAL
PEROU
QATAR
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
RWANDA
SAO TOME-ET-PRINCIPE
SOUDAN
SRI LANKA
SUEDE
SUISSE
SURINAME
SWAZILAND
REPUBLIQUE ARABE SYRIENNE
SENEGAL
REPUBLIQUE-UNIE DE TANZANIE
TCHAD
TCHECOSLOVAQUIE
TUNISIE
TURQUIE
UKRAINE
URUGUAY
VENEZUELA
VIET NAM
YOUGOSLAVIE
ZIMBABWE

Membres gouvernementaux adjoints - Govt. deputy members - Miembros gub. adjuntos:

BANGLADESH
BARBADE
BELIZE
BOLIVIE
BULGARIE
BELARUS
CAMEROUN
REPUBLIQUE DOMINICAINE
EQUATEUR
HONGRIE
IRAQ
LESOTHO
MALI
NOUVELLE-ZELANDE
SLOVENIE
THAILANDE
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores:

ARBELOA, Sr.; s: GARRIDO SOTO, Sr. (Venezuela)
ARZENO, Sr.; s: HERRERA ROA, Sr. (Dominicaine, Rép.)
ATASAYAR, Mr.; s: OGUZMAN, Mr. (Turquie)
BOEDJOSASTRO, Mr.; s: GHIFARI, Mr.; SUNARSIH, Mrs. (Indonésie)
BRUSSONI, Sr. (Uruguay)
CEVALLOS GOMEZ, Sr.; s: DIAZ GUAJARDO, Sr.; GUTIERREZ, Sr. (Mexique)

s = suppléant; substitute; suplente.

CHOWDHARY, Mr.; s: ROY, Mrs. (Inde)
CORRAL, Sr.; s: AREVALO, Sr. (Equateur)
EURNEKIAN, Sr. (Argentine)
FERREIRA MONTOYA, M.; s: COSTA ARTUR, Mme; SA E MELLO, M. (Portugal)
FERRER DUFOL, Sr.; s: ADRADOS GAUTIER, Sra.; GIJON VON KLEIST, Sr. (Espagne)
KOLMOGOROV, M.; s: BESPALOV, M.; MITROFANOV, M. (Russie Féd. de)
KUNYAVSKY, Mr.; s: VINOKUROVA, Ms. (Bélarus)
KWAIRY, Mr.; s: EL GHOUL, Mr. (Libyenne Jamahiriya)
LECA, M.; s: DUMITRESCU, M.; LEUCUTIA, M. (Roumanie)
MACKIE, Miss; s: LEECH, Mr. (Royaume-Uni)
MARTINEZ, Sr. (Honduras)
MORRI, M.; s: MENICUCCI, Mme; VERONESI, Mme. (Saint-Marin)
McVEIGH, Mr.; s: PIRIE, Mr. (Canada)
NAGANO, Mr.; s: SUZUKI, Mr.; SHIMIZU, Mr. (Japon)
NASSARI, M.; s: ALHINDI, M.; MALAKANY, M. (Syrienne, Rép. Arabe)
NAVARRO CABRERA, Sr. (Cuba)
OECHSLIN, M.; s: ROILLAND, Mme; JULIEN, M. (France)
PILARSKI, Mr.; s: RACZKA, Mr. (Pologne)
ROMERO ROJAS, Sr.; s: SEQUEIRA, Sr. (Nicaragua)
RONNEST, Mr.; s: JEPSEN, Mr.; ULDAL, Mr.; VINTHER, Ms. (Danemark)
SASSO-MAZZUFFERI, Mme; s: GAMBARUTO, M.; MANCINI, Mme (Italie)
SELANDER, Mr.; s: BRORSSON, Mr.; FROSTLING, Mr.; MYRDAL, Mr.; THOMASSON, Mr. (Suède)
SLIMANI, M.; s: BENALI, M. (Algérie)
SMITH Jr., Mr.; s: BURGE, Mr.; POTTER, Mr. (Etats-Unis)
SWENSEN, Mr.; s: POULSSON, Mr.; BREVIG, Ms.; OSTMO, Mr.; JOHANSEN, Mr. (Norvège)
THUSING, Mr.; s: WISSKIRCHEN, Mr.; WISSKIRCHEN, Mr. (Allemagne)
WHANG, Mr.; s: KIM, Mr. (Corée, Rép. de)
YAMSON, Mr.; s: ATO WILLIAMS, Mr. (Ghana)

Membres adjoints employeurs - Deputy Employers' members - Miembros adjuntos empleadores:

AFKHAMI, Mr. (Iran, Rép. islamique)
AL-JASSEM, Mr. (Koweit)
ANGEL ARANGO, Sr.; s: LOPEZ GUERRA, Sr. (Colombie)
CHIWESHE, Mr.; s: JOHNSTONE, Mr. (Zimbabwe)
COSTA, Mr.; s: RODRIGUES, Mr.; LINHARES, Ms. (Brésil)
DECOSTERD, M.; s: DUC, M.; PLASSARD, M. (Suisse)
DURLING, Sr. (Panama)
ESPANA SMITH, Sr. (Bolivie)
GACHAITE, Mrs. (Lituanie)
GAZZARIN, Mr.; s: FAHMY, Mr. (Egypte)
GEORGET, M.; s: SABO, M. (Niger)
HAK, Miss (Pays-Bas)
HULTIN, Mr.; s: KOSKIMIES, Mr. (Finlande)
LIONG AJIN, Mr. (Suriname)
MAENDA, Mr. (Tanzanie, Rép.-Unie)
MAKEKA, Mr. (Lesotho)
MOKZHANI, Mr.; s: ZAIN MAJID, Mr. (Malaisie)
NOAKES, Mr.; s: JOHN, Mr.; WHIFFIN, Mr.; HAMPTON, Mr. (Australie)
OWUOR, Mr.; s: JUMA, Mr. (Kenya)
REPCHA, Mr.; s: BERTRANDS, Mr.; GAVRILOV, Mr. (Lettonie)
REYES MAYEN, Sr.; s: MENENDEZ CASTEJON, Sr. (Guatémala)
SAUKILA, Mr.; s: MUYENZA, Mr. (Malawi)
STEFANSDOTTIR, Mrs.; s: MAGNUSSON, Mr. (Islande)
VAN HOLM, M.; s: ARETS, M.; DE KOSTER, M. (Belgique)
ZAVALA COSTA, Sr.; s: BARRENECHEA CALDERON, Sr. (Pérou)

s = suppléant; substitute; suplente.

Membres travailleurs - Workers' members - Miembros trabajadores:

ABAKIROV, Mr. (Kirghizistan)
AHMED, Mr. (Pakistan)
AL-ALI, Mr. (Bahrein)
AL-OTAIBI, Mr. (Koweit)
ALLINI, M. (Gabon)
AMIR, Mr. (Israël)
ATHUKORALE, Mr. (Sri Lanka)
BAFYAU, Mr. (Nigéria)
BARRENECHEA AGUAYO, Sr. (Chili)
BATHILY, M. (Mali)
BECCARI, M. (Saint-Marin)
BEN SEDDIK, M. (Maroc)
BERNAL CAMERO, Sr. (Cuba)
BOBKE-VON-CAMEN, Mr. (Allemagne)
CASTRO FLORES, Sr. (Honduras)
CHAIEB, M. (Tunisie)
CHAVEZ, Sr. (Equateur)
CHILOV, M. (Ukraine)
CHIRRA, Mr. (Zambie)
DAHL, Mr. (Norvège)
DALEIDEN, M. (Luxembourg)
DANIEL, Ms. (Singapour)
DASSIS, M. (Grèce)
DE CARVALHO, M. (Portugal)
DINGLASAN, Mr. (Philippines)
DODO, M. (Niger)
DREIFUSS, Mme (Suisse)
DRZEWICKI, Mr. (Pologne)
ELMANAN, Mr. (Soudan)
ETTY, Mr. (Pays-Bas)
FERNANDEZ, Sr. (Uruguay)
FU, Mr. (Chine)
GARZON, Sr. (Colombie)
GONZALES ZAMORA, Sr. (Espagne)
GUPTA, Mr. (Inde)
GUSTAFSSON, Mrs. (Suède)
HALLGRIMSSON, Mr. (Islande)
HAMZA AL-MUFARGI, Mr. (Iraq)
HANSEN, Mr. (Danemark)
HATSUOKA, Mr. (Japon)
HICKEY Jr., Mr. (Etats-Unis)
IDRISS IBRAHIM, Mr. (Libyenne Jamahiriya)
JARQUIN, Sr. (Nicaragua)
KAADU, Mr. (Estonie)
KANAIEV, M. (Russie Féd. de)
KIM, Mr. (Corée, Rép. de)
LIOSI, Mr. (Papouasie-N. Guinée)
MAGNANI, M. (Italie)
MALLON, Mr. (Canada)
MARMOLEJOS, Sra. (Dominicaine, Rép.)
MBAYE, M. (Sénégal)
MOURGUES, M. (France)
NEYKOV, Mr. (Bulgarie)
PEIRENS, M. (Belgique)
PETIT, Sr. (Venezuela)
PINZON R., Sr. (Panama)
PODOLINSKIY, Mr. (Bélarus)

s = suppléant; substitute; suplente.

POLLYDORE, Mr. (Guyana)
RACHMAN, Mr. (Indonésie)
RUSANEN, Mr. (Finlande)
SALIMIAN, Mr. (Iran, Rép. islamique)
SEBGO, M. (Burkina Faso)
SIMOES DE CARVALHO, Sr. (Brésil)
THOMAS, Mr. (Royaume-Uni)
TKAC, Mr. (Tchécoslovaquie)
VENTURINI, Sr. (Argentine)
YANKEY, Mr. (Ghana)
ZAINAL, Mr. (Malaisie)

Membres adjoints travailleurs - Deputy Workers' members - Miembros adjuntos trabajadores:

ABOURMAD, Mr. (Israël)
ACHMAD, Mr. (Indonésie)
ADIKO NIAMKEY, M. (Cote d'Ivoire)
AL AZABI, Mr. (Libyenne Jamahiriya)
AL-HAJERI, Mr. (Koweit)
AL-SAMAK, Mr. (Bahrein)
BADBAN, Mr. (Iran, Rép. islamique)
BASOGLU, Mr. (Turquie)
BERGAMINI, M. (France)
BRETT, Mr. (Royaume-Uni)
CABRERA TORRES, Sr. (Chili)
CHENDOUL, M. (Tunisie)
COUTINHO, Sr. (Brésil)
DE REYMAEKER, M. (Belgique)
DEL RIO DO E, Sr. (Dominicaine, Rép.)
DELARUE, M. (Belgique)
DIOP, M. (Sénégal)
EDSTROM, Mr. (Suède)
EFIMENKO, M. (Ukraine)
ENGELEN-KEFER, Ms. (Allemagne)
ESSO-NA TCHINDE, M. (Togo)
FARINA, Sr. (Argentine)
GAVRILOVA, Mrs. (Lettonie)
GHARIB, Mr. (Iraq)
GIARDI, M. (Saint-Marin)
GOMEZ ESGUERRA, Sr. (Colombie)
GONCHARIK, Mr. (Bélarus)
GREVSKOTT, Ms. (Norvège)
GYORGY, Mr. (Hongrie)
HAAS, M. (Luxembourg)
HAGIO, Mr. (Japon)
JANSSENS, M. (Belgique)
KARGAARD, Mr. (Danemark)
KROSS, Mr. (Suriname)
LINDROOS, Ms. (Finlande)
MACHADO, Sr. (Venezuela)
MANCHIP, Mr. (Canada)
MATHESON, Mr. (Australie)
MAYAKI, M. (Niger)
MAYOMBO, M. (Gabon)
MORIKAGE, Mr. (Japon)
MOUSTAFA, Mr. (Egypte)
MUKHERJEE, Mr. (Inde)
NIYIREMA, M. (Burundi)
OLSEN, Mr. (Norvège)

s = suppléant; substitute; suplente.

PANG, Mr. (Singapour)
PAREDES GIL, Sra. (Espagne)
PE, M. (France)
PEDERSEN, Ms. (Norvège)
PINZON SALAZAR, Sr. (Guatémala)
PONCE ITURRIAGA, Sr. (Equateur)
QARFA, M. (Maroc)
QUINTANA GARCIA, Sr. (Cuba)
ROLLI, Mme (Suisse)
SANDRASEKERA, Mr. (Sri Lanka)
SANMUGAM, Mr. (Malaisie)
SEMEREL, Mr. (Pays-Bas)
SIETARAM, Mrs. (Pays-Bas)
SKAUG, Mr. (Norvège)
TEFERI, Mr. (Ethiopie)
TEVI-MENSAH, M. (Togo)
THEONAS, M. (Grèce)
YACOB, Mrs. (Singapour)
YILMAZ, Mr. (Turquie)

s = suppléant; substitute; suplente.

COMMISSION DES CREANCES DES TRAVAILLEURS

COMMITTEE ON WORKERS'CLAIMS

COMISION DE LOS CREDITOS LABORALES

Membres gouvernementaux - Government members - Miembros gubernamentales:

ALGERIE
ALLEMAGNE
ANGOLA
ARGENTINE
AUSTRALIE
AUTRICHE
BELGIQUE
BOTSWANA
BRESIL
BULGARIE
CANADA
CHILI
CHINE
CHYPRE
COLOMBIE
CONGO
REPUBLIQUE DE COREE
DANEMARK
DJIBOUTI
EGYPTE
ESPAGNE
ETATS-UNIS
ETHIOPIE
FINLANDE
FRANCE
GABON
GHANA
HONGRIE
INDE
INDONESIE
REPUBLIQUE ISLAMIQUE D'IRAN
IRLANDE
ISRAEL
ITALIE
JAPON
JORDANIE
KOWEIT
LESOTHO
MALAISIE
MAROC
MAURICE
MEXIQUE
NICARAGUA
NIGERIA
NORVEGE
NOUVELLE-ZELANDE
OUGANDA
PAYS-BAS
PHILIPPINES
POLOGNE
PORTUGAL
QATAR
ROYAUME-UNI
FEDERATION DE RUSSIE
SRI LANKA
SUEDE
SUISSE
SURINAME
SWAZILAND
SENEGAL
REPUBLIQUE-UNIE DE TANZANIE
TCHECOSLOVAQUIE
TUNISIE
TURQUIE
VENEZUELA
ZIMBABWE

Membres gouvernementaux adjoints - Govt. deputy members - Miembros gub. adjuntos:

ARABIE SAOUDITE
BURKINA FASO
BELARUS
REPUBLIQUE DOMINICAINE
EQUATEUR
FIDJI
IRAQ
JAMAHIRIYA ARABE LIBYENNE
MALAWI
MALTE
MYANMAR
NIGER
PAPOUASIE-NOUVELLE-GUINEE
ROUMANIE
RWANDA
SIERRA LEONE
REPUBLIQUE ARABE SYRIENNE
TOGO
VIET NAM
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores:

ABOUGHE OBAME, M. (Gabon)
AFKHAMI, Mr.; s: GHADYANI, Mr.; HASHEMI, Mr. (Iran, Rép. islamique)
ARBELOA, Sr. (Venezuela)
ARZENO, Sr.; s: CERON, Sr. (Dominicaine, Rép.)
BOEDJOSASTRO, Mr.; s: RACHMAN, Mr.; SYAMBUDI, Mr. (Indonésie)
BRUSSONI, Sr.; s: VARELA TRAVERSO, Sr. (Uruguay)
CEVALLOS GOMEZ, Sr.; s: DEL REGIL, Sr. (Mexique)
CHIWESHE, Mr. (Zimbabwe)
CHOWDHARY, Mr.; s: KALANTARI, Mr.; KALANTARI, Mr. (Inde)
COSTA, Mr.; s: CHRISTOFIS, Mr.; RODRIGUES, Mr.; LINHARES, Ms. (Brésil)
COULIBALY, M.; s: TOURE, M. (Mali)
ETTE, Mme (Cote d'Ivoire)
EURNEKIAN, Sr.; s: MARTINEZ, Sr.; AZUBAL, Sr. (Argentine)
FERREIRA MONTOYA, M.; s: SALGUEIRO, M.; DA ROCHA NOVO, M.; PEREIRA FERNANDES, M. (Portugal)

s = suppléant; substitute; suplente.

FERRER DUFOL, Sr.; s: SUAREZ GARCIA, Sr.; GIJON VON KLEIST, Sr. (Espagne)
HAK, Miss; s: VAN BOVEN, Mrs.; VAN DUN-DE MEESTER, Mrs.; WESTERHOF, Mrs. (Pays-Bas)
HLOPHE, Mr. (Swaziland)
HOGG, Mr. (Papouasie-N. Guinée)
HULTIN, Mr.; s: AIMALA, Mr. (Finlande)
JILANI, M.; s: BEN M'BAREK, M. (Tunisie)
KOLMOGOROV, M.; s: MITROFANOV, M. (Russie Féd. de)
KUNYAVSKY, Mr.; s: MERKULOVA, Ms. (Bélarus)
LECA, M.; s: DUMITRESCU, M.; LEUCUTIA, M. (Roumanie)
MACKIE, Miss; s: FRANCE, Miss (Royaume-Uni)
MAKEKA, Mr. (Lesotho)
MALLIA MILANES, Mr.; s: SCICLUNA, Mr.; SCICLUNA, Mr. (Malte)
MEO, Ms. (Nouvelle-Zélande)
MITSOS, M.; s: ANALITIS, M.; HARAKAS, M.; TSOUMANI-SPENTZA, Mme; SKIADAS, M.; PAPAIOANNOU, M.; PALAIOLOGOU, Mme; VAGIAS, M. (Grèce)
MUYUMBU, M.; s: KIRAHUZI, M. (Burundi)
McVEIGH, Mr. (Canada)
NAGANO, Mr.; s: INANIWA, Mr. (Japon)
NOAKES, Mr.; s: WHIFFIN, Mr. (Australie)
OECHSLIN, M.; s: BOUSSAT, M.; DRAGUE, M.; JULIEN, M. (France)
PILARSKI, Mr.; s: GERSDORF, Ms. (Pologne)
PONOMAREV, M. (Ukraine)
ROBI, Mr. (Botswana)
ROMERO ROJAS, Sr.; s: SEQUEIRA, Sr.; PEREIRA, Sr. (Nicaragua)
RONNEST, Mr.; s: JEPSEN, Mr.; ULDAL, Mr.; VINTHER, Ms. (Danemark)
SASSO-MAZZUFFERI, Mme; s: GAMBARUTO, M.; CONFORTI, M.; TOSTI, M. (Italie)
SAUKILA, Mr.; s: MUYENZA, Mr. (Malawi)
SELANDER, Mr.; s: BRORSSON, Mr.; FROSTLING, Mr.; MYRDAL, Mr.; THOMASSON, Mr. (Suède)
SHEIN, Mr. (Myanmar)
SKOBERNE, Mr.; s: MEZNAR, Mr. (Slovenie)
SLIMANI, M.; s: KRERBI, M. (Algérie)
SMITH Jr., Mr.; s: BURGE, Mr.; POTTER, Mr. (Etats-Unis)
TAN, Mr.; s: INOCENTES, Mr. (Philippines)
THUSING, Mr.; s: WEISS, Mr. (Allemagne)
VAN HOLM, M.; s: DE KOSTER, M.; DA COSTA, M. (Belgique)
YAMSON, Mr.; s: GYAU, Mr. (Ghana)

Membres adjoints employeurs - Deputy Employers' members - Miembros adjuntos empleadores:

ANDONOV, Mr.; s: SIMEONOV, Mr. (Bulgarie)
ANGEL ARANGO, Sr.; s: BECERRA, Sr. (Colombie)
ARBESSER-RASTBURG, Mr.; s: BRAUNER, Mr.; KAINZ, Mr. (Autriche)
ATASAYAR, Mr.; s: ILTER, Mr. (Turquie)
CLARKE, Mr.; s: MILLETTE, Mr. (Trinité-et-Tobago)
CORRAL, Sr.; s: AREVALO, Sr. (Equateur)
DASSANAYAKE, Mr. (Sri Lanka)
DECOSTERD, M.; s: DUC, M.; GUINCHARD, M.; PLASSARD, M. (Suisse)
ESPANA SMITH, Sr. (Bolivie)
GEORGET, M.; s: SABO, M. (Niger)
JUNG, M.; s: BEFFORT, M.; OLINGER, M. (Luxembourg)
LIONG AJIN, Mr. (Suriname)
MOKZHANI, Mr. (Malaisie)
MORRI, M.; s: MENICUCCI, Mme; VERONESI, Mme. (Saint-Marin)
N'GUISSAN, M. (Togo)
NASR, M.; s: EL KAISSI, M. (Liban)
PILIKOS, Mr.; s: KYTHREOTIS, Mr. (Chypre)
POPOVIC, Mr.; s: HRABE, Mr. (Tchécoslovaquie)
ROBERTS, Mr. (Fidji)
SIMSA, Mr.; s: FARAGO, Mr. (Hongrie)

s = suppléant; substitute; suplente.

STEFANSDOTTIR, Mrs.; s: MAGNUSSON, Mr. (Islande)
SWENSEN, Mr. (Norvège)
TABANI, Mr. (Pakistan)
WHANG, Mr.; s: OH, Mr. (Corée, Rép. de)
YANKANA, Mr. (Guyana)
ZAVALA COSTA, Sr.; s: BORLETTI IBARCENA, Sr. (Pérou)

Membres travailleurs - Workers' members - Miembros trabajadores:

ADAMY, Mr. (Allemagne)
AKOTO, Mr. (Ghana)
AL-HAJERI, Mr. (Koweit)
AL-SHARARI, Mr. (Jordanie)
ANTONIOU, Mr. (Chypre)
AUDETTE, M. (Canada)
BADBAN, Mr. (Iran, Rép. islamique)
BALSIENE, Mrs. (Lituanie)
BAUSCH, M. (Luxembourg)
BOUZOUBAA, M. (Maroc)
BROWN YOUNG, Sr. (Costa Rica)
CALAMATTA, Mr. (Malte)
CASTRO, Sr. (Venezuela)
CHENDOUL, M. (Tunisie)
COLUMBUS, Mr. (Fidji)
CRIDAZZI, Mme (Suisse)
DE BARROS, Mr. (Brésil)
DEL PRADO, Mr. (Philippines)
FERRARI, M. (Italie)
FERRO, Sr. (Argentine)
FOLDBERG, Mr. (Danemark)
GUANTE, Sr. (Dominicaine, Rép.)
IJEH, Mr. (Nigéria)
JACEK, Mme (France)
JONATHAN, Mr. (Lesotho)
KANGASPERKO, Ms. (Finlande)
KANYAMIBWA, M. (Rwanda)
KIM, Mr. (Corée, Rép. de)
KROSS, Mr. (Suriname)
LHANYM, Mr. (Mongolie)
LOVE, Mrs. (Royaume-Uni)
LYNCH, Mr. (Etats-Unis)
MALLECK AMODE, Mr. (Maurice)
MARAGOUDAKIS, M. (Grèce)
MEDOR, M. (Sénégal)
MELLADO ESPINOZA, Sr. (Chili)
MOITRA, Mr. (Inde)
MORAN, Sr. (Equateur)
MOUTARI, M. (Niger)
MUGALLA, Mr. (Kenya)
MVULA, Mr. (Malawi)
NADLAR, Mr. (Indonésie)
NEIKOVA, Mrs. (Bulgarie)
NIIA, Ms. (Suède)
PEREZ TOVAR, Sr. (Mexique)
PODCHIBRIAKINA, Mme (Russie Féd. de)
POLESON, Ms. (Australie)
RAUB, Mr. (Autriche)
ROSETA, M. (Portugal)
SANDRASEKERA, Mr. (Sri Lanka)

s = suppléant; substitute; suplente.

SILINSH, Mr. (Lettonie)
SITHOLE, Mr. (Swaziland)
SKAUG, Mr. (Norvège)
SPAEY, M. (Belgique)
TANAKA, Mr. (Japon)
TEVI-MENSAH, M. (Togo)
TRAORE, M. (Cote d'Ivoire)
VALDERRAMA, Sr. (Colombie)
VARELA, Sr. (Uruguay)
WOJCIK, Mr. (Pologne)

Membres adjoints travailleurs - Deputy Workers' members - Miembros adjuntos trabajadore

AHMED, Mr. (Pakistan)
AL-ALI, Mr. (Bahrein)
AQABANI, Mr. (Jordanie)
BIBAUD, M. (Canada)
CHAIEB, M. (Tunisie)
CHERRAT, M. (Maroc)
CO OMAN CARRILLO, Sra. (Chili)
DAHL, Mr. (Norvège)
DEBRULLE, Mme (Belgique)
DELHOMENIE, M. (France)
DILMI, M. (Algérie)
DINGLASAN, Mr. (Philippines)
DODO, M. (Niger)
DOUCOURE, M. (Mali)
DRIJFHOUT, Mrs. (Pays-Bas)
ELMANAN, Mr. (Soudan)
FALKENBERG, Mr. (Allemagne)
GADAH, Mr. (Libyenne Jamahiriya)
GRAY, Mr. (Etats-Unis)
GREVSKOTT, Ms. (Norvège)
GUPTA, Mr. (Inde)
HALLGRIMSSON, Mr. (Islande)
HOSU, M. (Roumanie)
HULT, Mr. (Suède)
HUTAGAOL, Mr. (Indonésie)
IBRAHIM, Mr. (Brésil)
KHAN, Mr. (Bangladesh)
KRYLOV, M. (Russie Féd. de)
LILLO PEREZ, Sr. (Espagne)
LIOSI, Mr. (Papouasie-N. Guinée)
MANYANDA, Mr. (Tanzanie, Rép.-Unie)
MAYMAN, Ms. (Australie)
MBAYE, M. (Sénégal)
MEBRATU, Mr. (Ethiopie)
MORGAN, Ms. (Royaume-Uni)
NIYIREMA, M. (Burundi)
NUNOO-QUAYE, Mr. (Ghana)
NWAMUSHUATE MABUMO, M. (Mozambique)
NZIOKA, Mr. (Kenya)
OBREGON SABOGAL, Sr. (Colombie)
OLSEN, Mr. (Norvège)
OSUNDE, Mr. (Nigéria)
OULD BRAHIM, M. (Mauritanie)
PEDERSEN, Ms. (Norvège)
PETROVA, Mrs. (Bulgarie)
PINTO, M. (Portugal)

s = suppléant; substitute; suplente.

POLLYDORE, Mr. (Guyana)
ROLLI, Mme (Suisse)
ROSALES NARVAEZ, Sr. (Equateur)
SANMUGAM, Mr. (Malaisie)
SARHADIZADEH, Mr. (Iran, Rép. islamique)
SONAY, Mr. (Turquie)
SPITERI, Mr. (Malte)
TROTMAN, Mr. (Barbade)
VALLE, Sr. (Argentine)
WLOSEK, Mr. (Pologne)
YACOB, Mrs. (Singapour)

s = suppléant; substitute; suplente.

COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS

COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Membres gouvernementaux - Government members - Miembros gubernamentales:

- AFGHANISTAN
- ALGERIE
- ALLEMAGNE
- ANGOLA
- ARABIE SAOUDITE
- ARGENTINE
- AUSTRALIE
- AUTRICHE
- BELGIQUE
- BRESIL
- CANADA
- CHILI
- CHINE
- CHYPRE
- COLOMBIE
- REPUBLIQUE DE COREE
- DANEMARK
- EGYPTE
- EMIRATS ARABES UNIS
- ESPAGNE
- ESTONIE
- ETATS-UNIS
- ETHIOPIE
- FINLANDE
- FRANCE
- GABON
- HONGRIE
- INDE
- INDONESIE
- REPUBLIQUE ISLAMIQUE D'IRAN
- IRLANDE
- ISLANDE
- ITALIE
- JAPON
- KOWEIT
- JAMAHIRIYA ARABE LIBYENNE
- MALAISIE
- MAROC
- MAURICE
- NIGERIA
- NORVEGE
- NOUVELLE-ZELANDE
- PAYS-BAS
- PHILIPPINES
- POLOGNE
- PORTUGAL
- QATAR
- ROUMANIE
- ROYAUME-UNI
- FEDERATION DE RUSSIE
- SRI LANKA
- SUEDE
- SUISSE
- SURINAME
- SWAZILAND
- SENEGAL
- TCHECOSLOVAQUIE
- THAILANDE
- TUNISIE
- TURQUIE
- ZAMBIE
- ZIMBABWE

Membres gouvernementaux adjoints - Govt. deputy members - Miembros gub. adjuntos:

- BARBADE
- BELIZE
- BURUNDI
- DJIBOUTI
- REPUBLIQUE DOMINICAINE
- FIDJI
- GHANA
- IRAQ
- MALAWI
- MALI
- MEXIQUE
- MYANMAR
- NIGER
- REPUBLIQUE ARABE SYRIENNE
- VIET NAM

Membres employeurs - Employers' members - Miembros empleadores:

AFKHAMI, Mr. (Iran, Rép. islamique)
AL-JASSEM, Mr.; s: AL-OWAYESH, Mr. (Koweit)
ARBELOA, Sr.; s: CARDOZO, Sr. (Venezuela)
BEZABEH, Mr. (Ethiopie)
BOEDJOSASTRO, Mr.; s: RAHMADI, Mr.; LAING, Mr. (Indonésie)
CEVALLOS GOMEZ, Sr.; s: ROMO DE VIVAR, Sr. (Mexique)
CHOWDHARY, Mr.; s: MAHESHWARI, Mr.; GARG, Mr. (Inde)
CLARKE, Mr.; s: MILLETTE, Mr. (Trinité-et-Tobago)
EURNEKIAN, Sr.; s: LLAVER, Sr.; BARCIA, Sr. (Argentine)
FERREIRA MONTOYA, M.; s: SALGUEIRO, M.; PEREIRA FERNANDES, M.; CUSTODIO, M. (Portuga
FERRER DUFOL, Sr.; s: ALISEDA VAZQUEZ, Sr.; GIJON VON KLEIST, Sr. (Espagne)
HAK, Miss; s: VAN BOVEN, Mrs.; VAN DUN-DE MEESTER, Mrs.; WESTERHOF, Mrs. (Pays-Bas)
HULTIN, Mr.; s: AHTELA, Mr. (Finlande)
IMOISILI, Mr.; s: LAWAL, Mr. (Nigéria)
KOLMOGOROV, M.; s: BESPALOV, M. (Russie Féd. de)
KUNYAVSKY, Mr.; s: MAKAR, Mr. (Bélarus)
LECA, M.; s: DUMITRESCU, M.; COZEA, M. (Roumanie)
LIONG AJIN, Mr. (Suriname)
MACKIE, Miss; s: CAMPBELL, Mr. (Royaume-Uni)

s = suppléant; substitute; suplente.

MITSOS, M.; s: ANALITIS, M.; HARAKAS, M.; TSOUMANI-SPENTZA, Mme; SKIADAS, M.; PAPAIOANNOU, M.; PALAIOLOGOU, Mme; VAGIAS, M. (Grèce)
McVEIGH, Mr.; s: PIRIE, Mr. (Canada)
N'GUISSAN, M. (Togo)
NAGANO, Mr.; s: ITO, Mr. (Japon)
NOAKES, Mr.; s: HAMPTON, Mr. (Australie)
OECHSLIN, M.; s: BOUSSAT, M.; JULIEN, M. (France)
OWUOR, Mr.; s: JUMA, Mr. (Kenya)
PAN, Mr.; s: QIN, Mr. (Chine)
RAHMAN, Mr.; s: HYDER, Mr. (Bangladesh)
ROBERTS, Mr. (Fidji)
ROMERO ROJAS, Sr.; s: TIJERINO, Sr. (Nicaragua)
RONNEST, Mr.; s: JEPSEN, Mr.; ULDAL, Mr.; VINTHER, Ms. (Danemark)
SELANDER, Mr.; s: BRORSSON, Mr.; FROSTLING, Mr.; MYRDAL, Mr.; THOMASSON, Mr. (Suede)
SMITH Jr., Mr.; s: POTTER, Mr.; SCHALLER, Mr. (Etats-Unis)
SWENSEN, Mr.; s: POULSSON, Mr.; BREVIG, Ms.; OSTMO, Mr.; JOHANSEN, Mr. (Norvège)
TAN, Mr.; s: VARELA, Mr. (Philippines)
THUSING, Mr.; s: GEHUNGER, Mr. (Allemagne)
VAN HOLM, M.; s: DA COSTA, M.; BAELEN, M.; CHIMKOVITCH, M. (Belgique)

Membres adjoints employeurs - Deputy Employers' members - Miembros adjuntos empleadores:

ARBESSER-RASTBURG, Mr.; s: BRAUNER, Mr.; KAINZ, Mr. (Autriche)
ARZENO, Sr.; s: CERON, Sr. (Dominicaine, Rép.)
ATASAYAR, Mr.; s: OZUSTUN, Mr. (Turquie)
CHIWESHE, Mr.; s: JOHNSTONE, Mr. (Zimbabwe)
COSTA, Mr.; s: FETT, Mr.; LINHARES, Ms. (Brésil)
DASSANAYAKE, Mr. (Sri Lanka)
DECOSTERD, M.; s: MATTHEY, M.; PLASSARD, M. (Suisse)
ETTE, Mme (Cote d Ivoire)
GAZZARIN, Mr.; s: FAHMY, Mr. (Egypte)
GEORGET, M. (Niger)
HABAIBEH, Mr.; s: DAJANI, Mr.; AL HUSSAINI, Mr. (Jordanie)
HLOPHE, Mr. (Swaziland)
JUNG, M.; s: SAUBER, M. (Luxembourg)
KWAIRY, Mr. (Libyenne Jamahiriya)
MAKEKA, Mr. (Lesotho)
MARSHALL, Mr. (Barbade)
MATAR, Mr. (Emirats arabes unis)
NASR, M.; s: BALBOUL, M. (Liban)
PILARSKI, Mr.; s: SEMERAK-NEBES, Ms.; RACZKA, Mr. (Pologne)
POPOVIC, Mr.; s: ERNST, Mr. (Tchécoslovaquie)
REPCHA, Mr.; s: BERTRANDS, Mr.; GAVRILOV, Mr. (Lettonie)
SASSO-MAZZUFFERI, Mme; s: GAMBARUTO, M. (Italie)
SIMSA, Mr.; s: OZORAY, Mr. (Hongrie)
TABANI, Mr. (Pakistan)
VASURATNA, Mr.; s: INTHARAPATHOM, Mr. (Thailande)
WHANG, Mr.; s: LEE, Mr. (Corée, Rép. de)
ZAVALA COSTA, Sr.; s: BORLETTI IBARCENA, Sr.; BARRENECHEA CALDERON, Sr. (Pérou)

Membres travailleurs - Workers' members - Miembros trabajadores:

AMINRACHMAN, Mr. (Indonésie)
ARO, Mr. (Finlande)
BRIGHI, Mme (Italie)
CAVAZOS, Sr. (Mexique)
DELIGIANNAKIS, M. (Grèce)
DILMI, M. (Algérie)
DOUCOURE, M. (Mali)

s = suppléant; substitute; suplente.

FOURNIER, M. (France)
FUENTEALBA REYES, Sr. (Chili)
GADAH, Mr. (Libyenne Jamahiriya)
GONZALEZ, Sr. (Venezuela)
GREVSKOTT, Ms. (Norvège)
HEEGAARD, Mr. (Danemark)
JOSON, Mr. (Philippines)
KAES, M. (Luxembourg)
KHAN, Mr. (Bangladesh)
KONSTANTY, Mr. (Allemagne)
KYU, Mr. (Myanmar)
LEEMANS, M. (Belgique)
LIU, Mrs. (Chine)
MANCHIP, Mr. (Canada)
MAYAKI, M. (Niger)
MAYMAN, Ms. (Australie)
MEDVEDEV, M. (Russie Féd. de)
MORGAN, Ms. (Royaume-Uni)
PETTERSSON, Mr. (Suède)
PRENTZAS, Mr. (Chypre)
PUTHIRASIGAMONEY, Mr. (Sri Lanka)
QARFA, M. (Maroc)
REZA'I, Mr. (Iran, Rép. islamique)
ROSALES NARVAEZ, Sr. (Equateur)
SAHRAOUI, M. (Tunisie)
SANMUGAM, Mr. (Malaisie)
SCOTT, Mr. (Nouvelle-Zélande)
SHIRAI, Mr. (Japon)
STUDER, M. (Suisse)
SWITALA, Mr. (Pologne)
TEFERI, Mr. (Ethiopie)
THAILUAN, Mr. (Thailande)
VALENTE, Mr. (Etats-Unis)
VALLE, Sr. (Argentine)
VELUDO, M. (Portugal)
VENUGOPAL, Mr. (Inde)
WILDERS, Mr. (Pays-Bas)
WOISCHNIK, Sra. (Espagne)

Membres adjoints travailleurs - Deputy Workers' members - Miembros adjuntos trabajador

ADIKO NIAMKEY, M. (Cote d'Ivoire)
AHMED, Mr. (Pakistan)
AKOTO, Mr. (Ghana)
ALCAN, Mr. (Turquie)
ALLINI, M. (Gabon)
BARKAN-BENKLER, Mr. (Israël)
BOONRAT, Mr. (Thailande)
COUTINHO, Sr. (Brésil)
CRIDAZZI, Mme (Suisse)
DAHL, Mr. (Norvège)
DEL PRADO, Mr. (Philippines)
DHIFALLI, M. (Tunisie)
DIOP, M. (Sénégal)
DRUCKER, M. (Luxembourg)
EDSTROM, Mr. (Suède)
EL MOKHARIK, M. (Maroc)
ETTY, Mr. (Pays-Bas)
FERRO, Sr. (Argentine)

s = suppléant; substitute; suplente.

GARZON, Sr. (Colombie)
GERGELY, Mr. (Hongrie)
GUPTA, Mr. (Inde)
HARJO, Mr. (Indonésie)
HUTCHINSON, Mr. (Etats-Unis)
JUMA'A, Mr. (Arabie saoudite)
KAADU, Mr. (Estonie)
LEON, Sr. (Venezuela)
LOVE, Mrs. (Royaume-Uni)
MALLON, Mr. (Canada)
MEBRATU, Mr. (Ethiopie)
MIRANDA BARRIGA, Sr. (Chili)
MORAN, Sr. (Equateur)
MORSI, Mr. (Egypte)
MOURGUES, M. (France)
MPANGALA, Mr. (Tanzanie, Rép.-Unie)
MVULA, Mr. (Malawi)
OLSEN, Mr. (Norvège)
OSHIOMHOLE, Mr. (Nigéria)
OZBEK, Mr. (Turquie)
PEDERSEN, Ms. (Norvège)
POLESON, Ms. (Australie)
RAFEA, Mr. (Emirats arabes unis)
SAN ROMAN, Sr. (Mexique)
SCHADECK, M. (Luxembourg)
SEETONG, Mr. (Thaïlande)
SIGNORELLI, M. (Italie)
SIMOES DE CARVALHO, Sr. (Brésil)
SITHOLE, Mr. (Swaziland)
SKAUG, Mr. (Norvège)
SUDJIO, Mr. (Indonésie)
VARELA, Sr. (Uruguay)
WATANABE, Ms. (Japon)

s = suppléant; substitute; suplente.

COMMISSION DES RESSOURCES HUMAINES

COMMITTEE ON HUMAN RESOURCES

COMISION DE LOS RECURSOS HUMANOS

Membres gouvernementaux - Government members - Miembros gubernamentales:

AFGHANISTAN
ALGERIE
ALLEMAGNE
ARABIE SAOUDITE
ARGENTINE
AUSTRALIE
AUTRICHE
BARBADE
BELIZE
BULGARIE
BURKINA FASO
CHILI
CHINE
CHYPRE
COLOMBIE
CONGO
REPUBLIQUE DE COREE
COSTA RICA
EGYPTE
ESPAGNE
ETATS-UNIS
ETHIOPIE
FIDJI
FINLANDE
FRANCE
GABON
HONGRIE
INDE
INDONESIE
REPUBLIQUE ISLAMIQUE D'IRAN
ITALIE
JAPON
JORDANIE
KOWEIT
JAMAHIRIYA ARABE LIBYENNE
MALAISIE
MAROC
NICARAGUA
NIGER
NIGERIA
NORVEGE
OUGANDA
PHILIPPINES
POLOGNE
PORTUGAL
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
RWANDA
SAO TOME-ET-PRINCIPE
SRI LANKA
SUEDE
SUISSE
SURINAME
SWAZILAND
SENEGAL
REPUBLIQUE-UNIE DE TANZANIE
TCHAD
TCHECOSLOVAQUIE
TOGO
TURQUIE
VIET NAM
ZIMBABWE

Membres gouvernementaux adjoints - Govt. deputy members - Miembros gub. adjuntos:

ANGOLA
BANGLADESH
BELGIQUE
BOTSWANA
BRESIL
BELARUS
CUBA
DJIBOUTI
EQUATEUR
HAITI
HONDURAS
IRAQ
IRLANDE
LESOTHO
MALAWI
MALI
MALTE
MEXIQUE
MYANMAR
NOUVELLE-ZELANDE
PAPOUASIE-NOUVELLE-GUINEE
PAYS-BAS
QATAR
SIERRA LEONE
SLOVENIE
REPUBLIQUE ARABE SYRIENNE
TUNISIE
UKRAINE
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores:

AFKHAMI, Mr. (Iran, Rép. islamique)
ARBELOA, Sr. (Venezuela)
BEZABEH, Mr. (Ethiopie)
BOEDJOSASTRO, Mr.; s: HAKIM, Mr. (Indonésie)
CEVALLOS GOMEZ, Sr.; s: MACIAS SANTOS, Sr. (Mexique)
CHANDA, Mr.; s: MWANALUSHI, Mr. (Zambie)
CHIWESHE, Mr.; s: JOHNSTONE, Mr. (Zimbabwe)
CHOWDHARY, Mr.; s: KRISHNA, Mr.; ROY, Mrs. (Inde)
COTO PACHECO, Sr. (Costa Rica)
DECOSTERD, M.; s: DAVATZ, Mme; MEUWLY, M.; PLASSARD, M. (Suisse)
EURNEKIAN, Sr.; s: FIORE, Sr. (Argentine)
FERRER DUFOL, Sr.; s: GIJON VON KLEIST, Sr.; GOMEZ ALBO, Sr. (Espagne)
HAK, Miss; s: VAN BOVEN, Mrs.; VAN DUN-DE MEESTER, Mrs.; WESTERHOF, Mrs. (Pays-Bas)

s = suppléant; substitute; suplente.

HULTIN, Mr.; s: ROPPONEN, Mr. (Finlande)
IMOISILI, Mr.; s: LAWAL, Mr. (Nigéria)
JEETUN, Mr. (Maurice)
KUNYAVSKY, Mr.; s: GAIDUCHENKO, Ms. (Bélarus)
KWAIRY, Mr.; s: RAGHI, Mr.; EL GHOUL, Mr. (Libyenne Jamahiriya)
LECA, M.; s: DUMITRESCU, M. (Roumanie)
MACKIE, Miss; s: SCARTH, Mr. (Royaume-Uni)
MALLIA MILANES, Mr. (Malte)
McVEIGH, Mr.; s: CHARLAND, M. (Canada)
NAGANO, Mr.; s: OKUBO, Mr. (Japon)
NASR, M.; s: BALBOUL, M. (Liban)
NASSARI, M.; s: ALHINDI, M.; MALAKANY, M. (Syrienne, Rép. Arabe)
NOAKES, Mr.; s: JOHN, Mr. (Australie)
OECHSLIN, M.; s: BOUSSAT, M.; MORIN, M. (France)
OUEDRAOGO, M. (Burkina Faso)
OWUOR, Mr.; s: JUMA, Mr. (Kenya)
PAN, Mr.; s: ZHOU, Mr. (Chine)
POPOVIC, Mr.; s: GRMAN, Mr.; KUBICKOVA, Mrs. (Tchécoslovaquie)
REYES MAYEN, Sr.; s: MENENDEZ CASTEJON, Sr. (Guatémala)
ROMERO ROJAS, Sr.; s: RUIZ ROMAN, Sr.; HARDING, Sr. (Nicaragua)
SASSO-MAZZUFFERI, Mme; s: GAMBARUTO, M.; BARATTA, M. (Italie)
SLIMANI, M.; s: CHAOU, M.; FERDJANI, M. (Algérie)
SMITH Jr., Mr.; s: CORNACCHIO, Mr.; POTTER, Mr. (Etats-Unis)
SWENSEN, Mr.; s: POULSSON, Mr.; BREVIG, Ms.; OSTMO, Mr.; JOHANSEN, Mr. (Norvège)
TAN, Mr. (Philippines)
THUSING, Mr.; s: LINDER, Mr. (Allemagne)
VAN HOLM, M.; s: MINNE, M. (Belgique)
YAMSON, Mr. (Ghana)

Membres adjoints employeurs - Deputy Employers' members - Miembros adjuntos empleadores:

AL-JASSEM, Mr.; s: ABDULLAH, Mr. (Koweit)
AL-THANI, Mr. (Qatar)
ANGEL ARANGO, Sr.; s: URIBE, Sr. (Colombie)
ARBESSER-RASTBURG, Mr.; s: BRAUNER, Mr. (Autriche)
ARZENO, Sr.; s: HERRERA ROA, Sr.; NADAL, Sr. (Dominicaine, Rép.)
ATASAYAR, Mr.; s: EVIN, Mr. (Turquie)
CLARKE, Mr.; s: MILLETTE, Mr. (Trinité-et-Tobago)
COSTA, Mr.; s: WEBER, Mr.; DOS SANTOS, Mr.; LINHARES, Ms. (Brésil)
DAHLAN, Mr. (Arabie saoudite)
DUNNE, Mr.; s: McAULEY, Mr. (Irlande)
ETTE, Mme (Cote d'Ivoire)
FERREIRA MONTOYA, M.; s: COSTA ARTUR, Mme; PEREIRA FERNANDES, M.; CUSTODIO, M.; SA E MELLO, M. (Portugal)
GACHAITE, Mrs. (Lituanie)
GAZZARIN, Mr.; s: HAMMOUD, Mr. (Egypte)
GEORGET, M.; s: SABO, M. (Niger)
HLOPHE, Mr. (Swaziland)
JILANI, M.; s: DARGOUTH, M. (Tunisie)
MAKEKA, Mr. (Lesotho)
MARSHALL, Mr. (Barbade)
MITSOS, M.; s: ANALITIS, M.; HARAKAS, M.; TSOUMANI-SPENTZA, Mme; SKIADAS, M.; PAPAIOANNOU, M.; PALAIOLOGOU, Mme; VAGIAS, M. (Grèce)
MOKZHANI, Mr.; s: SOPIEE, Mr. (Malaisie)
MUYUMBU, M.; s: KIRAHUZI, M. (Burundi)
OULD SIDI MOHAMED, M. (Mauritanie)
PILARSKI, Mr.; s: DOBRZYNSKI, Mr.; SZYMER, Mr. (Pologne)
PILIKOS, Mr.; s: MOREAS, Mr. (Chypre)
ROBERTS, Mr. (Fidji)

s = suppléant; substitute; suplente.

ROBI, Mr. (Botswana)
SAUKILA, Mr.; s: MUYENZA, Mr. (Malawi)
SELANDER, Mr.; s: BRORSSON, Mr.; FROSTLING, Mr.; MYRDAL, Mr.; THOMASSON, Mr. (Suèd
TABANI, Mr. (Pakistan)
TAN, Mr. (Singapour)
VASURATNA, Mr.; s: SIRICHANTHANONT, Mr. (Thailande)
WHANG, Mr.; s: SHIN, Mr. (Corée, Rép. de)
YANKANA, Mr. (Guyana)

Membres travailleurs - Workers' members - Miembros trabajadores:

ABADJIEV, Mr. (Bulgarie)
ACHMAD, Mr. (Indonésie)
ADE ANGORAN, Mme (Cote d'Ivoire)
AFILAL, M. (Maroc)
AL AZABI, Mr. (Libyenne Jamahiriya)
BOREK, Mr. (Pologne)
CASTA EDA, Sr. (Venezuela)
DEUTSCH, Mlle (France)
DHIFALLI, M. (Tunisie)
DIGON, Sr. (Argentine)
DIOP, M. (Sénégal)
DOUGLAS, Mr. (Nouvelle-Zélande)
DRIJFHOUT, Mrs. (Pays-Bas)
EFIMENKO, M. (Ukraine)
ESPONDA ZEBADUA, Sr. (Mexique)
FARINELLI, Mme (Italie)
FRIEHS, Mr. (Autriche)
FUKOH, Mr. (Hongrie)
GALIANO RABAGO, Sr. (Espagne)
GOUVERI, Mme (Grèce)
GRANTHAM, Mr. (Royaume-Uni)
IBRAHIM, Mr. (Brésil)
IOANNOU, Mr. (Chypre)
JANERUS, Ms. (Finlande)
KATHIRESAN, Mr. (Sri Lanka)
KONZ, M. (Luxembourg)
KRYLOV, M. (Russie Féd. de)
MANYANDA, Mr. (Tanzanie, Rép.-Unie)
MATHESON, Mr. (Australie)
MAYAKI, M. (Niger)
MEBRATU, Mr. (Ethiopie)
MOHAMED, Mr. (Malaisie)
NIYIREMA, M. (Burundi)
NUNOO-QUAYE, Mr. (Ghana)
NZIOKA, Mr. (Kenya)
OLSEN, Mr. (Norvège)
OSUNDE, Mr. (Nigéria)
PINZON SALAZAR, Sr. (Guatémala)
REQUENA MARTINEZ, Sr. (Chili)
RODRIGUEZ ERAZO, Sr. (Colombie)
SHAMENDA, Mr. (Zambie)
SPITERI, Mr. (Malte)
SWEENEY, Mr. (Etats-Unis)
THOMAS, Mr. (Inde)
TROTMAN, Mr. (Barbade)
WALLENTIN, Mr. (Suède)

s = suppléant; substitute; suplente.

Membres adjoints travailleurs - Deputy Workers' members - Miembros adjuntos trabajadores:

AERENLUND, Mrs. (Danemark)
AHMED, Mr. (Pakistan)
AL-SAMAK, Mr. (Bahrein)
ALVIS FERNANDEZ, Sr. (Colombie)
BARUT, Mr. (Turquie)
BATHILY, M. (Mali)
BUSTO ABELLA, Sr. (Espagne)
CALAMATTA, Mr. (Malte)
CHENNAF, M. (Maroc)
CHILOV, M. (Ukraine)
DAHL, Mr. (Norvège)
DE BARROS, Mr. (Brésil)
DEL REAL ESPINOZA, Sr. (Mexique)
FERNANDEZ, Sr. (Uruguay)
FERNANDEZ MATXUKA, Sr. (Espagne)
FOLDBERG, Mr. (Danemark)
FRIEDMAN, Mr. (Etats-Unis)
FUJIMOTO, Mr. (Japon)
GREVSKOTT, Ms. (Norvège)
HALLGRIMSSON, Mr. (Islande)
HUANG, Mr. (Chine)
HULT, Mr. (Suède)
KANYAMIBWA, M. (Rwanda)
KHAN, Mr. (Bangladesh)
KYRIAKOPOULOS, M. (Grèce)
LIOSI, Mr. (Papouasie-N. Guinée)
LORIA MENDEZ, Sr. (Costa Rica)
MAGNANI, M. (Italie)
MAYMAN, Ms. (Australie)
MELLADO ESPINOZA, Sr. (Chili)
MERAL, Mr. (Turquie)
MOITRA, Mr. (Inde)
MOUTARI, M. (Niger)
MUGALLA, Mr. (Kenya)
OULD BRAHIM, M. (Mauritanie)
PASARIBU, Mr. (Indonésie)
PEDERSEN, Ms. (Norvège)
PETKOV, Mr. (Bulgarie)
PUTHIRASIGAMONEY, Mr. (Sri Lanka)
QUINTANA GARCIA, Sr. (Cuba)
SAHRAOUI, M. (Tunisie)
SALIMIAN, Mr. (Iran, Rép. islamique)
SEMEREL, Mr. (Pays-Bas)
SKAUG, Mr. (Norvège)
SMOLAREK, Mr. (Pologne)
TEFERI, Mr. (Ethiopie)
TELLIER, Mme (France)
UBALDINI, Sr. (Argentine)
VARAS GARCIA, Sra. (Espagne)

s = suppléant; substitute; suplente.

COMMISSION DES RESOLUTIONS

RESOLUTIONS COMMITTEE

COMISION DE RESOLUCIONES

Membres gouvernementaux - Government members - Miembros gubernamentales:

AFGHANISTAN
ALGERIE
ALLEMAGNE
ARGENTINE
AUSTRALIE
AUTRICHE
BELGIQUE
BULGARIE
BURUNDI
CANADA
CHILI
CHINE
COLOMBIE
COSTA RICA
COTE D'IVOIRE
CUBA
DANEMARK
DJIBOUTI
EGYPTE
EMIRATS ARABES UNIS
ESPAGNE
ESTONIE
ETATS-UNIS
FINLANDE
FRANCE
GABON
GHANA
GUATEMALA
HONDURAS
HONGRIE
INDE
INDONESIE
REPUBLIQUE ISLAMIQUE D'IRAN
IRLANDE
ISLANDE
ISRAEL
ITALIE
JAPON
JORDANIE
KOWEIT
JAMAHIRIYA ARABE LIBYENNE
LUXEMBOURG
MALAISIE
MAROC
MEXIQUE
NICARAGUA
NIGERIA
NORVEGE
NOUVELLE-ZELANDE
OUGANDA
PAYS-BAS
PHILIPPINES
POLOGNE
PORTUGAL
PEROU
ROYAUME-UNI
FEDERATION DE RUSSIE
SAINT-MARIN
SOUDAN
SUEDE
SUISSE
SURINAME
REPUBLIQUE ARABE SYRIENNE
SENEGAL
REPUBLIQUE-UNIE DE TANZANIE
TCHECOSLOVAQUIE
THAILANDE
TUNISIE
TURQUIE
UKRAINE
URUGUAY
VENEZUELA
YOUGOSLAVIE
ZIMBABWE

Membres gouvernementaux adjoints - Govt. deputy members - Miembros gub. adjuntos:

ANGOLA
ARABIE SAOUDITE
BARBADE
BELIZE
BOLIVIE
BRESIL
BELARUS
CAMEROUN
CONGO
ETHIOPIE
IRAQ
MYANMAR
NIGER
QATAR
ROUMANIE
RWANDA
SRI LANKA
VIET NAM

Membres employeurs - Employers' members - Miembros empleadores:

AFKHAMI, Mr.; s: HASHEMI, Mr.; ESLAMI, Mr. (Iran, Rép. islamique)
AL-JASSEM, Mr. (Koweit)
AL-KOUBEISI, Mr. (Iraq)
AL-THANI, Mr. (Qatar)
ANDONOV, Mr.; s: SIMEONOV, Mr. (Bulgarie)
ARBELOA, Sr.; s: MONGIAT, Sr. (Venezuela)
ARBESSER-RASTBURG, Mr.; s: BRAUNER, Mr.; KAINZ, Mr. (Autriche)
ARZENO, Sr.; s: HERRERA ROA, Sr.; NADAL, Sr. (Dominicaine, Rép.)
BOEDJOSASTRO, Mr.; s: SOEGIYANTO, Mr. (Indonésie)
CEVALLOS GOMEZ, Sr.; s: CARVAJAL BUSTAMENTE, Sr. (Mexique)
CHOWDHARY, Mr.; s: MAHESHWARI, Mr.; MAHESHWARI, Mr. (Inde)
DAHLAN, Mr. (Arabie saoudite)
DECOSTERD, M.; s: DUC, M.; MEUWLY, M.; PLASSARD, M. (Suisse)

s = suppléant; substitute; suplente.

DURLING, Sr. (Panama)
EURNEKIAN, Sr.; s: FUNES DE RIOJA, Sr.; BOLO, Sr.; MANTILLA, Sr. (Argentine)
FERREIRA MONTOYA, M.; s: SALGUEIRO, M.; DA ROCHA NOVO, M.; CUSTODIO, M. (Portugal)
FERRER DUFOL, Sr.; s: MORENO DUARTE, Sr.; GIJON VON KLEIST, Sr. (Espagne)
GAZZARIN, Mr.; s: EL HERRAWI, Mr.; FAHMY, Mr. (Egypte)
HABAIBEH, Mr.; s: DAJANI, Mr. (Jordanie)
HAK, Miss (Pays-Bas)
HILB, Mr.; s: GATTEGNO, Mr. (Israël)
HULTIN, Mr.; s: HUTTUNEN, Mr. (Finlande)
JILANI, M.; s: M'KAISSI, M. (Tunisie)
KUNYAVSKY, Mr.; s: LFRON, Mr. (Bélarus)
KWAIRY, Mr.; s: AL MEGHERBI, Mr.; RAGHI, Mr. (Libyenne Jamahiriya)
MACKIE, Miss; s: CASTLE, Mr. (Royaume-Uni)
MATAR, (Emirats arabes unis)
MEO, (Nouvelle-Zélande)
McVEIGH, Mr.; s: DELARUE, M. (Canada)
NAGANO, Mr.; s: SUZUKI, Mr.; SHIMIZU, Mr. (Japon)
NASR, M.; s: BALBOUL, M. (Liban)
NASSARI, M.; s: ALHINDI, M.; MALAKANY, M. (Syrienne, Rép. Arabe)
NOAKES, Mr.; s: JOHN, Mr.; WHIFFIN, Mr.; HAMPTON, Mr. (Australie)
OECHSLIN, M. (France)
OULD SIDI MOHAMED, M. (Mauritanie)
REPCHA, Mr.; s: BERTRANDS, Mr.; GAVRILOV, Mr. (Lettonie)
ROMERO ROJAS, Sr.; s: SEQUEIRA, Sr.; RUIZ ROMAN, Sr. (Nicaragua)
RONNEST, Mr. (Danemark)
SASSO-MAZZUFFERI, Mme; s: GAMBARUTO, M.; MACCIO, M. (Italie)
SELANDER, Mr.; s: BRORSSON, Mr.; FROSTLING, Mr.; MYRDAL, Mr.; THOMASSON, Mr. (Suède)
SLIMANI, M.; s: KAHOUL, M. (Algérie)
SMITH Jr., Mr.; s: CORNACCHIO, Mr.; HAGEN, Ms. (Etats-Unis)
STEFANSDOTTIR, Mrs. (Islande)
SWENSEN, Mr.; s: JOHANSEN, Mr.; POULSSON, Mr.; BREVIG, Ms.; OSTMO, Mr. (Norvège)
TABANI, Mr. (Pakistan)
THUSING, Mr.; s: GRIMSMANN, Mr.; GRIMSMANN, Mr. (Allemagne)

Membres adjoints employeurs - Deputy Employers' members - Miembros adjuntos empleadores:

ANGEL ARANGO, Sr.; s: FAJARDO LIEVANO, Sr. (Colombie)
ATASAYAR, Mr.; s: ALTINBASAK, Mr.; ARSLAN, Mr. (Turquie)
COSTA, Mr.; s: SFOGGIA, Mr. (Brésil)
GEORGET, M.; s: SABO, M. (Niger)
JEETUN, Mr. (Maurice)
MALLIA MILANES, Mr. (Malte)
NAVARRO CABRERA, Sr. (Cuba)
RAHMAN, Mr.; s: HYDER, Mr. (Bangladesh)
VAN HOLM, M.; s: ARETS, M.; MINNE, M. (Belgique)
WHANG, Mr.; s: CHIN, Mr. (Corée, Rép. de)
YAMSON, Mr.; s: AMONOO, Mr. (Ghana)
ZAVALA COSTA, Sr.; s: BARRENECHEA CALDERON, Sr. (Pérou)

Membres travailleurs - Workers' members - Miembros trabajadores:

ABDOUN, Mr. (Soudan)
APUZEID, Mr. (Libyenne Jamahiriya)
AL-AJMI, Mr. (Koweit)
AL-BUAINAIN, Mr. (Qatar)
AL-SAMAK, Mr. (Bahrein)
ALVIS FERNANDEZ, Sr. (Colombie)
AQABANI, Mr. (Jordanie)
BARKAN-BENKLER, Mr. (Israël)

s = suppléant; substitute; suplente.

BASNET, Mr. (Népal)
BERAN, Mr. (Tchécoslovaquie)
BOUSLAH, M. (Tunisie)
BUSTOS HUERTA, Sr. (Chili)
EL MOKHARIK, M. (Maroc)
ESPINOZA NAVAS, Sr. (Nicaragua)
FRADES PERNAS, Sr. (Espagne)
GHARIB, Mr. (Iraq)
GONCHARIK, Mr. (Bélarus)
HUANG, Mr. (Chine)
HUGO SEQUEIRA, M. (Portugal)
JUMA'A, Mr. (Arabie saoudite)
KAIBARA, Mr. (Japon)
KIM, Mr. (Corée, Rép. de)
LEARDINI, Mme (Saint-Marin)
LEMKE, Mr. (Danemark)
LESSES, Mr. (Australie)
LETTIERI, M. (Italie)
LUKOVIC, Mr. (Yougoslavie)
MARAKKAR, Mr. (Inde)
MAYOMBO, M. (Gabon)
MOUSTAFA, Mr. (Egypte)
MUSSAVI, Mr. (Iran, Rép. islamique)
NIASSE, M. (Sénégal)
NWAMUSHUATE MABUMO, M. (Mozambique)
NYBERG, Ms. (Suède)
OSHIOMHOLE, Mr. (Nigéria)
PASARIBU, Mr. (Indonésie)
PEDERSEN, Ms. (Norvège)
PIZZAFERI, M. (Luxembourg)
PONCE ITURRIAGA, Sr. (Equateur)
QUINTANA GARCIA, Sr. (Cuba)
RAFEA, Mr. (Emirats arabes unis)
RESHETNIKOV, M. (Russie Féd. de)
RIOS, Sr. (Venezuela)
SANCHEZ MADARIAGA, Sr. (Mexique)
SCHMID, M. (Suisse)
SENEVIRATNE, Mr. (Sri Lanka)
SIETARAM, Mrs. (Pays-Bas)
SMITH, Mr. (Royaume-Uni)
STETCU, M. (Roumanie)
TAN, Mr. (Philippines)
TAPIOLA, Mr. (Finlande)
UBALDINI, Sr. (Argentine)
VAREVICHIUS, Mr. (Lituanie)
VERONESE, M. (France)
WAGNER, Mr. (Allemagne)
WALDACK, M. (Belgique)
WLOSEK, Mr. (Pologne)
ZAAF, M. (Algérie)
ZELLHOFFER, Mr. (Etats-Unis)

Membres adjoints travailleurs - Deputy Workers' members - Miembros adjuntos trabajadores:

ABAKIROV, Mr. (Kirghizistan)
ABOURMAD, Mr. (Israël)
ADAMY, Mr. (Allemagne)
ADE ANGORAN, Mme (Cote d'Ivoire)
AERENLUND, Mrs. (Danemark)

s = suppléant; substitute; suplente.

AHMED, Mr. (Pakistan)
AL-ALI, Mr. (Bahrein)
AL-OTAIBI, Mr. (Koweit)
AL-SHARARI, Mr. (Jordanie)
AMINRACHMAN, Mr. (Indonésie)
AMIR, Mr. (Israël)
AUDETTE, M. (Canada)
BEN SEDDIK, M. (Maroc)
BERNAL CAMERO, Sr. (Cuba)
BIBAUD, M. (Canada)
CABRIRA, Sr. (Venezuela)
CARR, Mrs. (Canada)
CHAVEZ, Sr. (Equateur)
CORTES MU OZ, Sr. (Chili)
DAHL, Mr. (Norvège)
DASSIS, M. (Grèce)
DE VITS, Mme (Belgique)
DELARUE, M. (Belgique)
DELHOMENIE, M. (France)
DIGON, Sr. (Argentine)
DJEFFEL, M. (Algérie)
DREIFUSS, Mme (Suisse)
EDSTROM, Mr. (Suède)
ETTY, Mr. (Pays-Bas)
FERNANDEZ, Sr. (Uruguay)
FUJIMOTO, Mr. (Japon)
GONZALES ZAMORA, Sr. (Espagne)
GRAY, Mr. (Etats-Unis)
GREVSKOTT, Ms. (Norvège)
HAMZA AL-MUFARGI, Mr. (Iraq)
IDRISS IBRAHIM, Mr. (Libyenne Jamahiriya)
JOSON, Mr. (Philippines)
JRAD, M. (Tunisie)
KATHIRESAN, Mr. (Sri Lanka)
KLOCHKOV, M. (Russie Féd. de)
LEO, Mr. (Singapour)
LINDROOS, Ms. (Finlande)
MAJHOOB, Mr. (Iran, Rép. islamique)
MALLECK AMODE, Mr. (Maurice)
MALLON, Mr. (Canada)
MATHESON, Mr. (Australie)
MAURIACA, M. (Saint-Marin)
MEDOR, M. (Sénégal)
MERTEN, M. (Luxembourg)
MPANGALA, Mr. (Tanzanie, Rép.-Unie)
OLIVEIRA, Mr. (Brésil)
OLSEN, Mr. (Norvège)
PE, M. (France)
PODOLINSKIY, Mr. (Bélarus)
RASHED, Mr. (Egypte)
SKAUG, Mr. (Norvège)
SOEDARWO, Mr. (Indonésie)
STEYNE, Mr. (Royaume-Uni)
THOMAS, Mr. (Inde)
TSITSAS, M. (Grèce)
VANNI, M. (Italie)
WAGNER, M. (Luxembourg)
XU, Mr. (Chine)
YANKEY, Mr. (Ghana)
ZAINAL, Mr. (Malaisie)
s = suppléant; substitute; suplente.

COMMISSION DU REGLEMENT

STANDING ORDERS COMMITTEE

COMISION DEL REGLAMENTO

Membres gouvernementaux - Government members - Miembros gubernamentales:

ALLEMAGNE
AUTRICHE
CANADA
CHINE
DJIBOUTI
ESPAGNE
ETATS-UNIS
FINLANDE
FRANCE
INDONESIE
REPUBLIQUE ISLAMIQUE D'IRAN
IRLANDE
JAPON
KOWEIT
JAMAHIRIYA ARABE LIBYENNE
NORVEGE
PEROU
ROYAUME-UNI
FEDERATION DE RUSSIE
SUEDE
SUISSE
SURINAME
REPUBLIQUE ARABE SYRIENNE
SENEGAL
TCHECOSLOVAQUIE
TURQUIE

Membres gouvernementaux adjoints - Govt. deputy members - Miembros gub. adjuntos:

ARGENTINE
AUSTRALIE
BELGIQUE
COLOMBIE
CUBA
EGYPTE
EMIRATS ARABES UNIS
HONGRIE
IRAQ
ITALIE
MAROC
MEXIQUE
NIGERIA
NOUVELLE-ZELANDE
ROUMANIE
TUNISIE
VENEZUELA
VIET NAM
ZIMBABWE

Membres employeurs - Employers' members - Miembros empleadores:

CHOWDHARY, Mr.; s: ROY, Mrs. (Inde)
HAK, Miss (Pays-Bas)
KWAIRY, Mr.; s: RAGHI, Mr. (Libyenne Jamahiriya)
ROMERO ROJAS, Sr.; s: NUNEZ, Sr.; PEREIRA, Sr. (Nicaragua)
THUSING, Mr.; s: GRIMSMANN, Mr.; GRIMSMANN, Mr. (Allemagne)

Membres adjoints employeurs - Deputy Employers' members - Miembros adjuntos empleadores:

AFKHAMI, Mr. (Iran, Rép. islamique)
ARZENO, Sr.; s: CERON, Sr. (Dominicaine, Rép.)
GEORGET, M. (Niger)
MACKIE, Miss (Royaume-Uni)
OECHSLIN, M.; s: JULIEN, M. (France)
PILARSKI, Mr.; s: SZYMER, Mr. (Pologne)
SASSO-MAZZUFFERI, Mme; s: GAMBARUTO, M. (Italie)

Membres travailleurs - Workers' members - Miembros trabajadores:

AERENLUND, Mrs. (Danemark)
CABRERA TORRES, Sr. (Chili)
DIOP, M. (Sénégal)
EDSTROM, Mr. (Suède)
ETTY, Mr. (Pays-Bas)
FARINA, Sr. (Argentine)
GRAY, Mr. (Etats-Unis)
JAYAWARDENA, Mr. (Sri Lanka)
MARAKKAR, Mr. (Inde)
MPANGALA, Mr. (Tanzanie, Rép.-Unie)
SAHRAOUI, M. (Tunisie)

s = suppléant; substitute; suplente.

VANNI, M. (Italie)

Membres adjoints travailleurs - Deputy Workers' members - Miembros adjuntos trabajadores:

ABDOUN, Mr. (Soudan)
ABUZEID, Mr. (Libyenne Jamahiriya)
ACHMAD, Mr. (Indonésie)
AHMED, Mr. (Pakistan)
AMINRACHMAN, Mr. (Indonésie)
BOUSLAH, M. (Tunisie)
DIOP, M. (Sénégal)
FERRARI, M. (Italie)
IJEH, Mr. (Nigéria)
LESCAULT, Mr. (Etats-Unis)
MATHESON, Mr. (Australie)
MUKHERJEE, Mr. (Inde)
REQUENA MARTINEZ, Sr. (Chili)
RODRIGUEZ ERAZO, Sr. (Colombie)
SIETARAM, Mrs. (Pays-Bas)
TAN, Mr. (Philippines)
VARELA, Sr. (Uruguay)
VENTURINI, Sr. (Argentine)

s = suppléant; substitute; suplente.

COMMISSION DE L'APARTHEID

COMMITTEE ON APARTHEID

COMISION DEL APARTHEID

Membres gouvernementaux - Government members - Miembros gubernamentales:

ALGERIE
CHINE
CUBA
EGYPTE
ETATS-UNIS
FINLANDE
INDE
REPUBLIQUE ISLAMIQUE D'IRAN
JAMAIQUE
JAMAHIRIYA ARABE LIBYENNE
NICARAGUA
NIGERIA
PAKISTAN
PORTUGAL
ROYAUME-UNI
FEDERATION DE RUSSIE
REPUBLIQUE ARABE SYRIENNE
SENEGAL
REPUBLIQUE-UNIE DE TANZANIE
ZIMBABWE

Membres employeurs - Employers' members - Miembros empleadores:

AL-JASSEM, Mr.; s: AL-OWAYESH, Mr. (Koweit)
CHANDA, Mr.; s: MWANALUSHI, Mr. (Zambie)
GEORGET, M. (Niger)
HAK, Miss (Pays-Bas)
MACKIE, Miss; s: CHESHIRE, Mr. (Royaume-Uni)
MAENDA, Mr. (Tanzanie, Rép.-Unie)
OECHSLIN, M. (France)
TAN, Mr.; s: HERNANDEZ, Mr. (Philippines)
YAMSON, Mr.; s: AMONOO, Mr. (Ghana)

Membres adjoints employeurs - Deputy Employers' members - Miembros adjuntos empleadores

AFKHAMI, Mr. (Iran, Rép. islamique)
CHIWESHE, Mr.; s: JOHNSTONE, Mr. (Zimbabwe)
CHOWDHARY, Mr.; s: KALANTARI, Mr.; KALANTARI, Mr. (Inde)
DAHLAN, Mr. (Arabie saoudite)
GAZZARIN, Mr.; s: EL HERRAWI, Mr.; HAMMOUD, Mr. (Egypte)
MARSHALL, Mr. (Barbade)
NASSARI, M.; s: ALHINDI, M.; MALAKANY, M. (Syrienne, Rép. Arabe)
OWUOR, Mr.; s: JUMA, Mr. (Kenya)
TABANI, Mr. (Pakistan)

Membres travailleurs - Workers' members - Miembros trabajadores:

ABUZEID, Mr. (Libyenne Jamahiriya)
BJORNSTAD, Mr. (Norvège)
BRETT, Mr. (Royaume-Uni)
DELHOMENIE, M. (France)
DJEFFEL, M. (Algérie)
ESAU, Mr. (Namibie)
LESCAULT, Mr. (Etats-Unis)
MALLON, Mr. (Canada)
MPANGALA, Mr. (Tanzanie, Rép.-Unie)
NWAMUSHUATE MABUMO, M. (Mozambique)
PRENTZAS, Mr. (Chypre)
QUINTANA GARCIA, Sr. (Cuba)
RESHETNIKOV, M. (Russie Féd. de)
TANAKA, Mr. (Japon)
TIXIER, M. (France)

s = suppléant; substitute; suplente.

TRAORE, M. (Cote d'Ivoire)
TROTMAN, Mr. (Barbade)
TSVANGIRAYI, Mr. (Zimbabwe)
YANKEY, Mr. (Ghana)

Membres adjoints travailleurs - Deputy Workers' members - Miembros adjuntos trabajadores:

AHMED, Mr. (Pakistan)
DRZEWICKI, Mr. (Pologne)
ESSO-NA TCHINDE, M. (Togo)
HAMZA AL-MUFARGI, Mr. (Iraq)
KADDOUR, M. (Tunisie)
KANYAMIBWA, M. (Rwanda)
LESSES, Mr. (Australie)
MAJHOOB, Mr. (Iran, Rép. islamique)
SALIMIAN, Mr. (Iran, Rép. islamique)
SANDRASEKERA, Mr. (Sri Lanka)
SCOTT, Mr. (Nouvelle-Zélande)
SIGNORELLI, M. (Italie)
SPITERI, Mr. (Malte)
TSIKOGIANNOPOULOS, M. (Grèce)
VAN DE BURG, Mrs. (Pays-Bas)
WAGNER, Mr. (Allemagne)
XU, Mr. (Chine)

REPORTS OF THE SELECTION COMMITTEE

SECOND REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Government members Membres gouvernementaux Miembros gubernamentales	add/ajouter/añadir GRECE GUINEE LITUANIE LUXEMBOURG PANAMA
Govt. deputy members Membres gouv. adjoints Miembros gub. adjuntos	add/ajouter/añadir EL SALVADOR PAKISTAN
Employers' members Membres employeurs Miembros empleadores	delete/supprimer/suprimir Sr. CEVALLOS GOMEZ; s: Sr. DIAZ GUAJARDO; Sr. GUTIERREZ (Mexique) add/ajouter/añadir Sr. FUNES DE RIOJA comme suppléant de Sr. EURNEKIAN (Argentine) M. SPAGHI comme suppléant de Sr. EURNEKIAN (Argentine)
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/añadir Sr. CEVALLOS GOMEZ; s: Sr. DIAZ GUAJARDO; Sr. GUTIERREZ (Mexique) M. SOW; s: M. BEYE; M. MBACKE; M. GUEYE; M. DIOP (Sénégal)
Workers' members Membres travailleurs Miembros trabajadores	add/ajouter/añadir M. AL-LOZI (Syrienne, Rép. Arabe) Mr. ESAU (Namibie)

Mr. MUKASA (Ouganda)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/añadir

Mr. ALBAYRAK (Turquie)
M. ISSA (Syrienne, Rép. Arabe)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/añadir

GRECE
LUXEMBOURG

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

add/ajouter/añadir

GUINEE

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Sr. AZUBAL comme suppléant de Sr. EURNEKIAN (Argentine)
Mr. CHIWESHE (Zimbabwe)
Mr. CHOWDHARY; s: Mr. KALANTARI; Mr. KALANTARI (Inde)
Sr. DEL REGIL comme suppléant de Sr. CEVALLOS GOMEZ (Mexique)
Mme ETTE (Cote d'Ivoire)
Ms. LINHARES comme suppléant de Mr. COSTA (Brésil)
M. PONOMAREV (Ukraine)
Mr. ROBI (Botswana)

add/ajouter/añadir

Sr. BARCIA comme suppléant de Sr. EURNEKIAN (Argentine)
Mr. CROES comme suppléant de Miss HAK (Pays-Bas)
Sr. DIAZ GUAJARDO comme suppléant de Sr. CEVALLOS GO (Mexique)
Sr. GARCIA ASTABURUAGA (Chili)
Miss LONTRA comme suppléant de Mr. COSTA (Brésil)
M. LOUNIS KHODJA comme suppléant de M. SLIMANI (Algérie)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/añadir

M. ALBERTINI comme suppléant de M. MORRI (Saint-Marin)
Mr. BASS (Antigua-et-Barbuda)
Mr. CHIWESHE (Zimbabwe)
Mr. CHOWDHARY; s: Mr. KALANTARI (Inde)
Mme ETTE (Cote d'Ivoire)
Mr. GRMAN comme suppléant de Mr. POPOVIC (Tchécoslovaquie)
M. PONOMAREV (Ukraine)
Mr. ROBI (Botswana)

M. SOW; s: M. BEYE; M. GUEYE; M. DIOP; M. MBACKE (Sénégal)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

M. SPAEY (Belgique)

add/ajouter/añadir

Mr. AL-MOSAWI (Bahrein)
M. BELAID (Algérie)
Mr. DE CUBA (Pays-Bas)
Mme DEBRULLE (Belgique)
Mr. KEMBA (Namibie)
Mme PODCHIBRIAKINA (Russie Féd. de)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/añadir

Mr. DURUKAN (Turquie)
M. KRYLOV (Russie Féd. de)
Sr. RODRIGUEZ ERAZO (Colombie)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/añadir

GRECE
LUXEMBOURG

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

add/ajouter/añadir

GUINEE

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Sr. CEVALLOS GOMEZ; s: Sr. ROMO DE VIVAR (Mexique)

add/ajouter/añadir

Sr. AZUBAL comme suppléant de Sr. EURNEKIAN (Argentine)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/añadir

Sr. CEVALLOS GOMEZ; s: Sr. ROMO DE VIVAR (Mexique)
Sr. GARCIA ASTABURUAGA; s: Mr. ALE YARARD (Chili)
M. SOW; s: M. BEYE; M. MBACKE; M. GUEYE; M. DIOP (Sénégal)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. ROSALES NARVAEZ (Equateur)

add/ajouter/añadir

M. MEDVEDEV (Russie Féd. de)
Mr. UZOEGBU (Nigéria)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/añadir

Mr. AL-MOSAWI (Bahrein)
M. BELAID (Algérie)
Mr. KEMBA (Namibie)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/añadir

GRECE
GUINEE
LUXEMBOURG

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/añadir

Sr. AZUBAL comme suppléant de Sr. EURNEKIAN (Argentine)
Sr. GARCIA ASTABURUAGA; s: Sr. BRUNA VARGAS (Chili)
Sr. GUTIERREZ comme suppléant de Sr. CEVALLOS GOMEZ (Mexique)
Mr. WAYAN NIKA comme suppléant de Mr. BOEDJOSASTRO (Indonésie)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/añadir

M. MUSANHANE (Mozambique)
M. SOW; s: M. BEYE; M. DIOP; M. GUEYE; M. MBACKE (Sénégal)

Workers' members
Membres travailleurs
Miembros trabajadores

add/ajouter/añadir

M. KRYLOV (Russie Féd. de)
Ms. NANGOMBE (Namibie)
Mr. PERMELL (Trinité-et-Tobago)
Sr. ROSALES NARVAEZ (Equateur)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/añadir

GRECE
PAKISTAN
PANAMA

Govt. deputy members Membres gouv. adjoints Miembros gub. adjuntos	add/ajouter/añadir GUINEE
Employers' members Membres employeurs Miembros empleadores	add/ajouter/añadir Mr. PANGGABEAN comme suppléant de Mr. BOEDJOSASTRO (Indonésie)
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/añadir M. SOW; s: M. BEYE; M. MBACKE; M. DIOP; M. GUEYE (Sénégal)
Workers' members Membres travailleurs Miembros trabajadores	add/ajouter/añadir M. ISSA (Syrienne, Rép. Arabe)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/añadir M. AL-LOZI (Syrienne, Rép. Arabe) Mr. ESAU (Namibie)

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

Govt. deputy members Membres gouv. adjoints Miembros gub. adjuntos	add/ajouter/añadir GUINEE
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/añadir Mr. AL-MOSAWI (Bahrein)

COMMITTEE ON APARTHEID
COMMISSION DE L'APARTHEID
COMISION DEL APARTHEID

Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/añadir M. MUSANHANE (Mozambique) M. SOW; s: M. BEYE; M. MBACKE; M. GUEYE; M. DIOP (Sénégal)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/añadir Mr. DE CUBA (Pays-Bas)

REPORTS OF THE SELECTION COMMITTEE

THIRD REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Government members Membres gouvernementaux Miembros gubernamentales	delete/supprimer/suprimir ISRAEL add/ajouter/anadir LETTONIE NAMIBIE
Govt. deputy members Membres gouv. adjoints Miembros gub. adjuntos	add/ajouter/anadir ISRAEL
Observer Observateur Observador	add/ajouter/anadir SAINT-SIEGE
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/anadir M. TIAGO GOMES; s: M. RODRIGUES (Angola)
Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Mr. YANKEY (Ghana) Mr. YILMAZ (Turquie) add/ajouter/anadir M. CASTELO BRANCO (Angola) M. HOSSU (Roumanie) Mr. YILMAZ (Turquie)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. YILMAZ (Turquie)

add/ajouter/añadir

Mr. BASOGLU (Turquie)
M. DIALLO (Guinée)
Sr. VALDERRAMA (Colombie)
Mr. YANKEY (Ghana)
Mr. YILMAZ (Turquie)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Government members
Membres gouvernementaux
Miembros gubernamentales

delete/supprimer/suprimir

ANGOLA
ISRAEL

add/ajouter/añadir

NAMIBIE

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

add/ajouter/añadir

ANGOLA
ISRAEL

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/añadir

M. TIAGO GOMES; s: M. RODRIGUES (Angola)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. AL-HAJERI (Koweit)
M. BOUZOUBAA (Maroc)
Mr. CALAMATTA (Malte)
M. CHENDOUL (Tunisie)
Sr. FERRO (Argentine)
Sr. GUANTE (Dominicaine, Rép.)
Mr. IJEH (Nigéria)
Mr. KIM (Corée, Rép. de)
Mrs. LOVE (Royaume-Uni)
M. MEDOR (Sénégal)
Mr. MUGALLA (Kenya)
Sr. VALDERRAMA (Colombie)

add/ajouter/añadir

M. DIALLO (Guinée)
Mr. ROBINSON (Antigua-et-Barbuda)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/añadir

Mr. AL-HAJERI (Koweit)
M. BOUZOUBAA (Maroc)

Mr. CALAMATTA (Malte)
M. CHENDOUL (Tunisie)
Sr. FERRO (Argentine)
Sr. GUANTE (Dominicaine, Rép.)
Mr. IJEH (Nigéria)
Mr. KIM (Corée, Rép. de)
Mrs. LOVE (Royaume-Uni)
M. MEDOR (Sénégal)
Mr. MUGALLA (Kenya)
Sr. VALDERRAMA (Colombie)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

add/ajouter/anadir

NAMIBIE

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

M. FERREIRA MONTOYA; s: M. SALGUEIRO;
M. PEREIRA FERNANDES; M. CUSTODIO (Portugal)
M. KOLMOGOROV; s: M. BESPALOV (Russie Féd. de)
Mr. KUNYAVSKY; s: Mr. MAKAR (Bélarus)
M. LECA; s: M. DUMITRESCU; M. COZEA (Roumanie)
Sr. ROMERO ROJAS; s: Sr. TIJERINO (Nicaragua)
Mr. TAN; s: Mr. VARELA (Philippines)

add/ajouter/anadir

Mr. ESLAMI comme suppléant de Mr. AFKHAMI (Iran, Rép. islamique)
Mr. JEMBERE comme suppléant de Mr. BEZABEH (Ethiopie)
M. SIMMONET comme suppléant de M. OECHSLIN (France)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

M. ABOUGHE OBAME; s: M. TCHOUA (Gabon)
M. FERREIRA MONTOYA; s: M. SALGUEIRO;
M. PEREIRA FERNANDES; M. CUSTODIO (Portugal)
M. KOLMOGOROV; s: M. BESPALOV (Russie Féd. de)
Mr. KUNYAVSKY; s: Mr. MAKAR (Bélarus)
M. LECA; s: M. DUMITRESCU; M. COZEA (Roumanie)
Mr. PILIKOS (Chypre)
Sr. ROMERO ROJAS; s: Sr. TIJERINO (Nicaragua)
Mr. TAN; s: Mr. VARELA (Philippines)
M. TIAGO GOMES; s: M. RODRIGUES (Angola)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mme BRIGHI (Italie)
M. DELIGIANNAKIS (Grèce)
M. DILMI (Algérie)
M. MAYAKI (Niger)
Mr. PRENTZAS (Chypre)
M. SAHRAOUI (Tunisie)
Mr. SANMUGAM (Malaisie)
Sr. VALLE (Argentine)

add/ajouter/anadir

M. DA COSTA (Angola)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mme BRIGHI (Italie)
M. DELIGIANNAKIS (Grèce)
M. DILMI (Algérie)
M. MAYAKI (Niger)
Mr. MIKLIC (Slovenie)
Mr. PRENTZAS (Chypre)
M. SAHRAOUI (Tunisie)
Mr. SANMUGAM (Malaisie)
Mr. SKLEDAR (Slovenie)
Sr. VALLE (Argentine)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

ANGOLA
MALTE
NAMIBIE

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

delete/supprimer/suprimir

ANGOLA
MALTE

add/ajouter/anadir

ZAIRE

Observer
Observateur
Observador

add/ajouter/anadir

SAINT-SIEGE

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

Sr. ROJAS LOPEZ comme suppléant de Sr. ARBELOA (Venezuela)
M. VEYSSET comme suppléant de M. OECHSLIN (France

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

M. BENYAHIA; s: M. BOULOUIZ (Maroc)
M. TIAGO GOMES; s: M. RODRIGUES (Angola)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. ACHMAD (Indonésie)
M. AFILAL (Maroc)
M. DIOP (Sénégal)

M. EFIMENKO (Ukraine)
Mme FARINELLI (Italie)
Mr. FUKOH (Hongrie)
M. KRYLOV (Russie Féd. de)
M. KRYLOV (Russie Féd. de)
Mr. MOHAMED (Malaisie)
Mr. NUNOO-QUAYE (Ghana)
Mr. NZIOKA (Kenya)
Sr. RODRIGUEZ ERAZO (Colombie)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mr. ACHMAD (Indonésie)
M. AFILAL (Maroc)
M. DIALLO (Guinée)
M. DIOP (Sénégal)
M. EFIMENKO (Ukraine)
Mme FARINELLI (Italie)
Mr. FUKOH (Hongrie)
M. KRYLOV (Russie Féd. de)
Mr. MOHAMED (Malaisie)
Mr. NUNOO-QUAYE (Ghana)
Mr. NZIOKA (Kenya)
Sr. RODRIGUEZ ERAZO (Colombie)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

ANGOLA
ZAIRE

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

delete/supprimer/suprimir

ANGOLA

add/ajouter/anadir

NAMIBIE

Observer
Observateur
Observador

add/ajouter/anadir

SAINT-SIEGE

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

M. BENYAHIA; s: M. IRAQUI (Maroc)
M. TASSIN comme suppléant de M. OECHSLIN (France)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. SHIN comme suppléant de Mr. WHANG (Corée, Rép. de)

	M. TIAGO GOMES; s: M. RODRIGUES (Angola)
Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Sr. ESPINOZA NAVAS (Nicaragua) M. LETTIERI (Italie) M. MAYOMBO (Gabon) Mr. OSHIOMHOLE (Nigéria) Mr. PASARIBU (Indonésie) M. SCHMID (Suisse) add/ajouter/anadir Mr. GYORGY (Hongrie) M. MAGNANI (Italie)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/anadir Sr. ESPINOZA NAVAS (Nicaragua) M. LETTIERI (Italie) M. MAYOMBO (Gabon) Mr. OSHIOMHOLE (Nigéria) Mr. PASARIBU (Indonésie) M. SCHMID (Suisse)

COMMITTEE ON APARTHEID
COMMISSION DE L'APARTHEID
COMISION DEL APARTHEID

Employers' members Membres employeurs Miembros empleadores	add/ajouter/anadir M. BENYAHIA; s: M. IRAQUI (Maroc)
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/anadir M. TIAGO GOMES; s: M. RODRIGUES (Angola)
Workers' members Membres travailleurs Miembros trabajadores	add/ajouter/anadir Sr. TRUJILLO (Venezuela)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/anadir Mr. FUJIMOTO (Japon) Mr. ISSA (Syrienne, Rép. Arabe)

REPORTS OF THE SELECTION COMMITTEE

FOURTH REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Government members Membres gouvernementaux Miembros gubernamentales	add/ajouter/anadir MADAGASCAR
Employers' members Membres employeurs Miembros empleadores	delete/supprimer/suprimir M. LECA; s: M. DUMITRESCU; M. LEUCUTIA (Roumanie)
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/anadir M. CARVALHO (Cap-Vert) M. LECA; s: M. DUMITRESCU; M. LEUCUTIA (Roumanie)
Workers' members Membres travailleurs Miembros trabajadores	add/ajouter/anadir Mr. FRAZER (Belize) Ms. O'DONOVAN (Irlande) M. PERREIRA (Cap-Vert)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/anadir Mr. DOUGLAS (Irlande)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Government members Membres gouvernementaux Miembros gubernamentales	add/ajouter/anadir BAHREIN
Employers' members Membres employeurs Miembros empleadores	delete/supprimer/suprimir M. LECA; s: M. DUMITRESCU; M. LEUCUTIA (Roumanie Sr. ROMERO ROJAS; s: Sr. SEQUEIRA; Sr. PEREIRA (Nicaragua) add/ajouter/anadir M. HANN; s: M. KOUYATE (Guinée) Sr. HERNANDEZ RUEDA comme suppléant de Sr. ARZEN (Dominicaine, Rép.)
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/anadir M. CARVALHO (Cap-Vert) M. LECA; s: M. DUMITRESCU; M. LEUCUTIA (Roumanie Sr. ROMERO ROJAS; s: Sr. SEQUEIRA; Sr. PEREIRA (Nicaragua)
Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Mr. BADBAN (Iran, Rép. islamique) M. BELAID (Algérie) M. MOUTARI (Niger) M. TEVI-MENSAH (Togo) M. TRAORE (Cote d'Ivoire)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	delete/supprimer/suprimir Mme DEBRULLE (Belgique) add/ajouter/anadir Mr. BADBAN (Iran, Rép. islamique) M. BELAID (Algérie) Sr. DEUTSCH (Venezuela) M. MOUTARI (Niger) Ms. O'DONOVAN (Irlande) M. SPAEY (Belgique) M. TEVI-MENSAH (Togo) M. TRAORE (Cote d'Ivoire)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

BAHREIN

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

M. KOLMOGOROV; s: M. VASILYEV (Russie Féd. de)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

delete/supprimer/suprimir

M. KOLMOGOROV; s: M. BESPALOV (Russie Féd. de)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

M. QARFA (Maroc)

add/ajouter/anadir

Mme BRIGHI (Italie)
M. DIOP (Sénégal)
M. MOUTARI (Niger)
Mr. MULENGA (Zambie)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mme BRIGHI (Italie)
M. DIOP (Sénégal)

add/ajouter/anadir

Ms. O'DONOVAN (Irlande)
M. QARFA (Maroc)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

COMORES

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

Mrs. WILLIAMS (Belize)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

M. CARVALHO (Cap-Vert)

Ms. MEO; s: Mr. MARSHALL (Nouvelle-Zélande)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mr. FRAZER (Belize)
Mr. MULENGA (Zambie)
Ms. O'DONOVAN (Irlande)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

BAHREIN

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. KIM (Corée, Rép. de)
Sr. UBALDINI (Argentine)
M. WALDACK (Belgique)

add/ajouter/anadir

Mr. DOUGLAS (Irlande)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mr. KIM (Corée, Rép. de)
Ms. O'DONOVAN (Irlande)
Mr. PUTHIRASIGAMONEY (Sri Lanka)
Sr. UBALDINI (Argentine)
M. WALDACK (Belgique)

COMMITTEE ON APARTHEID
COMMISSION DE L'APARTHEID
COMISION DEL APARTHEID

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mrs. VAN DE BURG (Pays-Bas)

REPORTS OF THE SELECTION COMMITTEE

FIFTH REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

M. KOLMOGOROV; s: M. BESPALOV; M. MITROFANOV (Russie Féd. de)
Mr. KUNYAVSKY; s: Ms. VINOKUROVA (Bélarus)

add/ajouter/anadir

M. JULIEN comme suppléant de M. OECHSLIN (France)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

M. KOLMOGOROV; s: M. BESPALOV; M. MITROFANOV (Russie Féd. de)
Mr. KUNYAVSKY; s: Ms. VINOKUROVA (Bélarus)

Workers' members
Membres travailleurs
Miembros trabajadores

add/ajouter/anadir

M. SONNY-COLE (Centrafricaine, Rép.)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

M. JULIEN comme suppléant de M. OECHSLIN (France)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

M. KHRAMOV (Russie Féd. de)
M. SONNY-COLE (Centrafricaine, Rép.)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

M. JULIEN comme suppléant de M. OECHSLIN (France)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. CAVAZOS (Mexique)
M. DA COSTA (Angola)
M. FOURNIER (France)
M. KAES (Luxembourg)
M. MEDVEDEV (Russie Féd. de)
M. STUDER (Suisse)
M. VELUDO (Portugal)

add/ajouter/anadir

Mr. PAJOBO (Ouganda)
Sr. SAN ROMAN (Mexique)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Sr. SAN ROMAN (Mexique)

add/ajouter/anadir

Sr. CAVAZOS (Mexique)
M. DA COSTA (Angola)
M. FOURNIER (France)
M. KAES (Luxembourg)
M. MEDVEDEV (Russie Féd. de)
M. STUDER (Suisse)
M. VELUDO (Portugal)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

M. GLELE (Bénin)
M. JULIEN comme suppléant de M. OECHSLIN (France)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. ABADJIEV (Bulgarie)
Mr. AL AZABI (Libyenne Jamahiriya)
M. DHIFALLI (Tunisie)
Mr. IOANNOU (Chypre)
Mr. MANYANDA (Tanzanie, Rép.-Unie)
M. NIYIREMA (Burundi)
Mr. SHAMENDA (Zambie)

add/ajouter/anadir

Mr. FUKOH (Hongrie)
Mrs. KJAER (Danemark)
M. KRYLOV (Russie Féd. de)
M. OBAME (Gabon)
M. SIRBU (Roumanie)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. FUKOH (Hongrie)
M. KRYLOV (Russie Féd. de)

add/ajouter/anadir

Mr. ABADJIEV (Bulgarie)
Mr. AL AZABI (Libyenne Jamahiriya)
M. DHIFALLI (Tunisie)
Mr. IOANNOU (Chypre)
Mr. MANYANDA (Tanzanie, Rép.-Unie)
M. NIYIREMA (Burundi)
Mr. PAJOBO (Ouganda)
Mr. SHAMENDA (Zambie)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

NAMIBIE

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

delete/supprimer/suprimir

NAMIBIE

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Mr. AL-KOUBEISI (Iraq)
Sr. ARZENO; s: Sr. HERRERA ROA; Sr. NADAL (Dominicaine, Rép.)
M. DECOSTERD; s: M. DUC (Suisse)
Mr. HABAIBEH; s: Mr. DAJANI (Jordanie)
Miss HAK (Pays-Bas)
Mr. KWAIRY; s: Mr. AL MEGHERBI; Mr. RAGHI (Libyenne Jamahiriya)
Ms. MEO (Nouvelle-Zélande)
M. NASR; s: M. BALBOUL (Liban)
Mr. NOAKES; s: Mr. JOHN; Mr. WHIFFIN; Mr. HAMPTON (Australie)
Sr. ROMERO ROJAS; s: Sr. SEQUEIRA; Sr. RUIZ ROMAN (Nicaragua)
Mr. RONNEST (Danemark)
M. SLIMANI; s: M. KAHOUL (Algérie)
Mrs. STEFANSDOTTIR (Islande)

add/ajouter/anadir

Mr. GARG comme suppléant de Mr. CHOWDHARY (Inde)
M. JULIEN comme suppléant de M. OECHSLIN (France)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. AL-KOUBEISI (Iraq)
Sr. ARZENO; s: Sr. HERRERA ROA; Sr. NADAL (Dominicaine, Rép.)
M. DECOSTERD; s: M. DUC (Suisse)
Mr. HABAIBEH; s: Mr. DAJANI (Jordanie)
Miss HAK (Pays-Bas)
Mr. KWAIRY; s: Mr. AL MEGHERBI; Mr. RAGHI (Libyenne Jamahiriya)
Ms. MEO (Nouvelle-Zélande)
M. NASR; s: M. BALBOUL (Liban)
Mr. NOAKES; s: Mr. JOHN; Mr. WHIFFIN; Mr. HAMPTON (Australie)
Sr. ROMERO ROJAS; s: Sr. SEQUEIRA; Sr. RUIZ ROMAN (Nicaragua)
Mr. RONNEST; s: Mr. JEPSEN; Mr. ULDAL; Ms. VINTHER (Danemark)
M. SLIMANI; s: M. KAHOUL (Algérie)
Mrs. STEFANSDOTTIR (Islande)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. AL-AJMI (Koweit)
Mr. GONCHARIK (Bélarus)
M. NWAMUSHUATE MABUMO (Mozambique)

add/ajouter/anadir

Mr. AL-JUDARI (Yemen)
Mr. KIM (Corée, Rép. de)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. KIM (Corée, Rép. de)

add/ajouter/anadir

Mr. AL-AJMI (Koweit)
M. DE REYMAEKER (Belgique)
Mr. GONCHARIK (Bélarus)
Mr. NASSER (Yemen)
M. NWAMUSHUATE MABUMO (Mozambique)
M. SIRBU (Roumanie)

COMMITTEE ON APARTHEID
COMMISSION DE L'APARTHEID
COMISION DEL APARTHEID

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

add/ajouter/anadir

CONGO

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

M. JULIEN comme suppléant de M. OECHSLIN (France)

REPORTS OF THE SELECTION COMMITTEE

SIXTH REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Sr. ARZENO; s: Sr. HERRERA ROA (Dominicaine, Rép.)
Mr. KWAIRY; s: Mr. EL GHOUL (Libyenne Jamahiriya)
M. NASSARI; s: M. ALHINDI; M. MALAKANY (Syrienne, Rép. Arabe)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Sr. ARZENO; s: Sr. HERRERA ROA (Dominicaine, Rép.)
Mr. KWAIRY; s: Mr. EL GHOUL (Libyenne Jamahiriya)
M. NASSARI; s: M. ALHINDI; M. MALAKANY (Syrienne, Rép. Arabe)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

M. FONSECA (Guinée-Bissau)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

TCHAD

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Sr. ARZENO; s: Sr. CERON (Dominicaine, Rép.)

add/ajouter/anadir

Mr. CHIWESHE (Zimbabwe)

Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	delete/supprimer/suprimir Mr. CHIWESHE (Zimbabwe) add/ajouter/anadir Sr. ARZENO; s: Sr. CERON (Dominicaine,
Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Mr. COLUMBUS (Fidji) M. KANYAMIBWA (Rwanda) M. MARAGOUDAKIS (Grèce) Sr. PEREZ TOVAR (Mexique)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	delete/supprimer/suprimir Sr. DEUTSCH (Venezuela) add/ajouter/anadir Mr. COLUMBUS (Fidji) Sra. DEUTSCH (Venezuela) M. KANYAMIBWA (Rwanda) Sr. PEREZ TOVAR (Mexique)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Mr. UZOEGBU (Nigéria) add/ajouter/anadir Mr. JARMAI (Hongrie) Mr. SADIQYAR (Afghanistan)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/anadir M. MAETER (Belgique) Mr. UZOEGBU (Nigéria)

COMMITTEE OF HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Sr. ESPONDA ZEBADUA (Mexique) add/ajouter/anadir Mr. MOMENI (Iran, Rép. islamique) M. RAKOTONAVALONA (Madagascar) Mme REPRESAS (Portugal)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Sr. ESPONDA ZEBADUA (Mexique)
Mr. SZIR (Israël)
Mr. XU (Chine)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

ARABIE SAOUDITE
QATAR

Govt. deputy members
Membres gouv. adjoints
Miembros gub. adjuntos

delete/supprimer/suprimir

ARABIE SAOUDITE
QATAR

add/ajouter/anadir

REPUBLIQUE DE COREE

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

Mr. HABAIBEH; s: Mr. DAJANI (Jordanie)
M. MOMEN (Afghanistan)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

delete/supprimer/suprimir

Mr. HABAIBEH; s: Mr. DAJANI (Jordanie)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. ABDOUN (Soudan)
Mr. ABUZEID (Libyenne Jamahiriya)
Mr. BARKAN-BENKLER (Israël)
M. EL MOKHARIK (Maroc)
Mr. GHARIB (Iraq)
Mr. LUKOVIC (Yougoslavie)
Mr. WLOSEK (Pologne)

add/ajouter/anadir

M. AL-HABR (Liban)
Mr. KARA (Israël)
Mr. OSHIOMHOLE (Nigéria)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. OSHIOMHOLE (Nigéria)
Mr. PUTHIRASIGAMONEY (Sri Lanka)

add/ajouter/anadir

Mr. ABDOUN (Soudan)
Mr. ABUZEID (Libyenne Jamahiriya)
Mr. BARKAN-BENKLER (Israël)
M. EL MOKHARIK (Maroc)
Mr. GHARIB (Iraq)
Mr. LUKOVIC (Yougoslavie)
M. TIXIER (France)
Mr. WLOSEK (Pologne)

REPORTS OF THE SELECTION COMMITTEE

SEVENTH REPORT

Changes in the composition of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Employers' members Membres employeurs Miembros empleadores	delete/supprimer/suprimir Miss LONTRA comme suppléant de Mr. COSTA (Brésil) Mr. SKOBERNE; s: Mr. MEZNAR (Slovenie)
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/anadir Mr. SKOBERNE; s: Mr. MEZNAR (Slovenie)
Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Mr. RAUB (Autriche) add/ajouter/anadir M. MARAGOUDAKIS (Grèce) Ms. VARGA (Hongrie)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	add/ajouter/anadir Mr. RAUB (Autriche)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/anadir Mr. SZYRMER comme suppléant de Mr. PILARSKI (Pologne)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. GADAH (Libyenne Jamahiriya)
Mr. MULENGA (Zambie)
Mr. SADIQYAR (Afghanistan)
Sr. SAN ROMAN (Mexique)

add/ajouter/anadir

M. MEDVEDEV (Russie Féd. de)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

M. MEDVEDEV (Russie Féd. de)

add/ajouter/anadir

Mr. GADAH (Libyenne Jamahiriya)
Mr. MULENGA (Zambie)
Mr. SADIQYAR (Afghanistan)
Sr. SAN ROMAN (Mexique)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. ROSALES NARVAEZ (Equateur)

add/ajouter/anadir

Mrs. MUKADI (Indonésie)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Sr. ROSALES NARVAEZ (Equateur)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Mr. TABANI (Pakistan)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. TABANI (Pakistan)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

M. PIZZAFERI (Luxembourg)
Mr. SMITH (Royaume-Uni)

add/ajouter/anadir

Mr. BOULGAK (Bélarus)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

M. PIZZAFERI (Luxembourg)
Mr. SMITH (Royaume-Uni)

REPORTS OF THE SELECTION COMMITTEE

EIGHTH REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

M. MORRI; s: Mme MENICUCCI; Mme. VERONESI (Saint-Marin)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. AL-AHLASI; s: Mr. AL-KHODR (Yemen)
M. MORRI; s: Mme MENICUCCI; Mme. VERONESI (Saint-Marin)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. AL-OTAIBI (Koweit)
Mr. AMIR (Israël)
Mr. BAFYAU (Nigéria)
M. BECCARI (Saint-Marin)
M. CHAIEB (Tunisie)
M. DALEIDEN (Luxembourg)
M. DE CARVALHO (Portugal)
M. DODO (Niger)
Mr. ESAU (Namibie)
Mr. HALLGRIMSSON (Islande)
Mr. IDRISS IBRAHIM (Libyenne Jamahiriya)
Mr. KIM (Corée, Rép. de)
Sra. MARMOLEJOS (Dominicaine, Rép.)
Mr. MUKASA (Ouganda)
Ms. O'DONOVAN (Irlande)
M. PERREIRA (Cap-Vert)
Mr. POLLYDORE (Guyana)
Mr. RACHMAN (Indonésie)
Mr. TKAC (Tchécoslovaquie)

add/ajouter/anadir

Mrs. SVEINBJORNSDOTTIR (Islande)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Sra. PAREDES GIL (Espagne)

add/ajouter/anadir

Mr. AL-OTAIBI (Koweit)
Mr. AMIR (Israël)
Mr. BAFYAU (Nigéria)
M. BECCARI (Saint-Marin)
M. CHAIEB (Tunisie)
M. DALEIDEN (Luxembourg)
M. DE CARVALHO (Portugal)
M. DODO (Niger)
Mr. ESAU (Namibie)
Mr. IDRISS IBRAHIM (Libyenne Jamahiriya)
Mr. KIM (Corée, Rép. de)
Sra. MARMOLEJOS (Dominicaine, Rép.)
Mr. MUKASA (Ouganda)
Ms. O'DONOVAN (Irlande)
M. PEZREIRA (Cap-Vert)
Mr. POLLYDORE (Guyana)
Mr. RACHMAN (Indonésie)
Mr. TKAC (Tchécoslovaquie)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

Mr. BASS (Antigua-et-Barbuda)
M. VASILYEV comme suppléant de M. KOLMOGOROV (Russie Féd. de)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

delete/supprimer/suprimir

Mr. BASS (Antigua-et-Barbuda)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. AL-MOSAWI (Bahrein)
Mr. LHANYM (Mongolie)
M. MARAGOUDAKIS (Grèce)

add/ajouter/anadir

Mr. RAUB (Autriche)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. RAUB (Autriche)

add/ajouter/anadir

Mr. AL-MOSAWI (Bahrein)
Mr. LHANYM (Mongolie)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Sr. EURNEKIAN; s: Sr. LLAVER; Sr. BARCIA;
Sr. AZUBAL (Argentine)
M. MITSOS; s: M. ANALITIS; M. HARAKAS;
Mme TSOUMANI-SPENTZA; M. SKIADAS; M. PAPAIOANNOU;
Mme PALAIOLOGOU; M. VAGIAS (Grèce)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Sr. EURNEKIAN; s: Sr. LLAVER; Sr. BARCIA;
Sr. AZUBAL (Argentine)
M. MITSOS; s: M. ANALITIS; M. HARAKAS;
Mme TSOUMANI-SPENTZA; M. SKIADAS; M. PAPAIOANNOU;
Mme PALAIOLOGOU; M. VAGIAS (Grèce)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. AMINRACHMAN (Indonésie)
M. DOUCOURE (Mali)
Mr. KHAN (Bangladesh)
Mr. KYU (Myanmar)
Mrs. LIU (Chine)
Ms. MAYMAN (Australie)
M. MOUTARI (Niger)
Mr. PAJOBO (Ouganda)
Mr. TEFERI (Ethiopie)
Mr. THAILUAN (Thailande)
Mr. WILDERS (Pays-Bas)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mr. AMINRACHMAN (Indonésie)
M. DOUCOURE (Mali)
Mr. KHAN (Bangladesh)
Mr. KYU (Myanmar)
Mrs. LIU (Chine)
Ms. MAYMAN (Australie)
M. MOUTARI (Niger)
Mr. PAJOBO (Ouganda)
Mr. TEFERI (Ethiopie)
Mr. THAILUAN (Thailande)
Mr. WILDERS (Pays-Bas)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mrs. KJAER (Danemark)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mrs. KJAER (Danemark)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Mr. AFKHAMI; s: Mr. HASHEMI; Mr. ESLAMI (Iran, Rép. islamique)
M. BENYAHIA; s: M. IRAQUI (Maroc)
Mr. HILB; s: Mr. GATTEGNO (Israël)
Mr. KUNYAVSKY; s: Mr. LFRON (Bélarus)
M. MOMEN (Afghanistan)
M. OULD SIDI MOHAMED (Mauritanie)
Mr. SWENSEN; s: Mr. JOHANSEN; Mr. POULSSON; Ms. BREVIG; Mr. OSTMO (Norvège)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. AFKHAMI; s: Mr. HASHEMI; Mr. ESLAMI (Iran, Rép. islamique)
Mr. AL-AHLASI; s: Mr. AL-KHODR (Yemen)
M. BENYAHIA; s: M. IRAQUI (Maroc)
Mr. HILB; s: Mr. GATTEGNO (Israël)
Mr. KUNYAVSKY; s: Mr. LFRON (Bélarus)
M. MOMEN (Afghanistan)
M. OULD SIDI MOHAMED (Mauritanie)
Mr. SWENSEN; s: Mr. JOHANSEN; Mr. POULSSON; Ms. BREVIG; Mr. OSTMO (Norvège)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. BUSTOS HUERTA (Chili)
Mr. GYORGY (Hongrie)
Mme LEARDINI (Saint-Marin)
Mr. LEMKE (Danemark)
Sr. RIOS (Venezuela)

add/ajouter/anadir

Mr. AL-AJMI (Koweit)
Sr. CABRIRA (Venezuela)
Sr. CORTES MUNOZ (Chili)
Mrs. KJAER (Danemark)
M. MAURIACA (Saint-Marin)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. AL-AJMI (Koweit)
Sr. CABRIRA (Venezuela)
Sr. CORTES MUNOZ (Chili)
M. MAURIACA (Saint-Marin)

add/ajouter/anadir

Sr. BARRENECHEA AGUAYO (Chili)
Mme LEARDINI (Saint-Marin)

REPORTS OF THE SELECTION COMMITTEE

NINTH REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. KASWARRA RWAMURA; s: Mr. ABALIWANO (Ouganda)
Mr. KILTER (Estonie)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mrs. GUSTAFSSON (Suède)

add/ajouter/anadir

Mr. EDSTROM (Suède)
M. GIARDI (Saint-Marin)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. EDSTROM (Suède)
M. GIARDI (Saint-Marin)

add/ajouter/anadir

Mrs. GUSTAFSSON (Suède)
Sr. MORENO PRECIADOS (Espagne)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Sr. GARCIA ASTABURUAGA (Chili)
Mr. HOGG (Papouasie-N. Guinée)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Sr. GARCIA ASTABURUAGA (Chili)
Mr. HOGG (Papouasie-N. Guinée)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. FOLDBERG (Danemark)

add/ajouter/anadir

Mr. BEULTOINGAR (Tchad)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mr. FOLDBERG (Danemark)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Mr. BEZABEH; s: Mr. JEMBERE (Ethiopie)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. BEZABEH; s: Mr. JEMBERE (Ethiopie)
Ms. VINOKUROVA comme suppléant de Mr. KUNYAVSKY (Bélarus)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Mr. JEETUN (Maurice)
Mr. KWAIRY; s: Mr. RAGHI; Mr. EL GHOUL (Libyenne Jamahiriya)
M. LECA; s: M. DUMITRESCU (Roumanie)
M. NASR; s: M. BALBOUL (Liban)
Mr. POPOVIC; s: Mr. GERMAN; Mrs. KUBICKOVA (Tchécoslovaquie)
Sr. REYES MAYEN; s: Sr. MENENDEZ CASTEJON (Guatémala)
Sr. ROMERO ROJAS; s: Sr. RUIZ ROMAN; Sr. HARDING (Nicaragua)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. JEETUN (Maurice)

Mr. KWAIRY; s: Mr. RAGHI; Mr. EL GHOUL (Libyenne Jamahiriya)
M. LECA; s: M. DUMITRESCU (Roumanie)
M. NASR; s: M. BALBOUL (Liban)
Mr. POPOVIC; s: Mr. GRMAN; Mrs. KUBICKOVA (Tchécoslovaquie)
Sr. REYES MAYEN; s: Sr. MENENDEZ CASTEJON (Guatémala)
Sr. ROMERO ROJAS; s: Sr. RUIZ ROMAN; Sr. HARDING (Nicaragua)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. CASTAÑEDA (Venezuela)
Mr. FRIEHS (Autriche)
Mme GOUVERI (Grèce)
Mr. GRANTHAM (Royaume-Uni)
Ms. JANERUS (Finlande)
Mr. KATHIRESAN (Sri Lanka)
Mr. MATHESON (Australie)
Mr. OLSEN (Norvège)
M. SIRBU (Roumanie)
Mr. THOMAS (Inde)
Mr. TROTMAN (Barbade)

add/ajouter/anadir

Mrs. KJAER (Danemark)
Sr. ROSALES NARVAEZ (Equateur)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mrs. KJAER (Danemark)
Sr. ROSALES NARVAEZ (Equateur)

add/ajouter/anadir

Sr. CASTAÑEDA (Venezuela)
M. DA COSTA (Angola)
Sr. FARINA (Argentine)
Mr. FRIEHS (Autriche)
Mme GOUVERI (Grèce)
Mr. GRANTHAM (Royaume-Uni)
Ms. JANERUS (Finlande)
Mr. KATHIRESAN (Sri Lanka)
Mr. MATHESON (Australie)
Mr. OLSEN (Norvège)
M. SIRBU (Roumanie)
Mr. THOMAS (Inde)
Mr. TROTMAN (Barbade)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Government members
Membres gouvernementaux
Miembros gubernamentales

delete/supprimer/suprimir

GABON

Govt. deputy members Membres gouv. adjoints Miembros gub. adjuntos	add/ajouter/anadir GABON
Employers' members Membres employeurs Miembros empleadores	delete/supprimer/suprimir Mr. THUSING; s: Mr. GRIMSMANN (Allemagne) add/ajouter/anadir Sr. AZUBEL comme suppléant de Sr. EURNEKIAN (Argentine) Sr. BARCIA comme suppléant de Sr. EURNEKIAN (Argentine) Sr. FIORE comme suppléant de Sr. EURNEKIAN (Argentine) Sr. GELMI comme suppléant de Sr. EURNEKIAN (Argentine) Sr. LLAVER comme suppléant de Sr. EURNEKIAN (Argentine) Sr. MARTINEZ comme suppléant de Sr. EURNEKIAN (Argentine)
Employers' deputy members Membres employeurs adjoints Miembros empleadores adjuntos	add/ajouter/anadir Mr. THUSING; s: Mr. GRIMSMANN (Allemagne)
Workers' members Membres travailleurs Miembros trabajadores	delete/supprimer/suprimir Mr. DOUGLAS (Irlande) Mrs. KJAER (Danemark) Mr. MOUSTAFA (Egypte) Sr. SANCHEZ MADARIAGA (Mexique) M. ZAAF (Algérie) add/ajouter/anadir M. CHILOV (Ukraine) M. DILMI (Algérie) M. LEMOS (Grèce) M. WALDACK (Belgique)
Workers' deputy members Membres travailleurs adjoints Miembros trabajadores adjuntos	delete/supprimer/suprimir M. TSITSAS (Grèce) M. WALDACK (Belgique) add/ajouter/anadir M. BELAID (Algérie) M. DOUGLAS (Irlande) Mrs. KJAER (Danemark) Mr. MOUSTAFA (Egypte) Sr. SANCHEZ MADARIAGA (Mexique) M. ZAAF (Algérie)

REPORTS OF THE SELECTION COMMITTEE

TENTH REPORT

Composition of the Credentials Committee

Mr. Pérez del Castillo, Government member and Chairman of the Credentials Committee, has informed the secretariat of the Conference that he is obliged to leave Geneva at the end of Friday, 19 June. In order to fill the vacancy so created, after consulting the other members of the Credentials Committee, the Officers of the Selection Committee accordingly propose to the Conference that, as from the departure of Mr. Pérez del Castillo, he should be replaced as the Government member and Chairman of the Committee by Mr. Beranek (Czechoslovakia).

Changes in the composition of committees

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

M. BOUDCHACHA comme suppléant de M. SLIMANI (Algérie)

Workers' members
Membres travailleurs
Miembros trabajadores

add/ajouter/anadir

Mr. GRAY (Libéria)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

M. THEONAS (Grèce)

COMMITTEE ON WORKERS'CLAIMS
COMMISSION DES CREANCES DES TRAVAILLEURS
COMISION DE LOS CREDITOS LABORALES

Government members
Membres gouvernementaux
Miembros gubernamentales

add/ajouter/anadir

ZAIRE

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Miss HAK; s: Mrs. VAN BOVEN;
Mrs. VAN DUN-DE MEESTER; CROES; Mrs. WESTERHOF
(Pays-Bas)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Miss HAK; s: Mrs. VAN BOVEN;
Mrs. VAN DUN-DE MEESTER; CROES; Mrs. WESTERHOF
(Pays-Bas)

Workers' members
Membres travailleurs
Miembros trabajadores

add/ajouter/anadir

Mr. AL-MOSAWI (Bahrein)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mr. AL-MOSAWI (Bahrein)

add/ajouter/anadir

M. FLAMBOURAS (Grèce)

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

M. LEEMANS (Belgique)
Mr. VALENTE (Etats-Unis)

add/ajouter/anadir

M. FOURNIER (France)
Mr. HUTCHINSON (Etats-Unis)
Mr. KYU (Myanmar)
Ms. MAYMAN (Australie)
Mr. THAILUAN (Thailande)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

M. FOURNIER (France)
Mr. HUTCHINSON (Etats-Unis)
Mr. KYU (Myanmar)
Ms. MAYMAN (Australie)
Mr. THAILUAN (Thailande)

add/ajouter/anadir

M. LEEMANS (Belgique)
M. MUKALE (Zaïre)
M. PAVLIDAKIS (Grèce)
Mr. VALENTE (Etats-Unis)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Miss HAK; s: Mrs. VAN BOVEN;
Mrs. VAN DUN-DE MEESTER; Mrs. WESTERHOF (Pays-Bas)
M. NASSARI; s: M. ALHINDI; M. MALAKANY
(Syrienne, Rép. Arabe)

M. SLIMANI; s: M. CHAOU; M. FERDJANI (Algérie)
Mr. SMITH Jr.; s: Mr. CORNACCHIO; Mr. POTTER
(Etats-Unis)
Mr. SWENSEN; s: Mr. POULSSON; Ms. BREVIG; Mr. OSTMO;
Mr. JOHANSEN (Norvège)
Mrs. WILLIAMS (Belize)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Miss HAK; s: Mrs. VAN BOVEN;
Mrs. VAN DUN-DE MEESTER; Mrs. WESTERHOF (Pays-Bas)
M. NASSARI; s: M. ALHINDI; M. MALAKANY
(Syrienne, Rép. Arabe)
M. SLIMANI; s: M. CHAOU; M. FERDJANI (Algérie)
Mr. SMITH Jr.; s: Mr. CORNACCHIO; Mr. POTTER
(Etats-Unis)
Mr. SWENSEN; s: Mr. POULSSON; Ms. BREVIG; Mr. OSTMO;
Mr. JOHANSEN (Norvège)
Mrs. WILLIAMS (Belize)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. DIGON (Argentine)
Mrs. KJAER (Danemark)
M. MAYAKI (Niger)
Mrs. MUKADI (Indonésie)
Sr. PINZON SALAZAR (Guatémala)
M. RAKOTONAVALONA (Madagascar)
Mme REPRESAS (Portugal)
Mr. SPITERI (Malte)
Mr. SWEENEY (Etats-Unis)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mme GOUVERI (Grèce)
M. KYRIAKOPOULOS (Grèce)

add/ajouter/anadir

Sr. DIGON (Argentine)
M. FLAMBOURAS (Grèce)
Mrs. KJAER (Danemark)
M. MAYAKI (Niger)
Mrs. MUKADI (Indonésie)
Sr. PINZON SALAZAR (Guatémala)
M. RAKOTONAVALONA (Madagascar)
Mme REPRESAS (Portugal)
Mr. SPITERI (Malte)
Mr. SWEENEY (Etats-Unis)
M. TSIRIMOKOS (Grèce)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Employers' members
Membres employeurs
Miembros empleadores

add/ajouter/anadir

Mr. THUSING; s: Mr. GRIMSMANN (Allemagne)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

delete/supprimer/suprimir

Mr. THUSING; s: Mr. GRIMSMANN (Allemagne)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

M. AL-HABR (Liban)
Mr. AL-JUDARI (Yemen)
Mr. KARA (Israël)

add/ajouter/anadir

Mr. LEMKE (Danemark)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

M. AL-HABR (Liban)
Mr. AL-JUDARI (Yemen)
M. PAPAMICHAIL (Grèce)

REPORTS OF THE SELECTION COMMITTEE

ELEVENTH REPORT

Delegation of authority for approval of changes in the composition of committees

In view of the fact that the Conference is not expected to meet in plenary either on Friday, 19 June 1992 or on Saturday, 20 June 1992, the Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference delegate to its Officers the authority to approve any changes in the composition of committees that may be submitted for decision on either of those days, it being understood that any changes so approved would be duly published in the Provisional Record of the Conference.

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS
COMMISSION DE LA PREVENTION DES CATASTROPHES INDUSTRIELLES
COMISION DE LA PREVENCION DE LOS DESASTRES INDUSTRIALES

Employers' members
Membres employeurs — delete/supprimer/suprimir
Miembros empleadores

Mr. OWUOR; s: Mr. JUMA (Kenya)

Employers' deputy members
Membres employeurs adjoints — add/ajouter/anadir
Miembros empleadores adjuntos

Mr. OWUOR; s: Mr. JUMA (Kenya)

Workers' members
Membres travailleurs — add/ajouter/anadir
Miembros trabajadores

Mr. AMINRACHMAN (Indonésie)
Mr. TEFERI (Ethiopie)

Workers' deputy members
Membres travailleurs adjoints — delete/supprimer/suprimir
Miembros trabajadores adjuntos

Mr. AMINRACHMAN (Indonésie)
Mr. TEFERI (Ethiopie)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Government members
Membres gouvernementaux — add/ajouter/anadir
Miembros gubernamentales

TUNISIE

Govt. deputy members
Membres gouv. adjoints — delete/supprimer/suprimir
Miembros gub. adjuntos

TUNISIE

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Mr. CHANDA; s: Mr. MWANALUSHI (Zambie)
Mr. CHIWESHE; s: Mr. JOHNSTONE (Zimbabwe)
Mr. CHOWDHARY; s: Mr. KRISHNA; Mrs. ROY (Inde)
Mr. HULTIN; s: Mr. ROPPONEN (Finlande)
Miss MACKIE; s: Mr. SCARTH (Royaume-Uni)
Mr. McVEIGH; s: M. CHARLAND (Canada)
Mr. NAGANO; s: Mr. OKUBO (Japon)
Mr. NOAKES; s: Mr. JOHN (Australie)
Mr. THUSING; s: Mr. LINDER (Allemagne)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Mr. CHANDA; s: Mr. MWANALUSHI (Zambie)
Mr. CHIWESHE; s: Mr. JOHNSTONE (Zimbabwe)
Mr. CHOWDHARY; s: Mr. KRISHNA; Mrs. ROY (Inde)
M. GIRARD (Congo)
Mr. HULTIN; s: Mr. ROPPONEN (Finlande)
Miss MACKIE; s: Mr. SCARTH (Royaume-Uni)
Mr. McVEIGH; s: M. CHARLAND (Canada)
Mr. NAGANO; s: Mr. OKUBO (Japon)
Mr. NOAKES; s: Mr. JOHN (Australie)
Mr. THUSING; s: Mr. LINDER (Allemagne)

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. GALIANO RABAGO (Espagne)
M. KONZ (Luxembourg)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Sr. GALIANO RABAGO (Espagne)
M. KONZ (Luxembourg)

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. BASNET (Népal)
M. BOUSLAH (Tunisie)
M. NIASSE (Sénégal)
Ms. PEDERSEN (Norvège)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Mr. ARO (Finlande)
Mr. BASNET (Népal)
M. BOUSLAH (Tunisie)
M. NIASSE (Sénégal)
Ms. PEDERSEN (Norvège)

REPORTS OF THE SELECTION COMMITTEE

TWELTH REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Mr. EDSTROM (Suède)

add/ajouter/anadir

Mrs. GUSTAFSSON (Suède)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

delete/supprimer/suprimir

Mrs. GUSTAFSSON (Suède)

add/ajouter/anadir

Mr. EDSTROM (Suède)

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Workers' members
Membres travailleurs
Miembros trabajadores

delete/supprimer/suprimir

Sr. ROSALES NARVAEZ (Equateur)

Workers' deputy members
Membres travailleurs adjoints
Miembros trabajadores adjuntos

add/ajouter/anadir

Sr. ROSALES NARVAEZ (Equateur)

REPORTS OF THE SELECTION COMMITTEE

THIRTEEN REPORT

Changes in the compositon of committees:

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference approve the following changes in the composition of committees:

COMMITTEE ON HUMAN RESOURCES
COMMISSION DES RESSOURCES HUMAINES
COMISION DE LOS RECURSOS HUMANOS

Employers' members
Membres employeurs
Miembros empleadores

delete/supprimer/suprimir

Sr. CEVALLOS GOMEZ; s: Sr. GUTIFRREZ;
Sr. MACIAS SANTOS (Mexique)
Sr. COTO PACHECO (Costa Rica)
Sr. GARCIA ASTABURUAGA; s: Sr. BRUNA VARGAS (Chil
M. OUEDRAOGO (Burkina Faso)

Employers' deputy members
Membres employeurs adjoints
Miembros empleadores adjuntos

add/ajouter/anadir

Sr. CEVALLOS GOMEZ; s: Sr. GUTIERREZ;
Sr. MACIAS SANTOS (Mexique)
Sr. COTO PACHECO (Costa Rica)
Sr. GARCIA ASTABURUAGA; s: Sr. BRUNA VARGAS (Chil
M. OUEDRAOGO (Burkina Faso)

International Labour Conference

Provisional Record

Seventy-ninth Session, Geneva, 1992

7

First sitting

Wednesday, 3 June 1992, 9.15 a.m.

Presidents: Mr. Chotard, Chairman of the Governing Body of the International Labour Office, and Mr. Nascimento Rodrigues

OPENING OF THE SESSION

Original – French: Mr. CHOTARD *(Chairman of the Governing Body of the International Labour Office)* – As Chairman of the Governing Body of the International Labour Office, I have the honour to declare open the 79th Session of the International Labour Conference.

I should like to take this opportunity to extend greetings to all delegates, and in particular to the representatives of the countries which joined our Organisation since the last session of the Conference, in other words, the representatives of Estonia, Latvia, Lithuania, the Republic of Korea, Azerbaijan, Kyrgyzstan, and Slovenia. This session is opening under the double emblem of continuity and timeliness. Continuity with the usual committees, the drafting of new Conventions, the arrival of dozens of ministers and the presence of an eminent personality: in short, the prospect of fruitful discussions in this always prestigious context into which annually we inject new life.

But this year our discussions, and particularly the discussion of the Director-General's Report, are particularly timely. In fact, for a number of years now the events which have shaken the world have led us once again to reconsider the objectives of the ILO. A similar review had already been undertaken in 1987 by the High-Level Meeting which allowed us to highlight the specific role to be played by international social organisations as the counterpart *par excellence* of the financial and economic bodies engaged in development efforts. The dismanting of the Berlin Wall endowed our self-review with a historic dimension, and at the same time led to a broad unanimity which the Organisation had never before experienced. Under the impetus of the Director-General, Mr. Michel Hansenne, our review was extended through the invitation last year of the Managing Director of the International Monetary Fund, Mr. Michel Camdessus, as guest of honour. And finally, in March of this year, the Director-General submitted proposals to the the Governing Body which allowed us to define the ILO's priorities for the next few years. And that is what makes for the timeliness of this session of the Conference. There are three priorities. The first, which is the subject of the Director-General's Report, is to set forth the specific role of the ILO in the process of democratisation upon which many countries have embarked and in respect of which all countries must remain vigilant. This specific role is to recall that social dialogue is the vital complement to political democracy, and that this dialogue requires independent partners and public authorities that respect their independence. If social dialogue leads to organised tripartism, the situation becomes even clearer, but there are many roads to social dialogue and tripartism. The second priority is the reaffirmation of our constant objective of combating poverty. Here again, there is a specific role, namely, the attention given to all problems of employment and, particularly as regards countries that must undertake difficult economic reforms, specific measures to make reconversion easier. As for the third priority, is it also in keeping with one of the ILO's long-standing objectives, namely, the comprehensive protection of workers, particularly by guaranteeing minimum levels of social security when the economic situation does not allow for something better. To one extent or another, these three priorities are relevant to all countries, depending on their situation, but no country can afford to neglect the importance of social justice. The ILO's priorities are clearest in respect of countries which are courageously trying to reform their economies, and particularly in respect of those that have to obey the rules laid down by the international community. Recently in Latin America I was able to see that the ILO seems, in fact, to serve as an effective counterweight to the sacrifices requested by the IMF.

In all developing countries the ILO's action is sought in order to provide a balance between economic and social interests. As for the industrialised countries, they may have more room for manoeuvre but they are not beyond our concern, for they also need social dialogue and, in many cases, their social security systems are in a state of crisis. This situation closely corresponds to the universal vocation of the International Labour Organisation. Social justice is an objective, a treasure to be sought by all nations. Special situations, regional groupings such as the European Community, can provide a context for useful action, but universality remains the foundation of the Organisation, just as tripartism is its method of organisation. Thus, the timeliness of the ILO's message and of its priorities cannot but strengthen our will to act together.

ELECTION OF THE PRESIDENT

Original – French: Mr. CHOTARD *(Chairman of the Governing Body of the International Labour Office)* – The next item on the agenda is the election of the President of this session of the Conference. The candidate will be proposed by Mr. Ramond, Government delegate of France, on behalf of the countries of Western Europe to whom I give the floor.

Original – French: Mr. RAMOND *(Government delegate, France)* – On behalf of the Western European countries and also of my own country, it is my honour and pleasure to be able to propose the candidature of Mr. Nascimento Rodrigues.

If I were to describe an ideal Conference President, the description would certainly fit Mr. Nascimento Rodriguer. In effect, to be a good President you must know your organisation.

Our candidate was a member of the ILO Governing Body for four years as the head of the Portuguese delegation. You have to be an eminent personality. Mr. Nascimento Rodrigues was Minister of Labour a number of times in his own country. You have to have a broad knowledge of tripartism. The candidate contributed to the creation of the General Union of Workers (UGT). He is still the Chairman of the Economic and Social Council. Consequently, he has had experience of the structure of our Organisation in his own country. Lastly, a large measure of farsightedness is certainly necessary to preside over this vast assembly.

Our candidate is an eminent academic with numerous publications to his name which will enable him to distance himself sufficiently to be able to deal with all the issues to be discussed here. His farsightedness will help him to preside over the Conference and to tackle any problems that may arise. I have no doubt that his candidature will be accepted and I am delighted at this prospect.

Original – French: Mr. OECHSLIN *(Employers' delegate, France)* – On behalf of the Employers' group in its entirety, I would like to support the candidature of Mr. Nascimento Rodrigues as President of this session of the Conference.

We are very pleased to do this for three reasons. Firstly, because he is the representative of Portugal, a country which is a democratic one, a European one, open to the world because of its history and geography. We are happy that a representative of Portugal should hold this exalted office.

We would also like to support his candidature for all the reasons given by the spokesman of the European Governments and in the light of his brilliant and political, trade union and university career.

We are happy to have at the helm of this session of the Conference a person who is very familiar with our Organisation because he is our colleague in the Governing Body of the ILO.

We are convinced that Mr. Nascimento Rodrigues will be an excellent President and we would commend his election to you.

Mrs. CARR *(Workers' delegate, Canada)* – It is indeed a great pleasure for me on behalf of the workers from all around the world that are here to second the nomination of Mr. Rodrigues, the President of the Economic and Social Council of Portugal, a country that the workers know well and we are proud of the distinguished career of the person that we are talking about now who comes from that country. He certainly knows the Governing Body and on that basis those qualifications will stand him in good stead as he proceeds to the functions and the workings of this Conference. He himself has had a very distinguished career which is too long for me to say anything about it this moment, but I want to assure you that we support the nomination and we look forward to working with him over the next few weeks.

Original – Russian: Mr. EVLYUKHIN *(Government delegate, Russian Federation)* – It is a great pleasure for me on behalf of the group of countries of Central and Eastern Europe to be able to support the candidature of Mr. Nascimento Rodrigues to the exalted post of President of this 79th Session of the International Labour Conference. The work and high qualifications of Mr. Nascimento Rodrigues in the field of labour are well known in this country and abroad. As representative of the Portuguese Government on the Governing Body he made a significant contribution to our Organisation. I would like to express my assurance that the election of Mr. Nascimento Rodrigues to the post of President of this session of the Conference will contribute to the success of this important international gathering.

Original – Arabic: Mr. MATOUG *(Secretary, People's General Committee for Vocational Training and Formation, Libyan Arab Jamahiriya)* – It is a pleasure for me on behalf of the African group to stand before you today to second the nomination of Mr. Nascimento Rodrigues, the President of the Economic and Social Council of Portugal, to preside over this 79th Session of the Conference. We know very well that Mr. Nascimento Rodrigues is experienced in working with the ILO. He was born in Africa, in Angola, a country with which Portugal has very close and historic ties. This is why we believe that he has a great deal of legal and historic experience and qualifications, and is quite able to direct the work of this Conference. We also second his nomination because he has worked with the International Labour Organisation to implement the programme of co-operation with Portuguese-speaking African countries. He is conscious of the importance of tripartism, which is the basic structure of this Organisation. We are quite sure that he is capable of directing this Conference and of achieving the desired aims and results, especially at a time when the world is witnessing very serious and drastic economic and social changes.

The Report of the Director-General reflects these drastic changes, and especially the transition towards democracy. The time is right to nominate Mr. Nascimento Rodrigues to the presidency of this Conference to achieve this aim.

I would like to assure our elected President that the African group will stand beside him, support him and co-operate with him in his work to guarantee the desired aims of this Conference.

Original – Portuguese: Mr. DA COSTA *(Government delegate, Angola)* – The Angolan delegation, on behalf of the five Portuguese-speaking countries of Africa, is delighted to be able to second the candidacy of Mr. Nascimento Rodrigues to the presidency of this session of the Conference. He has had a brilliant professional and political career. He has represented the trade unions, he has been a member of the Portuguese delegation at various sessions of the International Labour Conference and has always been an ardent defender of tripartism. His career recently reached a climax with his election to the post of President of the Social and Economic Council in Portugal, having already served as Minister in Portugal. His experience in labour relations and in the running of Conferences is a sure guarantee that he will be an excellent President.

The Angolan delegation, on behalf of the five Portuguese-speaking countries of Africa, would like to express the wish for the success of this session of the Conference under his presidency.

Original – Spanish: Mr. VARGAS CAMPOS *(Government delegate, Mexico)* – On behalf of the countries of the Americas it is my honour to support the nomination of Mr. Nascimento Rodrigues as the President of the 79th Session of the International Labour Conference. The countries of the Americas have certainly noted his brilliant career – former Minister of Labour in Portugal, a member of Parliament – where he chaired the Social and Labour Affairs Committee and subsequently became the Portuguese representative on the Governing Body of the ILO and currently is President of the recently created Economic and Social Council in Portugal. His experience in labour affairs and more particularly his dedication to the cause of the trade union movement, tripartism and social harmony are a guarantee of his ability to perform the job as President of the International Labour Conference and I have no doubt that it will guarantee the success of the Conference and the items on the agenda.

For all these reasons the countries of the Americas firmly support this nomination.

Original – Farsi: Mr. KAMALI *(Minister of Labour and Social Affairs, Islamic Republic of Iran)* – In the name of God, the Merciful, the Compassionate. It is my pleasure on behalf of the Asian and Pacific region to support the nomination of Mr. Nascimento Rodrigues, the President of the Economic and Social Council of Portugal, for the presidency of the 79th Session of the International Labour Conference. Mr. Nascimento Rodrigues, it should be added, is very well qualified for this high office. Our confidence in his presidency is based on his considerable experiences both as a Minister of Labour and a parliamentarian. He has also had numerous other positions in the fields of labour and social affairs, as well as international relations. He is particularly familiar with the work of our Organisation and this august assembly.

In view of his qualities, we are convinced that Mr. Nascimento Rodrigues will conduct the leadership of this Conference efficiently and his presidency will further the co-operation and dialogue among the social partners as well as the member States. We would like to assure Mr. Nascimento Rodrigues of the support of the Asian and Pacific region in bringing this session of the Conference to a successful conclusion.

Mr. AL JARWAN *(Minister of Labour and Social Affairs, United Arab Emirates)* – In the name of God, the Merciful, the Compassionate, it is a great pleasure for me to speak on behalf of the group of Arab countries which is chaired by Mr. Matoug, the Secretary of the People's General Committee for Vocational Training and Formation in the Libyan Arab Jamahariya, to second the nomination of Mr. Nascimento Rodrigues, the President of the Economic and Social Council of Portugal as President of the 79th Session of the International Labour Conference. The support of the Arab group is a reflection of our deep satisfaction as to the high qualifications and experience of Mr. Nascimento Rodrigues in the field of labour and social affairs. He is a personality of high calibre; and he is of Portuguese origin. Portugal has very strong ties – both friendly and historic – with the Arab countries as well as a history of co-operation. The group of Arab countries in its tripartite structure appreciated the distinguished role of Portugal when it presided over the European Community and attempted to consolidate and strengthen the relationship between Europe and Arabs for the achievement of the common interests of both European and Arab countries – especially those in the Mediterranean basin. Indeed, we share a common history and geography. We would like to repeat our suppor for this nomination and assure Mr. Nascimento Rodrigues that we will fully co-operate with him so as to guarantee the success of this Conference and the achievement of its aims.

Mr. CHOTARD *(Chairman of the Governing Body of the International Labour Office)* – Mr. Nascimento Rodrigues, the President of the Economic and Social Council of Portugal, has been nominated to preside over the 79th Session, and his nomination has been duly seconded. In the absence of any other candidatures, I declare Mr. Nascimento Rodrigues unanimously elected as President of the 79th Session of the International Labour Conference and request him to take the President's chair.

(Mr. Nascimento Rodrigues, President of the Economic and Social Council of Portugal, Government delegate of Portugal, is elected President of the Conference and takes the President's chair.)

PRESIDENTIAL ADDRESS

Original – Portuguese: The PRESIDENT (Mr. NASCIMENTO RODRIGUES) – Mr. Chairman of the Governing Body of the International Labour Office, Mr. Secretary-General of the International Labour Conference, Excellencies, distinguished delegates, ladies and gentlemen: It is a great honour for my country, for the Portuguese Government and for myself to have been elected to serve in the high office of President of the 79th Session of the International Labour Conference. I should like to express my appreciation to all of you for this election. I should also like to pay tribute to the eminent figures who on behalf of the various groups and regions represented in our Organisation were kind enough to come to the rostrum and speak in support of my nomination.

I should also like to welcome all of the new member States and to express my wish for the peace and happiness of their peoples.

I cannot hide the fact that I feel an enormous responsibility at this moment. I come from a very ancient country of Europe which has a secular national identity that was forged in the coming together of other civilisations and by the dialogue between other cultures, whose values were largely accepted and adopted by the Portuguese people. Will I be able at this time to transmit to you all the message of the essential unity of mankind, to speak to you in the language of understanding, to express to you my concern and, at the same time, to express to you my hopes for a better future?

As we approach the end of this century it is disturbing to step back and take stock of the situation of mankind. In addition to the longstanding and very serious problems of hunger, unemployment, underdevelopment and discrimination, we are now facing the new and no less serious problems which also require a solution.

We are ever more aware of the fact that our planet is being seriously affected by tremendous ecological imbalances which threaten all species and we are also more aware of the fact that the startling advances of science and technology can also be used as a means of genetic manipulation, the consequences of which are incalculable. All of us also understand that scourges such as drug trafficking, AIDS and such phenomena as unbridled urbanisation are a serious threat to the quality of life and the future of mankind, beginning with the young people who are the guarantee of our future, as well as the elderly, who are sometimes afflicted by the loneliness arising from the loss of family ethics or in other cases by the lack of minimum social protection.

At a time when we have ended the major ideological confrontation of the post-war period and stand on the ruins of the totalitarian experiments, a tremendous breath of hope of freedom has come as a harbinger of the new century.

But what are we seeing here on this ancient continent where we hold our annual Conference? We see the outbreak of localised wars. These are no less cruel with their train of death, of wandering refugees, of children struck by the tragedy of the lack of love. And we see many other manifestations of xenophobia, reactions of intolerance and a move towards centralising egotisms which could bring about further convulsions. Are these not inescapeable signs of serious and deep imbalances in many of our societies?

I am not a pessimist. On the contrary, never before has the world had as many opportunities to create the conditions, to enable man to achieve full dignity, whether in Central and Eastern Europe and Africa, Asia, Latin America, just as before, in southern Europe, millions of people achieved their freedom. I am convinced that the existing remnants of dictatorial regimes, rather than being any evidence to the contrary, are simply regimes whose days are numbered. To be free is stamped on the soul of mankind and the inevitable increase in the movement of ideas, people and goods, and the circulation of images and voices made possible by new technologies are going to break this darkness and awaken an even greater desire to achieve peace, freedom and justice.

It is true that democracy is gaining ground. But democracy does not mean just a lack of dictatorship. The freedoms involved are real and not just caricatures when they are exercised in a State based on the rule of law, which means the reign of law and a policy to justice.

Moreover, popular sovereignty is more than just a periodical democratic exercise of a universal and secret vote. Parliamentary democracy and multi-party systems must be associated with participatory democracy, which means free expression and the coordination of the various collective interests that arise from social life. In society one is not just a citizen who votes; one is also a worker or employer, a scientist or a farmer, a producer or a consumer, a young person or the father of a family. So it is quite legitimate and spontaneous that people should wish to join together in representative organisations to defend their specific interests.

Tripartism, which historically and in a very unique fashion created the image and framework of the work of the ILO, is a clear expression of political democracy, and the most enduring manifestation of participatory democracy. As one can see from the excellent Report by the Director-General, tripartism is the transposition into social relations of the fundamental principles of political democracy, that is, freedom, pluralism, participation by the persons concerned in the decisions that affect them.

Naturally we cannot talk about tripartism where there are no organisations of trade unions and employers which are free, independent, strong and representative. To give specific content to all the rights of freedom of association enshrined in the longstanding, but still timely and relevant Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), is to stimulate democracy and tripartism.

History has shown us how trade unionism was, on many occasions, a bulwark of freedom and a driving force for social justice. There have been steps both forwards and backwards during all this time, tremendous adversity, and many victories. But today as in the past and in the future, political, economic and social changes are going to require adaptation and will result in periods of uncertainty. Even in the most developed market economies where a recognition of the role of trade organisations as social partners has long been well established there is talk of a "crisis of trade unionism", and some even speak of its progressive demise.

It is a fact that the great economic changes, technological innovation, labour migrations, new values and means of productive organisation, as well as social behaviour, have changed the labour market. All this has led in some cases to the loss of union membership, and in other cases to an ongoing situation of weakness in the union movement.

I am not, however, of the opinion that we can speak of a crisis in the trade union movement. I think it is rather more appropriate simply to note that the trade unions, as is the case with other social bodies, have had to face up to new problems and very serious emergencies, and they need time to adjust to this situation and find ways to innovate and must be promoted.

It it always important, in any case, that the trade union should be truly independent both of the State and of other organisations of a different nature and function. Only in this way can they increase their credibility and win the support of the broadest range of workers, and more particularly of young people, who are always open to the great causes of freedom and justice, because it is important for the future of democracy to involve them from early on in the decisive exercise and use of their own democracy.

These difficulties of establishment, growth and representativity are not confined only to the workers. Employers too are facing new obstacles which have arisen from diversification of economic structures, the dissemination of production units, the need for technical modernisation as well as changes in management methods and the search for markets. However, the employers' organisations are also vital parts in the workings of democracy. They are interlocutors that cannot be replaced in collective and tripartite social cooperation, essential poles in society, for disseminating the spirit of free entrepreneurism and the sense of the social dimension which a healthy and open economy must both possess and engender.

A democratic State, in turn, must guarantee freedom of association and the right to free collective bargaining, both in law and in fact. The role for labour legislation and the role for free collective bargaining of labour conditions depend much on national traditions of each system of social regulation, and also to some extent on the economic situation. There is no single remedy or recipe in this respect, but the principle that the State should leave the broadest possible role for bilateral negotiations is one which welcome, whatever the level at which this takes place. And it is also apparent that as the degree of collective autonomy increases and the sense of responsibility both from the union and the employers' sides becomes more visible, bipartite social cooperation will win ground and be upheld at the end of the day.

In this light I would like to remind you of the recent Treaty on European Union which was signed by the Member States of the European Community which has as an express objective the development of social dialogue and welcomes the establishment of agreements between the European social partners. This goes beyond the scope of national borders and is a recognition of how important social negotiation is along the lines of those always upheld by the ILO. Collective bargaining and tripartite social cooperation are not however simple methods; they do not come to fruition rapidly and there is no one uniform model; they depend on many very complex, delicate factors and therefore they may take different forms and proceed at different speeds.

However, democracy is and has always been a system which is very slow, painful and difficult to build. It is never ever fully conquered, only won over through tolerance, dialogue and an ongoing effort to seek understanding and common solutions.

This is also true for tripartite cooperation. Here, each side has its own role, its own status and its own institutional personality. More particularly, in terms of the choices concerning the major macroeconomic and macro-social decisions which give more specific shape to the daily life of mankind, tripartite cooperation agreements can constitute the best starting point from which to bring about the necessary changes without any social upheaval. There is no advantage to be won from delaying or blocking socio-economic changes because in the long term the costs will be only greater. However, agreements must be reached on the changes which are deemed to be necessary. And, if these understandings can take shape between governments, unions and the employers, then this will re-establish a balance, restore collective confidence and provide a decisive impetus to development.

I am well aware that it is easier to say all this than to put these ideas into practice in situations which are complex and vary enormously. We have no magic wand which will miraculously take us over the enormous barriers which have arisen and which still impede the development of freedom and the healthy growth of the market economy as well as the dissemination of social justice.

However, if we do not believe in man's ability, in what then will we believe? And I am speaking here not of man in the abstract but of man in practice whose essential dignity remains unaltered wherever and whoever he is, be he poor or rich, educated or illiterate, religious or atheist, man or woman.

This dignity can be attained only through the full respect for the rights of man and these are not just political rights, but also cultural, economic and social. In order to achieve and implement such rights tripartism had in the past and still has today an essential contribution to make.

Furthermore, in the society of today, riven as it is by many sectoral interests and crossed by a multifaceted chain of social actors, the rationale of interdependence and solidarity of interests must overcome the force of statism and the fierce conflict of selfish behaviour which will prevent harmonious and fair progress.

Allow me therefore to conclude by restating my firm conviction that democracy is not a luxury item to be consumed by the rich countries. Every man and all men have the right to freedom and to social justice. Where these exist, then there will be peace in the conscience of mankind. And until they reign throughout the world we cannot remain indifferent.

Election of the Vice-Presidents

Original – Portuguese: The PRESIDENT – Let us now move on to the second item of the agenda, which is the election of the Vice-Presidents of the Conference. We have a derogation to Article 25 (4) of the Standing Orders of the Conference and, as the groups met yesterday, we are going to move to the election of the Vice-Presidents of the Conference without adjourning the session.

Original – French: The CLERK of the CONFERENCE – The nominations that were submitted by the groups for the posts of Vice-Presidents of the Conference are the following.

Government group:

Mr. SOLORZANO MARTINEZ *(Guatemala)*

Employers' group:

Mr DECOSTERD *(Switzerland)*

Workers' group:

Mr. MUGALLA *(Kenya)*

Original – Portuguese: The PRESIDENT – If there are no objections, may I consider these nominations to have been adopted?

(The proposals are adopted.)

Original – Portuguese: The PRESIDENT – As President of the Conference, I should like to congratulate the three Vice-Presidents who have just been elected.

Nomination of the Officers of the groups

Original – Portuguese: The PRESIDENT – Let us now move on to the item concerning the appointment of the officers of the various groups. I give the floor to the Clerk of the Conference to read out the names of the persons who have been elected by the groups.

Original – French: The CLERK of the CONFERENCE – The groups have chosen their officers as follows:

Government group:

Chairman: Mr. Bozo *(Syrian Arab Republic)*

Employers' group:

Chairman: Mr. Oechslin *(France)*

Vice-Chairmen: Mr. Tsujino *(Japan)*
Mr. Maenda *(United Republic of Tanzania)*
Mr. Durling *(Panama)*
Mr. Smith *(United States)*

Secretary: Mr. Kapartis *(International Organisation of Employers)*

Workers' group:

Chairwoman: Mrs. Carr *(Canada)*

Vice-Chairmen: Mr. Bathily *(Mali)*
Mr. Klochkov *(Russian Federation)*
Mr. Sánchez Madariaga *(Mexico)*

Members of the Bureau:

Mr. Ahmed *(Pakistan)*
Mr. Antoniou *(Cyprus)*
Mr. Bathily *(Mali)*
Mrs. Carr *(Canada)*
Mrs. Engelen-Kefer *(Germany)*
Mr. Gray *(United States)*
Mr. Klochkov *(Russian Federation)*
Mr. Malleck *(Mauritius)*
Mr. Mugalla *(Kenya)*
Mr. Sánchez Madariaga *(Mexico)*
Mr. Shamenda *(Zambia)*
Mr. Tan *(Philippines)*
Mr. Tanaka *(Japan)*
Mr. Vanni *(Italy)*

Secretary: Mr. Laurijssen (International Confederation of Free Trade Unions)

Original – Portuguese: The PRESIDENT – The Conference takes note of the nominations made by the various groups.

APPOINTMENT OF THE MEMBERS OF THE SELECTION COMMITTEE

Original – Portuguese: THE PRESIDENT – Let us move on now to the item concerning the composition of the Selection Committee. I give the floor to the Clerk of the Conference.

Original – French: The CLERK of the CONFERENCE – The proposals for the Selection Committee are as follows:

Government members:

Australia
Bangladesh
Belarus
Belgium
Brazil
Bulgaria
Cameroon
Canada
China
Costa Rica
France
Germany
India
Italy
Japan
Lesotho
Madagascar
Mexico
Morocco
Nigeria
Philippines
Russian Federation
Togo
United Arab Emirates
United Kingdom
United States
Uruguay
Venezuela

Deputy members:

Argentina
Bolivia
Central African Republic
Congo
Czechoslovakia
Denmark
Honduras
Indonesia
Ireland
Kenya
Malawi
Malta
New Zealand
Niger
Pakistan
Peru
Romania
Tunisia

Employer members:

Mr. Durling *(Panama)*
Mr. Eurnekian *(Argentina)*
Miss Hak *(Netherlands)*
Mr. Kaswarra Rwamura *(Uganda)*
Miss Mackie *(United Kingdom)*
Mr. M'Kaissi *(Tunisia)*
Mr. Nasr *(Lebanon)*
Mr. Noakes *(Australia)*
Mr. Oechslin *(France)*
Mr. Owuor *(Kenya)*
Mrs. Sasso-Mazzufferi *(Italy)*
Mr. Smith *(United States)*
Mr. Thusing *(Germany)*
Mr. Tsujino *(Japan)*

Deputy members:

Mr. Aboughe Obame *(Gabon)*
Mr. Al-Jassem *(Kuwait)*
Mr. Arbeloa *(Venezuela)*
Mr. Arets *(Belgium)*
Mr. Dahlan *(Saudi Arabia)*
Mr. Ferrer Dufol *(Spain)*
Mr. Hultin *(Finland)*
Mr. Jeetun *(Mauritius)*
Mr. McVeigh *(Canada)*
Mr. Muyumbu *(Burundi)*
Mr. Santos Neves *(Brazil)*
Mr. Tabani *(Pakistan)*
Mr. Touré *(Mali)*
Mr. Zain Majid *(Malaysia)*

Worker members:

Mr. Ahmed *(Pakistan)*
Mr. Antoniou *(Cyprus)*
Mr. Bathily *(Mali)*
Mrs. Carr *(Canada)*
Mrs. Engelen-Kefer *(Germany)*
Mr. Gray *(United States)*
Mr. Klochkov *(Russian Federation)*
Mr. Malleck *(Mauritius)*
Mr. Mugalla *(Kenya)*
Mr. Sánchez Madariaga *(Mexico)*
Mr. Shamenda *(Zambia)*
Mr. Tan *(Philippines)*
Mr. Tanaka *(Japan)*
Mr. Vanni *(Italy)*

The Deputy Worker members are those who have been elected to the other Conference committees and who *de facto* will therefore become members of the Selection Committee.

Original – Portuguese: The PRESIDENT – If there are no objections may I consider that these nominations have been adopted by the Conference? We are now going to suspend our meeting for one hour during which time the Selection Committee will meet here in this same room.

(The proposals are adopted.)

(The Conference adjourned at 10.15 a.m.)

(The Conference resumed at 11.30 a.m.)

First report of the Selection Committee: Submission and adoption

Original – Portuguese: The PRESIDENT – We shall resume our discussions with the next agenda item, which is the report of the Selection Committee. I call on Mr. Ali, Government delegate of Bangladesh and Chairman of the Selection Committee, to present the report of the Committee.

Mr. ALI *(Government delegate, Bangladesh; Chairman of the Selection Committee)* – I have the honour to submit to the Conference an oral report on the substantive decisions that the Selection Committee has just taken. They will be published in the *Provisional Record* tomorrow together with the report on the meeting that the Committee is to hold at 6 p.m. today as the first report of the Selection Committee.

First, the Committee elected its Officers and considered proposals regarding the setting up of Conference committees. It recommends that, in addition to the Finance Committee and the Committee on the Application of Standards, the Conference should constitute the following committees to deal with the items on the Conference agenda: Committee on Workers' Claims; Committee on the Prevention of Industrial Disasters; Committee on Human Resources; Standing Orders Committee. The Selection Committee also considered the numerical composition of the committees which it recommends to be set up on the basis of its list provided by the secretariat of the Conference. As regards the Committee on Apartheid, in accordance with the established practice, the Selection Committee recommends to the Conference that the Committee on Apartheid should, as at previous sessions, be composed of a maximum of 20 members from this group and should meet for a maximum of six sittings. The Committee has decided that the discussion of the reports of the Governing Body and the Director-General should begin today (3 June) and that the list of speakers for the discussion should be closed on Thursday, 11 June, at 12 noon.

The Conference will recall that last year, on a recommendation by the Governing Body, the Conference decided to reduce the time-limit for speeches in the plenary sitting from 15 to ten minutes. This year there is a formal recommendation by the Governing Body before the Conference, to be considered by the Standing Orders Committee, to amend the Standing Orders so as to reduce the time-limit officially to ten minutes. Pending the adoption of this amendment, the Selection Committee accordingly invites the President of the Conference, after consulting the Vice-Presidents, in accordance with Article 14, paragraph 6, of the Standing Orders of the International Labour Conference, to submit to the Conference for decision without debate the recommendation of the Governing Body to reduce the time-limit for speeches provided for in that article from 15 to ten minutes. The Selection Committee also makes a number of suggestions to facilitate the work of the Conference which concern the quorum rule, punctuality and the negotiations in committees. I will not read them out here, but I should like to call the attention of the members of the Conference to all these items when they read the report tomorrow. As regards participation in Conference committees by members who have lost their right to vote, the Selection Committee recommends to the Conference that the practice followed in the past few years by Government members of not applying for regular membership of committees, if they are not at the time entitled to vote, should continue. The Selection Committee also recommends to the Conference that should this practice for any reason not be fully respected the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote. The Committee endorsed a plan of work for the Conference committees which, although not binding, will enable the committees to organise their work so as to take the maximum possible account of the overall needs and possibilities of the Conference. This plan of work will be appended to its reports. The

Selection Committee also transmits two proposals of the Governing Body to the Conference concerning the Appeals Board Panel. They are: to reappoint to the Panel, from which the members of the Conference Appeals Board are selected, for a further period of three years, expiring 30 June 1995: Mr. Arbesser-Rastburg, Mr. Rodrigues and Mr. Cottafavi; and to appoint to the same Panel for a period of three years as from June 1992 Mr. Haase. The Employer members of the Selection Committee took no part in the decision on this matter.

In another recommendation of the Committee, the Committee proposes that certain non-governmental international organisations should be invited to be represented in some of the committees. Again, I will not read them out but the list will appear in the report tomorrow. On the basis of this oral presentation, I invite the Conference to adopt the report of the Selection Committee.

Original – Portuguese: The **PRESIDENT** – If there are no objections, can I take it that the report of the Selection Committee is approved? It stands approved.

(The report is adopted)

(The Conference adjourned at 11.50 a.m.)

Second sitting

Wednesday, 3 June 1992, 3.15 p.m.

President: Mr. Nascimento Rodrigues

COMMUNICATION FROM THE EUROPEAN COMMUNITY

Original – Portuguese: The PRESIDENT – Before we processed to the next item on our agenda, I would like to ask the Clerk of the Conference to read a letter received from the European Community.

Original – French: The CLERK OF THE CONFERENCE – The President of the Conference has received a letter from the presidency of the European Communities which I will read to you. This letter is dated 2 June 1992.

> Mr. President,
>
> The European Community and its member States have taken note of the declaration of the representatives of the peoples of the Republic of Serbia and the Republic of Montenegro dated 27 April 1992, according to which the Federal Republic of Yugoslavia constitutes "the State, the international political and juridical personality of the Socialist Federal Republic of Yugoslavia." This declaration raises certain questions which are being considered in connection with the continuity of Yugoslavia in its capacity as a member of the international organisations, including the International Labour Organisation. Indeed, the European Community and its member States have not accepted the automatic continuity of the Federal Republic of Yugoslavia in the international organisations, including the United Nations.
>
> In these circumstances, the European Community and its member States reserve their position on this question.
>
> We therefore consider that the participation of this delegation in the 79th Session of the International Labour Conference shall not prejudice decisions which the European Community and its member States may subsequently take on this question and questions related thereto.
>
> The Community and its member States continue to monitor carefully the events which are taking place in the territory of the former Socialist Federal Republic of Yugoslavia.
>
> They welcome resolution 757 of the Security Council of the United Nations dated 30 May 1992.
>
> The Community and its member States express the hope that the measures adopted by the international community will prompt the parties directly responsible to embark resolutely on the course of peace.
>
> I would like to request you to bring the contents of this letter to the knowledge of the Conference at the opening of its present session.

The letter is signed by Mr. Zozimo da Silva, Ambassador of Portugal.

SUBMISSION OF THE ANNUAL REPORT OF THE GOVERNING BODY TO THE CONFERENCE BY THE CHAIRMAN OF THE GOVERNING BODY

Original – Portuguese: The PRESIDENT – The first item on this afternoon's agenda is the presentation of the annual report of the Governing Body to the Conference.

I call on Mr. Chotard, Chairman of the Governing Body, to submit the report.

Original – French: Mr. CHOTARD *(Chairman of the Governing Body of the International Labour Office)* – In my capacity as Chairman of the Governing Body of the International Labour Office, I have the honour and the pleasure of presenting you with the annual report submitted by the Governing Body to the Conference. This report presents the work done by the Governing Body at the resumption of the 250th Session immediately after the Conference in June 1991, as well as at the 251st and 252nd Sessions held in November 1991 and in February-March 1992 respectively.

As the first part of the 253rd Session which preceded this session of the Conference, ended just a few days ago, the printed report before you in *Provisional Record* No. 3 could not contain an account of the latest deliberations of the Governing Body and I will therefore complete it orally now by informing you of the main decisions taken on that occasion. But before I report to you in detail about this work please allow me to speak briefly about some major events which have affected the International Labour Organisation just recently.

The first salient fact to which I would like to refer is the spectacular growth of the number of member States of the ILO. After decades during which the number of members of our Organisation remained relatively stable, eight new States have just joined the ILO in a period of less than a year and it is most likely that some other States will also soon be joining the great tripartite family of the ILO. This increase strengthen the universality of our Organisation which is very auspicious, but at ther same time it raises great challenges for this Organisation because in many cases it will prove necessary to help these States to build efficient tripartite structures and economic and social programmes to enable them to implement the principles and standards of the ILO.

This naturally brings me to the subject of the impact of the standard-setting action of the ILO. Ever since its creation in 1919, the ILO has equipped itself with a legal arsenal of 172 international labour Conventions, for which there have been over 5,500 ratifications throughout the world, and 179 Recommendations, which together constitute what we usually call the International Labour Code. The supervisory machinery set up by the ILO, whether it be the regular monitoring carried out by the Committee of Experts on the Application of Conventions and Recommendations, whose report is the basis each year for the work of the Committee on the Application of Standards at the Conference, or the consideration of complaints concerning the violation of trade union rights by the Committee on Freedom of Association, or recourse to the special procedures under articles 24 and 26 of the Constitution, is intended to guarantee the effective application of the principles set out in ILO standards. As a result of on-going and patient dialogue between the supervisory bodies and governments we have seen progress made from year to year in the application of international labour standards in the different regions of the world. Of course it is still necessary for many member States, particularly the least developed ones, to attain a suitable and social level to enable them to ratify and implement ILO Conventions, and these countries therefore expect the ILO to provide them with practical assistance to help them achieve these aims. For this purpose the Governing Body at its 252nd Session in March 1992 carried out an in-depth debate which was highly instructive and positive on the relations between international labour standards and technical cooperation. This debate highlighted the complementarity and interaction of these two essential means of action.

My third general comment concerns the process of reform of the main bodies of the ILO. It is only normal for an organisation which in two years will celebrate its three-quarters of a century of existence to examine the workings of its institutions and to adapt them to the needs of today's world. This is why the Governing Body at its 250th Session set up a Working Party to study the improvements to be made to the functioning of the Conference; this Party met twice, in November 1991 and in February 1992. The work of this Working Party, which is reported in paragraphs 28 to 31 of the report before you, has already led to some concrete decisions, in particular the simplification and acceleration of the procedures at the beginning of the Conference, the shortening of speeches to ten minutes in plenary sittings, and the decision to close the work of the Conference on the Tuesday of the third week. These decisions will be applied at this session of the Conference. The Working Party will continue its work next November. The Governing Body also intends in the very near future to examine its own working methods. These will be studied by either the same, or another Working Party, when the time comes. Quite aside from any proposals for changes which may arise out of this examination, the Governing Body has already decided to shorten, on an experimental basis, the length of its next session in November 1992 by one day at the end of the session. At its 252nd Session in February-March 1992 the Governing Body also adopted a set of procedural reforms for the ILO regional conferences and authorised the Director-General to implement them on an experimental basis at the 13th Conference of American States Members of the International Labour Organisation which is to be held in September 1992 in Caracas. The resolution proposed by the Committee on Standing Orders of the Governing Body concerning the adoption of this revised procedure as a departure from the applicable rules is submitted to you for approval at this session.

Finally, my last general observation concerns the regional aspect of the ILO's activities. Indeed, the life of our institution does not only take place in Geneva but also in the various regions of the world where the ILO must remain attentive to the wishes of its constituents and make every effort to help the populations of these regions to overcome the problems they face of poverty, unemployment and violations of fundamental rights. In this connection the regional conferences of the ILO are valuable for determining the priorities and the most pressing needs of each region. At its 252nd Session the Governing Body was informed of the results of the Eleventh Asian Regional Conference held in Bangkok in December 1991 which adopted important conclusions and resolutions concerning growth and structural adjustment, occupational safety and health, the promotion of freedom of association in Asia and migrant workers in Asia. The next stage in this cycle of meetings will be the 13th Conference of American States Members of the International Labour Organisation, to which I have already referred, in the autumn of this year. Next it will be Africa's turn with the Eighth African Regional Conference in Mauritius at the end of 1993. On the agenda of this conference there will be a technical subject, namely entrepreneurship and small enterprise development in urban and rural sectors, and a question of general policy concerning social security and social protection during periods of structural change.

I would now like to tackle in detail, as it is standard practice, the work done during the first part of the 253rd Session of the Governing Body last week, and in particular the main decisions taken. To start with, the Governing Body gave a preliminary examination to the proposals made by the Director-General concerning the agenda of the 81st Session of the International Labour Conference in 1994. The Governing Body will take a final decision on this matter next November. After an exchange of views the Governing Body decided to request the Director-General to supply it in November 1992 with reports on the laws and regulations and practice in the following seven fields, or more detailed proposals on them. Firstly, the extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector; secondly, a revision of the list of occupational diseases appended to the Employment Injury Benefits Convention, 1964 (No. 121); thirdly, the prevention of accidents in underground mines; fourthly, the role of private employment agencies in the functioning of labour markets (general discussion); fifthly, the settlement of labour disputes (general discussion), it being understood that the question of the right to strike will be connected with this item; sixthly, tripartite consultation at the national level on economic and social policy (general discussion); and finally the seventh item, the protection of the fundamental rights of workers with a view to technological development (general discussion).

From the financial point of view, the Governing Body took a number of decisions regarding the use of the 1990-1991 budget surplus at the recommendation of its Programme, Financial and Administrative Committee. After a long discussion, the Committee adopted a compromise solution under which the Governing Body is proposing that the Conference take a one-time, exceptional measure, allowing a special dispensation of article 18 of the Financial Regulations so that urgent purchases of equipment necessary to the functioning of the Office may be made amounting to 10,324,000 Swiss francs, and permitting a transfer from the budget surplus of 2 million Swiss francs to the housing and building fund. The remainder of the surplus, amounting to some 7 million Swiss francs, will be used to reduce member States' contributions in 1993. A resolution to this effect has been submitted to the Conference for approval.

Moreover, the Conference has before it two proposed resolutions arising out of the work of the Working Party on the Working Capital Fund that the Programme, Financial and Administrative Committee had set up. The proposals made by this Working Party were discussed at length and at the end of this debate the following compromise was reached by consensus. The amounts to the credit of the member States in Part 1 of the Working Capital Fund as of 31 December 1991 will be released and used to reduce the contributions to the regular budget payable by the member States for the year 1993. Without prejudice to any amendments which will be made to the Financial Regulations, amendments will be submitted to the Conference for its agreement in principle when they are unanimously proposed by the Working Party and when in particular they concern the way in which the benefits earned under the incentive system encouraging the prompt payment of States' contributions are distributed. The Governing Body will, of course, study more carefully the amendments concerning the Financial Regulations in November 1992.

Concerning the use for the programme of the reserve fund which was first established in the Programme and Budget for 1992-93, the Committee studied the Director-General's proposal to create a multi-disciplinary ILO team for Central and Eastern Europe, to carry out employment policy activities for the transitional phase in Central Asia and to organise a tripartite regional workshop on the principle and practice of tripartism and social dialogue in the Arab region. Here too, after a very full discussion, the Programme, Financial and Administrative Committee agreed to authorise the funding of the above activities under the programme's reserve fund, it being understood that the Director-General will submit to the Governing Body at its forthcoming sessions new proposals for the use of this reserve fund for activities for other regions.

Last week, the Committee also took note of the report on the implementation of the regular programme of the ILO in 1990-91, of the Auditors' report and the report to the Governing Body of the International Training Centre of the ILO, Turin, which augurs well for the future of this Centre.

Finally, at the recommendation of the Programme, Financial and Administrative Committee, the Governing Body is proposing that the Conference adopt at this session resolutions concerning, respectively, the appointment of Governing Body members to the Pensions Fund, amendments to the statutes of the Administrative Tribunal of the ILO, and the appointment of judges to this tribunal. At the recommendation of the Allocations Committee, the Governing Body is proposing to the Conference an allocations table for 1993, which in fact can only be done completely once the United Nations General Assembly sets the scale of contributions of the United Nations for some of these States. The new table partially reflects the recent increase of the number of ILO member States, to which I have just referred.

On the basis of the 253rd report of the Committee on Freedom of Association, the Governing Body approved the final conclusions of the Committee in 11 cases, and its interim conclusions in 12 other cases. The number of cases dealt with by this Committee over the years, which now exceeds 1,600, bears witness to the great importance attached by workers' organisations, and in some cases employers' organisations, to this procedure to guarantee the respect for freedom of association, without which tripartism would be to a great extent a hollow word.

In keeping with its usual practice, during this session the Governing Body's Committee on Discrimination took up number of questions related to apartheid which will be placed before the Committee on Action against Apartheid of your Conference. The Committee, in particular, took note of the information supplied by governments and employers' and workers' organisations on the measures taken against apartheid, the report of the Tripartite Conference on Southern Africa, held in Harare from 5 to 8 May 1992, and the report of the Eighth and Ninth Sessions of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other actions against apartheid. As for the terms of reference of this Group of Independent Experts, the Governing Body decided that its mandate which was to end at the end of June 1992, will be extended by one year and that its renewed mandate will concentrate on the supervision and implementation of the Declaration concerning Action against Apartheid in South Africa. In this context, the Governing Body will follow closely the evolution of the situation in that country, particularly as far as the establishment of an interim government is concerned. It will also examine all the repercussions this may have on the activities of the Group of Independent Experts and will take note of the financial consequences. Still on the question of apartheid, I would like to point out that the Governing Body had before it the report of the Fact-finding and Conciliation Commission on Freedom of Association which had been set up in order to study a complaint concerning the violation of trade union rights against the Government of South Africa. In keeping with the procedure concerning the examination of complaints received agaist States which are not Members of the ILO but are Members of the United Nations, the Governing Body took note of this report without discussion and transmitted it to the Economic and Social Council of the United Nations.

Through its Industrial Activities Committee, the Governing Body took a number of decisions concerning on the one hand the follow-up of the conclusions and resolutions adopted by sectoral meetings held during the last quarter of 1991, the Twelfth Session of the Textiles Committee the Second Joint Meeting on Conditions of Work of Teachers and the Second Session of the Food and Drink Industries Committee, and on the other hand concerning the composition of the Fifth Session of the Joint Committee on the Public Service, which will be held next year. The Industrial Activities Committee also started to study the Office's proposals concerning the programme of sectoral meetings for the 1994-95 biennium. At this stage the Committee was also able to make recommendations on the choice of the six major sectoral meetings to be placed on this programme. It has postponed until next November the discussion of questions concerning the agenda of these meetings and the choice of the ad hoc sectoral meetings which will be scheduled for the 1994-95 biennium.

Among the other decisions taken at its last session, the Governing Body approved the reports of a number of technical and other meetings. Among these are the Meeting of Experts on Labour Statistics, Geneva, 28 January-6 February 1992, the Meeting of Experts on Safety in the Use of Chemicals at Work, Geneva, 24 March-1 April 1992, and the Tripartite Symposium on New Perspectives for Tripartism in Europe, Brussels, 7-8 April 1992. It also had before it a draft agreement between the ILO and the European Bank for Reconstruction and Development. The Governing Body approved the text of this agreement and authorised the Director-General to sign it on behalf of the ILO. Finally, the Governing Body authorised the Director-General to invite a non-member State, the People's Democratic Republic of Korea, and 44 non-governmental international organisations to be represented at this session of the International Labour Conference.

I am about to close this very long report but I would still like to ask for a few minutes of your time in order to inform you of another of our Governing Body's activities. His Holiness Pope John Paul II granted an audience to the Governing Body of the ILO on Saturday, 30 May. The message of the Pope is directly addressed to our Organisation and I should now like to read it to you:

> It is with the greatest of joy that I welcome the Chairman of the Governing Body of the International Labour Organisation and also those members of this illustrious Organisation who are accompanying him. This visit brings back the memory of the warm welcome your Organisation extended to me in Geneva in 1982. I should like to take this opportunity to reiterate before you my esteem for the nations and organisations which you represent. I thank you for the two works which you have brought with you today, namely on the social teachings of the Catholic Church and the world of work, and on the commemoration of the 100th anniversary of *Rerum Novarum*. I am pleased that the Organisation pays special attention to the teachings of the Church, and I perceive similarities between its approach and the social doctrine of the Church. Quite recently the colloquium on work, culture and religion highlighted their common interests and concerns for modern social issues. Today we are witnessing the globalisation of social issues. The difficulties of the countries of the East and the South have repercussions on international markets. The rapid political developments of recent years have generated radical changes in economic structures, and these changes have led to a greater involvement of all social partners, national leaders, management, and workers. The slow and laborious development of many countries which have chosen to follow the rules of market economics and the path of democratisation clearly has reinforced the mission of the International Labour Organisation and the need for it to be vigilant. Indeed, it is sometimes said that you are the social conscience of the world.
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> According to the Declaration of Philadelphia, it is the duty of your Organisation to promote tripartite dialogue and cooperation between governments, employers and workers to find solutions which place man at the centre of economic concerns. The International Labour Organisation is also responsible for rallying the international community to combat poverty resulting from unemployment or underemployment, from lack of training and deficiencies in health care. Poverty is one of the major obstacles to social justice.
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> The goals which are placed before your Organisation require imagination and coherent and courageous decisions and these will, of course, involve certain sacrifices on the part of the richest nations if there is to be a substantial improvement in the catastrophic situation of entire sectors of the world population. Collaboration with the International Monetary Fund and the World Bank is also necessary to check the scourge of poverty, a scourge whose abatment will be a sign that social progress is being achieved. To this end, it would be desirable to have greater transparency in political and economic decisions. Considerations, which are solely financial and budgetary, cannot justify a dismissive attitude to the social dimension. The inalienable dignity of man and the protection of workers, which are the supreme values in any society, cannot be flouted with impunity. Your concerns in this area are akin to those of the Church. Man must be placed at centre stage in economic, political and social restructuring resulting from the liberalisation of markets and the advent of democracy, as the Director-General of the International Labour Office, Mr. Michel Hansenne, reminds us in his Report to the Conference which will be held shortly.
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> Social development flows from tripartite dialogue and it is your mandate to promote and further this dialogue throughout the world, but it is not enough to bring together politicians and economists, employers and workers. Dialogue should lead the protagonists to greater partnership, greater participation in development and towards the creation of a more equitable society and the negotiations should serve not merly the interests of certain sectors but the cause of mankind as a whole. Governments should promote economic development and regulate social dialogue, whereas the managers and the workers' representatives must achieve a structured approach so that they can negotiate and really act for the good of all.
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> I hope that the constituents and staff of the International Labour Office will continue their unstinting efforts to put a human face upon the world of work and to establish social justice. I should also like to stress the considerable work which has been done by our Organisation to help the most disadvantaged sectors of the world today, that is, migrant workers, refugees and children at work. These people, who are vulnerable and often defenceless, need assistance and support and it is your duty to remind the international community that it must continue to make greater efforts so that everyone will participate in and benefit from development.
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> In conclusion, may I convey my best wishes to the forthcoming session of the International Labour Conference which is shortly to be held in Geneva. I pray to God to make the members of the International Labour Organisation servants of Man in the image of the Creator, called upon to assist in creation, and I bless you with all my heart, you and your families.
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> John Paul II, 30 May 1992.

And before I leave the podium after this very lengthy report, I should like to thank Mr. Oechslin and Mrs. Carr, the Vice-Chairmen of the Governing Body, for all their support and friendly assistance during this year. We formed a team to serve you. Finally, I should address myself also to Michel Hansenne and convey to him my very warmest gratitude as also to all the staff of the International Labour Office.

Reports of the Governing Body and of the Director-General: Discussion

Original – French: The PRESIDENT – Before opening the discussion of the reports of the Governing Body and of the Director-General, I would like to make the following statement on behalf of the officers of the Conference. This statement concerns the way in which we intend to discharge our duties and I am making it on behalf of all the officers of the Conference in order to remind you of the principles that we intend to apply in the course of this discussion. These principles will be applied as uniformly as possible to all interventions, regardless of the speaker. The principles that will guide us were defined by the Working Party on the Programme and Structure of the ILO, and approved by the Governing Body and submitted to the Conference in 1967. They are set out in paragraphs 54 to 58 of its report, and reproduced in the Memorandum on the 79th Session of the International Labour Conference, a copy of which you should all have received by now. It is incumbent upon the officers of the Conference to draw the attention of all delegates to paragraph 58, which reads as follows: "In periods of acute political tension the ILO has a twofold responsibility – to uphold the values of human freedom and dignity enshrined in its Constitution, and to circumscribe rather than extend the area of international tension by ensuring the fullest possible degree of continued cooperation in pursuit of the objectives of the ILO. Every delegate to the International Labour Conference therefore has an obligation to the Conference to keep these considerations constantly in mind, and the President has an obligation to ensure that the Conference does not lose sight of them."

In accordance with this obligation, I would like to draw the attention of the Conference to these principles. In full agreement with my fellow officers and on behalf of all of you, I would like to urge delegates to collaborate with us in applying these principles. We hope, in particular, that every delegate will recognise that the officers of the Conference are responsible for ensuring that these principles are observed. My colleagues and I are determined to carry out this responsibility. Freedom of expression is the lifeblood of the International Labour Organisation. However, in order to exercise this right in a spirit of mutual respect, we all have to accept a certain degree of discipline if we want our work to run smoothly and be successful. It is the duty of the President of the sitting to ensure that these principles are respected, and the officers of the Conference will not hesitate to intervene in this respect. In particular, if a speaker slanders a Head of State or Government, or personally insults another delegate, the President will intervene immediately.

At the Conference, all delegates should use parliamentary language and respect the accepted procedure, refer only to the points under discussion and avoid raising any question alien to these matters. Any delegate who wishes to reply to a statement should refrain from asking for the floor by raising a point of order. A delegate should instead inform the President of the sitting before that sitting ends of his or her wish to exercise the right of reply. A request for a right of reply should be presented to the officers in the course of the sitting in which a delegate considers that the right of reply should be exercised. The request should be transmitted to the President through the Clerk of the Conference, and not by asking for the floor during the sitting.

I would like to make clear the practice for the exercise of the right of reply. The reply should refer only to the point in question. It should be brief, not to exceed two or three minutes, and should under no circumstances give rise to any further remarks. Lastly, it should be worded in proper parliamentary language.

I would also like to point out that, in order to avoid endless discussions, it has been a practice of Presidents to refuse to allow replies to a reply.

I would also like to draw your attention to the recommendation presented this morning by the Selection Committee concerning the reduction of the speaking time for delegates participating in the discussion of the Report of the Director-General. This recommendation, which is aimed at ensuring that speaking time should not exceed ten minutes, was again formally submitted to the Conference this year and approved after consultation with the Vice-Presidents, pending the entry into force of the amendment of Article 14 of the Standing Orders, which is to be adopted at this session. I therefore urge all delegates to focus their remarks on the reports of the Governing Body and of the Director-General, and on the activities of the International Labour Organisation.

The time available to the Conference to examine its agenda is limited. It is therefore vital to comply with these provisions fully. All Ministers and delegates attending the Conference will, I am sure, when preparing their interventions, wish to take into account this limit of ten minutes so that the President will not be forced to interrupt them before they have finished their speech.

Allow me to remind you that, in accordance with our practice, the running of the discussion falls within the sole purview of the officers and the President. In particular, it is up to the President to ensure that the principles and provisions of the Standing Orders to which I have just referred are respected.

Concerning the special sitting on the situation of workers in the occupied Arab territories, may I remind you that, on the proposal of the Selection Committee, the Conference has decided to allow the speakers who so wish to take the floor both on the general report and during the special sitting, it being understood that the subject to be discussed in the special sitting would not be discussed in the debate on the rest of the report. In this respect, allow me to point out that a decision has been taken that the closing date for the list of speakers for the special sitting has been set for Friday, 12 June, at 6 o'clock.

It goes without saying that all the principles which I have mentioned also apply to the special sitting, apart from the time-limit for speeches which, depending on the number of speakers, may be less than ten minutes.

With your cooperation and your help, we will fully discharge all the responsibilities conferred on us with a view to ensuring the proper conduct and success of this 79th Session of the Conference. We would like to thank you in advance for your understanding.

(The President continues in Portuguese):

The next item on our agenda this afternoon is the discussion of the reports of the Governing Body and of the Director-General.

Mr. MASINDE *(Minister for Labour, Kenya)* – On behalf of the Kenya delegation, please allow me to of your congratulate you, together with the members Office on your well-deserved election to guide the deliberations of this session of the ILO annual Conference.

My delegation has noted that the Report of the Director-General for this year's session of the Conference consists of two parts: Part I on democratisation and the ILO, and Part II covering activities of the ILO during 1991.

Regarding Part I, which is the central theme for this year's session of the Conference, my delegation's view is that the Report has given a very comprehensive account of the topic particularly in the light of the changes currently being experienced by the various countries in their determination to establish genuine democracy which will guarantee fundamental individual and collective rights. Indeed, my delegation agrees with the Director-General when he says that "far-reaching reforms taking place in the world have their inspiration in the values and principles which imbued the establishment of the ILO and which have never ceased to guide it in its work". In this respect, it is only proper that the ILO should undertake to help its Members in pursuing this democratisation process if the Organisation were to remain faithful to its fundamental mission.

The ILO is better equipped to play a more positive role in the current democratisation process through the gradual promotion of ratification and practical application of its various international labour standards, especially with regard to those standards that are related to basic human rights.

Kenya, as a Member of the ILO family, concurs with the view that we all must strive together for greater democracy and greater social justice in our respective countries. Kenya further agrees with the Director-General when he says (and I quote) that "democracy, the symbol of the inspirations of humanity and repository of its hope for a better life, is a dynamic concept which has grown and evolved unceasingly with the passage of time".

Democracy is not a static concept and every step forward or achievement, is just one more stage in its evolution. In other words, the term "democratisation" should generally be seen as a process whereby the people themselve in any country, assume responsibility for their destiny. It should also be understood that the real aim of any genuine democracy should be the defence and promotion of the basic freedom of the individual, including freedom of opinion, association, press and so on. I also agree that such democracy can be reinforced by the rule of the law, the existence of an independent judiciary, the regular holding of free and fair elections under universal adult suffrage, multi-party democracy and so on.

As far as Kenya is concerned, in recent times it has undergone very major political changes and reforms after Parliament repealed Section 2 (a) of our Constitution, hence paving the way for the introduction of multi-party democracy from a single party State. The Government has already effected the necessary political reforms, paving the way for free and fair multi-party general elections, supervised and directed by an independent electoral commission.

The Government has also given a firm assurance that the first multi-party elections will be preceded by the registration of voters, which begins this month. Those who qualify will not be hindered from registration. In order to further enhance accountability and transparency, the National Assembly has passed an Anti-corruption (Amendment) Act which increased penalties for corruption offences.

It should, however, be noted that the Government of Kenya has always ensured that all fundamental freedoms of the individual were upheld. The independence of the Judiciary has also been fully respected by the Government.

My delegation also agrees that there exists a close link between democratisation, economic development and economic growth. We believe that for real democracy to survive, it is necessary that the same should go hand in hand with rapid economic growth in order to meet the basic necessities of the people such as food, clothing, shelter, medical attention and so on. It must be realised that for the people living in poverty in any country, development is bound to be a matter of life and death, struggle and no form of democracy can survive under such circumstances.

In the case of Africa in general, the democratisation process currently taking place will mean more democracy, respect for the rule of law and fundamental human rights, good government, accountability and transparency. This in turn will help to create the necessary political climate for both domestic and foreign investment.

The Kenya delegation has taken a careful note of the new ILO policy of linking technical assistance with the democratisation process in the affected countries. It should be realised, however, that the new democracies coming up will need considerable assistance and support, if they are to survive, for without such support, they would lose the popular support that was so necessary for their success. This is especially so when it is recalled that millions of people in many parts of the world and in the developing countries in particular live in poverty caused by unemployment and lack of basic amenities. This serious affront to human dignity was a major cause of social injustice and chaos. It should be recalled that most of the ILO member States were developing countries whose most urgent priority was to ensure the survival and improvement of the lives of their people, which in many cases, meant the satisfaction of the most basic needs. It is the view of my delegation, therefore, that unless the basic needs were met and poverty throughout the world eradicated, the ILO's pursuit of its basic aims and objectives will be greatly compromised.

My delegation has noted with appreciation the three technical items scheduled for discussion during this session of the Conference, namely, the item on the protection of workers' claims in the event of the insolvency of their employer, the item on the need for the prevention of industrial disasters, and finally adjustment and human resources development. My delegation looks forward to benefiting from the final conclusions and recommendations emanating from these discussions.

On the issue of child labour, my delegation notes that the protection of children from work and at work has been one of the basic principles of this noble organisation, the ILO. We have further noted that from its very beginning, the ILO called in the Preamble to its constitution for the protection of children and young persons. It is in this respect that I would like to take this opportunity to express the Kenya Government's deep gratitude and appreciation to the ILO and the Government of Germany for the excellent work that the two are doing in Kenya in the field of child labour, under the International Programme on the Elimination of Child Labour.

Allow me now to make a few remarks regarding the ILO's role in the field of training. We recognise the fact that training plays a vital role in our development process and it is in this respect that we would like to ask the ILO to allocate more resources for training activities. In this context, we fully support the International Training Centre, Turin, the International Institute for Labour Studies, the African Regional Labour Administration Centre, namely ARLAC, as well as other training activities in which the ILO plays a significant role.

My delegation warmly welcomes the joining of the ILO family by the republics of Estonia, Korea, Kyrgyzstan, Latvia and Lithuania. Their decision to join the ILO has made this organisation more universal and this will also contribute significantly towards its noble ideals and objectives.

In view of the important role played by the ILO in the world affairs in general and advancement of social and economic justice in particular, the Kenya Government will always be prepared to give its moral and material support within her limited resources. A great deal has been achieved by the ILO. A great deal more remains to be achieved. I, therefore, would like to take this opportunity to call upon all the member States to support this worthy organisation wholeheartedly in its noble task of improving the quality of life for the benefit of the whole of mankind.

Original – English: **Mrs. ALI-KHAN** *(Government delegate, Guyana)* – First of all permit me to convey, on behalf of myself and the members of my delegation, warm and sincere congratulations to the President on his election to the Chair of this 79th Session. We are confident that his distinguished career and experience will enable him to guide and manage this session so that our desired goals can be achieved.

It is a distinct honour for me to make some remarks on behalf of my country, Guyana, at this Session of the International Labour Conference. Let me restate at the outset that my country is fully committed to the principles and ideals of the International Labour Organisation and supports its efforts to promote peace and social justice in a world beset by many socio-economic and political problems and challenges.

Guyana is proud to be a Member of this body and takes seriously its obligations to create a healthy climate for the effective conduct of industrial relations.

My Ministry's responsibility, therefore, in the field of labour administration and labour relations, is to encourage and assist employers and trade unions to develop and apply sound labour policies which aim at a greater measure of equity and social justice. This approach is important for the orderly conduct of labour relations. It also corresponds to our national policy which is committed to social justice, the improved quality of life, the development of human resources, the opening up of channels of communication between the social partners and the recognition of the link between economic growth and social progress.

Our national labour programme accordingly seeks to contribute to the social and economic development of the people of Guyana through the development and implementation of sound labour policies, the adoption and application of relevant international labour standards and the encouragement of tripartite commitment to fair labour practices.

The conditions of work and quality of life of workers throughout the world have been the concern of us, the Members of the ILO, as reflected in the numerous instruments affecting working people globally. My country shares this concern and recognises the invaluable contribution of the ILO in influencing improvements in the conditions of work and life of employees everywhere. This can clearly be seen from the Report of the Director-General on the activities of the ILO in 1991. My country recognises the need to promote a better understanding of international minimum standards in employment conditions for the labour force worldwide.

The importance of the International Labour Conference is appreciated, for it provides a special opportunity for participants, representatives of governments, employers and trade unions to exchange views, share experiences, review developments and trends and consider international instruments. It is hoped that the deliberations of the Conference will enable participants to influence labour policies and practices more in accord with the international standards of the ILO, and that social consensus can be forged at the national level among governments, employers and trade unions working together to create an industrial climate conducive to better conditions of work, safety standards and the training and development of human resources.

It is hoped that this session of the Conference will inspire participants to influence the adoption of international standards, or substantially equivalent conditions.

International labour standards are important guidelines for the social partners. It requires determination and willingness on all sides to use these standards for the development of efficient industries which can provide adequately for their employees and their families for, indeed, international standards seek to improve labour conditions, establish social justice, regulate the international mobility of labour, deal with the technological complexity of modern industry and influence industrial social and labour legislation.

We wish to place on record my country's and my delegation's appreciation of and continued support for the solid work of the ILO around the world, through the Director-General and his dedicated staff, both at Geneva and its regional offices. Indeed, the activities of the ILO in 1991, as set forth in the Director-General's Report, reveal a wide range of actions of critical importance to the improvement of social and labour conditions of the global workforce. In my own country, and the Caribbean subregion, while we restructure our economies and strengthen the democratic process, we are grappling with some of these issues to give expression to the standards and principles we have adopted at the ILO, and we are trying to create conditions that will improve the working life of the people of the Caribbean region.

In my country we have made several adjustments to our economic strategies, giving a greater role to market forces by deregulating areas affecting trade and investment. In order to achieve the best results we have made adjustments to our tax and fiscal schemes, granting tax relief to workers and incentives to employers. Consequently, wages, salaries and other conditions of service have been improved within the limits of our monetary resources and in consultation with the trade unions and other representative bodies.

We note with satisfaction the continued presence of the ILO Caribbean Office in Trinidad and Tobago, and its invaluable service to the region. In partiicular, we are pleased with the recent appointment of an officer to strengthen relations with employers of the region. We have been working and collaborating with the Caribbean Office at the regional level, through the Caribbean Community CARICOM, and through the individual member States in many meaningful ways in the areas of labour administration.

labour law, labour market information, manpower planning, social security, cooperative development, small-enterprise development and manpower training and development. While we understand that the intensity of work in our region depends on the allocation of resources, both human and financial, we are constrained to call for a strengthening of the ILO Caribbean Office – more manpower expertise and financial resources – so that there can be greater intensity of work in the Caribbean region. We want a stronger Caribbean Office, and indeed we look forward to the Caribbean region being represented in the Governing Body of the ILO for the next period.

At this session of the Conference, we will be considering and reviewing the work of the ILO through the Reports of the Governing Body and of the Director-General. We also have important agenda items, including adjustment and human resources development.

The phenomenon of structural adjustment is a severe test for the social partners, especially the way it affects people's economic and social conditions. In terms of the development of a more open economy, one that is more market-oriented, designed to promote economic development and growth, we face the challenge of finding a fair and steady balance between the need to stimulate and build a productive economic system, and the need to preserve the basic elements of social justice. The impact of structural adjustment on employment and remuneration is severe in the short term, and we have to find ways to avoid deep and widespread social dislocations. We have to find workable options, and explore practical solutions to advance the welfare of world labour. The ILO is a critical partner in this regard, given its position and expertise.

I express the hope that the 79th Session of the International Labour Conference will contribute to the continued growth and development of industries around the world, and of the workers of the world and their families, and I express the hope that participants will have an enriching, stimulating and knowledge-sharing experience. I wish continued success to the Director-General and his staff, as together we seek to fulfil the imperatives of the mandate to improve the quality of life of the working people of the world.

Original – English: Mr. CHUNG *(Government representative, Republic of Korea):* It is a great honour for me to address the 79th Session of the International Labour Conference on behalf of the Government and people of the Republic of Korea.

First of all, I would like to extend my heartfelt congratulations to you, Mr. President, upon your unanimous election to the Presidency of this session. Under your distinguished leadership, I am certain that this Conference will be fruitful and productive.

Upon examining the Report of the Director-General, I am impressed with the remarkable performances and achievements of the ILO over the past year. To Mr. Hansenne and his colleagues, I express my respect and appreciation for all the outstanding work they have done for the success of the session.

In his Report, entitled "Democratisation and the ILO", he emphasises the need for the ILO's active role in helping many countries' development of democratisation. I think it is timely and desirable that this session focuses its attention on this subject.

I believe that freedom, social justice and world peace, which are the long-cherished desires of mankind and the basic spirit of the ILO, can only be achieved through democracy. However, as history teaches us, the development of democratic societies is a process inevitably accompanied by transitional pains.

In today's world, the transition from authoritarianism to democracy in many countries is fraught with challenges such as inflation, high unemployment rates and conflicts among different interest groups. Therefore, I place great value on the ILO's efforts and expect the ILO to play a more constructive role in supporting those countries' endeavours to establish a democratic society.

Turning to my own country, since the June 29th Declaration of 1987, the Republic of Korea has achieved rapid democratisation socially, economically and politically. In the course of this change, our society has suffered from many problems including the significant increase in labour disputes. However, social order has been restored and the democratic norm has been settled since last year.

Owing to this positive development, the Government of the Republic of Korea is implementing various policies to improve economic justice and to re-establish economic vitality. Ultimately, we are trying to achieve a welfare society in which people can equally enjoy and benefit from fruits of industrial prosperity.

I would now like to offer a few comments on the topics before this session. Firstly, as we are discussing for the second time, "Protection of workers' claims in the event of the insolvency of their employer" is a very important topic in view of the fact that it specifies concretely the Protection of Wages Convention, 1949 (No. 95) which contains provisions for protecting workers from financial difficulties in the event of the insolvency of their employer.

Furthermore, I feel that the proposal which emerged from last year's preliminary discussions on the topic is very realistic and comprehensive. The proposed policy platform on the protection of workers' claims includes both means of privilege and a guarantee institution, and calls for the adoption of those proposals based on a flexible system that takes into account the particular socio-economic factors of the individual country.

Since 1974, the Labour Standards Act of the Republic of Korea has stipulated that reimbursement of workers' wages, retirement grants, accident compensation, and other obligatory rights relating to labour contracts, should have priority over taxes, public imposts, and other claims, except for the right of pledge and obligatory right granted by way of security. Moreover, the Act protects the privilege of workers' claims by guaranteeing that the reimbusement of wages for three months prior to the insolvency has priority, even over the right of pledge and obligatory right granted by way of security.

The worker's right of claims generated from a labour contract, such as on wages and retirement grants, should be sufficiently protected since it has a direct effect on the worker's life. On the other hand, in legislating these privileges, it is important to make harmony with safety of general contracts and protection of a third party's property right.

As we all know, economic, legal and social conditions vary from country to country. Therefore, it would be most appropriate of a new Convention and Recommendation dealing with this subject would allow for maximum flexibility of the individual nations in enacting the scope and object of claim right that should be protected.

The next topic on which I wish to comment is the prevention of industrial disasters. In my view, it is timely and appropriate for the Conference to take up this subject in view of the fact that people throughout the world are taking a growing interest in environmental problems. It is true that an increase in the production and use of hazardous materials would aggravate dangers from major accidents such as fire, explosion and gas leakage, and cause extensive environmental damage. Therefore, it would be an epoch-making event in the prevention of industrial disasters if we adopt a proposed Convention dealing with the prevention of major industrial accidents.

In the case of the Republic of Korea, that has achieved remarkable economic success over the past 30 years, prevention of industrial disasters and protection of the environment have become prominent issues in these days. The Industrial Safety and Health Act in the Republic of Korea, in connection with other legislation, devises a proper measure of various major hazard control to prevent accidents from the use of hazardous materials. Furthermore, we are improving the health and safety of workers by taking the necessary policy measures in preventing occupational diseases caused by hazardous and noxious materials.

I would like to take this opportunity to stress the importance of strengthening technological cooperation between developed and developing countries, and continuing investment in the prevention of industrial disasters as well as environmental protection, based upon each country's socio-economic conditions.

The Republic of Korea became a Member of the ILO on 9 December following admission to the United Nations on 17 September 1991.

I would like to express my heartfelt gratitude to the Members of the ILO who have actively supported my country's efforts to gain admission to this important and prestigious world organisation. We will do our best to fulfil our mission and duties as a member country and, closely to cooperate with other member countries by carrying out the noble objectives of the ILO substantially, and by participating in the ILO's activities positively.

I sincerely hope that this 79th Session of the International Labour Conference will lead to results and ideas that will significantly contribute to the safety and the prosperity of all mankind and the development of democracy.

Original – French: Mr. JUNCKER *(Minister of Labour; Minister of Finance, Luxembourg)* – Mr. President, first of all allow me to extend my congratulations and those of the Government of Luxembourg on your election to the presidency of this session. My congratulations also go to Mr. Michel Hansenne, Director-General of the International Labour Organisation, and his staff.

The subject chosen by the Director-General fits in neatly with the ultimate goal of maintaining peace. We have reached a turning point in European history. Paradoxically, this is characterised by apparently contradictory movements in Europe. In contrast to the fragmentation of the state entities in the East, we can see a more marked legal and tangible alignment of the Member States of the European Community. Despite what happened yesterday in one of the Member States of the Community, this alignment is reflected in the Maastricht agreement consolidating the wish of the peoples of the European Community to unity more closely in the framework of European union. I am convinced that in time the countries of Central and Eastern Europe will achieve such a level of stability and democracy that it will be possible for all European countries to come together and build a European home which is economically, politically and socially sound and which will enable us all to live in peace and freedom.

Nevertheless, today the international community is, without doubt, duty-bound to do everything it can to help countries faced with structural change so that the tireless efforts needed to bring about the radical change they are undergoing bear fruit.

I can fully support what the Director-General says, that the solution to alarming problems such as unemployment, inflation, insecurity, lack of democracy, etc., can only be the result of an active partnership between international organisations and emerging democracies and, I would add, all other States. This active partnership should operate in all areas.

I would like to point out that this partnership will work both ways whereas the problems to be solved are undoubtedly problems facing us all. Isolated reasoning would not take into account the reality. Cooperation on an equal footing between all parties involved is necessary. If the problems in the East are not solved they will very shortly become the problems of the West. It would be disastrous to deny this reality.

I feel that the details of the specific form of assistance or intervention on the part of the ILO in such-and-such a State must be decided jointly between the applicant State and the international organisation. I think I am not well placed to hand out advice and interfere in these bilateral relations. I am therefore not in a position to provide the suggestions requested by the Director-General, they can only come from the member States directly concerned which are familiar with their needs and can, if necessary, already start drawing conclusions from the preliminary experience of assistant projects set up by the ILO or individual States.

As far as major principles and basic options are concerned, I share the analysis of Mr. Hansenne, who seems to have given an accurate list of the means of intervention in the process of democratisation at the disposal of his Organisation.

The ILO should act as a catalyst and coordinator with regard to projects, programmes and initiatives. Since the Organisation is not able to do everything by itself, matching supply with demand and coordinating bilateral activities should be priority tasks, outside, of course, the projects which it will continue to manage alone.

I am thinking of all those member States in positions of strength which should face up to their responsibilities and make available to the fledging democracies their knowledge and experience, and give these countries unconditional support in areas where they may be of help. This bilateral action under the auspices and guidance of the ILO have distinct advantages. It would be very efficient because the two parties would be able to see what the needs were and what assistance was possible. This would leave the International Labour Organisation free to devote itself to those tasks which would more properly be within its competence, such as technical cooperation and supporting the ratification of standards, etc. I think it would be useful within the ILO to regularly review bi- or nultilateral operations and organise meetings, at least on an annual basis, between ministers of labour, particularly those from European countries.

The ILO should not neglect the North-South aspect of its work, which should remain a high priority, in spite of the remarkable developments in the East.

The three priorities in the ILO, in the countries facing structural change, support to democratisation, the struggle against poverty and the improvement of workers' protection.

But there is a further aspect which I feel deserves the same priority status, namely vocational training and, in particular, training the trainers. A rapid adjustment of qualifications should enable the States themselves to acquire the human resources which will put them on the right track and this would promote those democratic values which underpin effective social dialogue. In this respect ILO assistance is essential.

We must concentrate at the same time on all of these goals which are very closely linked and indeed interdependent. The process of democratisation, and the establishment of democratic industrial relations are the prerequisite for the implementation of the means to combat poverty and exclusion. Democratic industrial relations are necessary to establish rules which will effectively protect workers. I am very happy to see that finally it is being acknowledged that social objectives are crucial and must be taken into account if countries are to achieve economic restructuring which leads to genuine and sustainable economic development.

This change in mentality has come at a time when the Member States of the EEC have at last officially recognised that social policy must go hand in hand with political and economic change. The European Council considered social policy as one of its main topics at the conference in Maastricht. The Government of Luxembourg has always affirmed that Europe could not be built upon economic foundations alone, but that it would also need to be supported by social policy. Our citizens will only accept Europe as a concept if economic development is accompanied by tangible social progress.

The same phenomenon, I am sure, has been recognised by our friends in Central and Eastern Europe, the difficult period of economic redeployment and political reconstruction will only be successful if social protection is assured on the basis of democratic industrial relations.

In my dual capacity as Minister of Finance and Minister of Labour, I have had the opportunity in various forums to protest against projects which promote economic development to the detriment of social policy.

This is why I unreservedly support all initiatives to involve the ILO in work done by certain international economic organisations.

Democratisation of industrial relations is without doubt a crucial area. The Director-General's Report *Democratisation and the ILO* is all the more convincing because the ILO has always pioneered the practice of participation and pluralism. The ILO has always defended the democratic values enshrined in its Constitution, particularly through its tripartite structure.

The vast arsenal of standards developed throughout the years by the ILO is the basis for setting up democratic social structures. The major concern of the Organisation will therefore be to assist those countries which are undergoing restructuring so that they ratify as speedily as possible at least the basic Conventions.

It is not enough to have fine theories and principles enshrined in the texts; there must also be application in practice.

The basis of any socio- and industrial democracy is real social dialogue – the participation of all the partners, according to different systems and at different levels in the elaboration of social measures to accompany economic development.

Social dialogue through the Maastricht agreements has been anchored in the very institutions of the European Union. Thus, the social partners will now be able to play a determining role in social policy in the Communities.

Although many questions still remain unanswered as to principle and method, with regard to the legal machinery provided for in the Maastricht agreements, we nevertheless welcome the fact that social dialogue has been thus enshrined in the treaty. True social justice will result from the participation of workers and employers in free discussions amongst themselves and with governments and in decisions democratically taken. Tripartite instruments are of great value not only in times of crisis, but after, too.

However, in times or relative economic well-being, there is an inherent danger in the functioning of tripartism.

Mr. Hansenne quite rightly spoke of all partners having their own specific role to play, whilst still working for the common good. For tripartism to function well, all those involved must recognise their responsibilities. Obviously, everyone must defend the interests of the party they represent, but also never lose sight of the fact that they are acting in the general interest. This a basic prerequisite.

I hope you will understand that my warning is meant as an appeal. Let us safeguard genuine social dialogue so that our social and economic policy decisions continue to be democratically legitimate and in the interests of all.

Original – German: Mr. ARBESSER-RASTBURG *(Employers' delegate, Austria)* – First of all, I would like to extend my wholehearted congratulations to Mr. Nascimento Rodrigues upon and to the his election as President of this 79th Session of the International Conference and to the Vice-Presidents upon their election. I am convinced that they will succeed in steering the difficult problems which we will be discussing in the next few weeks towards an acceptable solution.

It gives me great pleasure to welcome the tripartite delegations of those countries which have become members of our Organisation since the 78th Session of the International Labour Conference.

I would like to extend my special welcome to the Baltic States – Estonia, Latvia and Lithuania – which have managed to regain their independence after 50 years. As an Austrian, it is particularly important for me to support all measures in favour of the former Communist States of Eastern and Central Europe. The ILO in particular can make a major contribution towards the reorganisation of these States by giving them assistance for self-help. The development of independent employers' and workers' organisations plays a major role in this respect.

I think it is very important that the Director-General has devoted the first part of his Report to the subject of democratisation and the ILO. Of course, I devoted my attention particularly to the chapter on employers' organisations. The path from a centrally planned economy to a market economy is made more difficult because of a lack of managerial and senior staff in the States undergoing reform. The Director-General rightly points out that in its 1992-93 programme and budget the ILO has devoted substantial resources to the development of the entrepreneurial spirit, not least the smaller units. It goes without saying that in providing aid for Central and Eastern Europe, support for the developing countries in Asia, Africa and South America should not be overlooked.

In the second part of the Report of the Director-General, I saw with great satisfaction the successful conclusion of 30 years of activity for the interregional project for the production of Material and Techniques for Cooperative Management Training (MATCOM). This working party of the ILO, which completed its task in an exemplary manner in Vienna, was responsible for the training of almost 200,000 individuals in some 60 countries. The results of this project are described as being of high quality and great importance.

As a permanent representative of the International Organisation of Employers at UNIDO and the Office of the United Nations in Vienna, I particularly welcome the new arrangements reached between our Organisation and UNIDO. I am convinced that this will make possible closer cooperation between these two specialised agencies of the United Nations to the benefit of developing countries.

For almost 35 years I have attended various sessions of Industrial Committees, the International Labour Conference and the Governing Body; and I note that there is a basic difference between the world of today – that is to say the world of the nineties – and that of the last decades.

Let us all take advantage of these auspicious times and do our utmost to ensure that there may be a breakthrough in the attainment of the aims of our Organisation.

In this way, we may help to secure social peace worldwide and pave the way for peace throughout the world.

Original – Spanish: Mr. ESTIGARRIBIA *(Minister of Justice and Labour, Paraguay)* – I would like to start by congratulating the President on his election; I am confident that his experience and capabilities will lead these deliberations to a successful conclusion.

The Paraguayan delegation has duly noted the reports of the Governing Body and of the Director-General, and we fully share the views put forward in these documents. We agree that the world is now going through substantive changes which affect also the workplace, and we value fully the efforts made by the International Labour Organisation to bring about an improvement in social justice among its member States.

It is with deep satisfaction and legitimate pride of international recognition that the Paraguayan delegation, which is composed of representatives of the national Government, of employers and of workers, is attending the Conference for the second consecutive year after returning to the International Labour Organisation.

As promised by the democratic Government of the Republic of Paraguay to national and international public opinion, we have been complying meticulously with an ambitious programme aimed at transforming obsolete legal and authoritarian structures. The quick pace of change has not discouraged our citizens from casting their ballots time and time again to elect their representatives for national, municipal, legislative and conventional office. The freely elected representatives of the people are in the process of implementing constitutional and legal provisions to improve the necessary balance between individual and social interests.

In this historic process, characterised by difficulties which most developing nations share, the national Government through its institutions is seeking to reconcile all social interests on the basis of equity and social justice.

In this connection we can state with confidence that the Paraguayan people have an unquenchable thirst for progress and well-being. We are learning to understand that an individual, even if different or antagonistic, is not dangerous, but creative and imaginative. The development of the human person, based upon the exercise of individual rights, is the guarantee of social growths and presupposes the full use of society's potential.

One year ago in this same hall we referred to the imminent convocation of a National Constitutional Convention in our country. Today, the 198 citizens who have been elected to this Constitutional Assembly (politicians, jurists, trade unionists, employers and highly representative sectors of Paraguayan society) are in the process of drawing up a new Constitution for our country, and will very soon present the framework of a document which seeks to fulfil the nation's aspirations.

In this context, the social partners have the mission of participating fully in the task of building a new society, based on a new constitutional and legal framework, since worker-employer relations constitute the epicentre of this process, and since the social, culture, economic and political growth we want to bring about is based upon a discipline which comes from individual and collective responsibility for a healthy society.

This work of social reconstruction is now being undertaken by the national Government, with the benefit of the solidarity of international organisations such as the International Labour Organisation, whose invaluable help is of vital importance for the achievement of our objectives.

The new possibilities offered by a competitive market, following the Treaty of Asunción and the creation of the MERCOSUR common market, require that our country enhance its vocational training and prepare its workforce for better jobs. Consequently, the Government is promoting training through suitable policies and the expansion of our national training services.

The process of integration which began on 26 March 1991 with the Treaty of Asunción, signed by Argentina, Brazil, Uruguay and Paraguay, has led to meetings between government officials from various fields that will be affected by the application of this Treaty. The Ministers of Labour of the four countries have met several times to discuss and to coordinate efforts in the social and labour aspects of integration until the year 1994, when this Treaty will fully come into force.

These meetings led to the creation of a working group for "Labour Relations, Employment and Social Security" under Annex 5 of the Treaty which concerns social policies. The special contribution of the ILO in this field is handled through its area office for Argentina, Paraguay and Uruguay; this office is participating fully in the labour aspects of integration in the four countries that make up MERCOSUR.

Freedom of association is guaranteed and respected by the national Government. Last year we informed this Conference that since the new Government came to office, the number of unionised workers had doubled and that registered trade unions had increased by 65 per cent as compared with the cumulative number of trade unions in the 35 years of the previous Government. Today we wish to report that in 1991 106 new trade unions were registered, for an increase of 17.17 per cent over 1990. On 31 December 1991 there were 901 trade unions.

The right to strike is fully respected by the national Government. Thirty strikes were called in 1991 and conciliation agreements were reached in 60 per cent of these cases. Between January and March 1992 there were 12 strikes with conciliation agreements being reached in 10 per cent of these cases.

Today the labour provisions in force are applied by the administrative labour authority in the most favourable way for the trade union organisations. In this respect, the executive power was aware that the present labour laws were not consonant with the requirements of employers and workers and it issued legislative decree No. 43 on 31 March 1992 which amends and extends paragraphs and incorporates new sections into Chapter 1, which concerns sanctions, of Book V of Act No. 727/61, the Labour Code, with a view to protecting the rights of workers and ensuring respect of labour provisions and lays down a new Labour Code which is now being studied by the National Parliament.

The national Government is giving priority to measures to improve the conditions of work and working environment. To this end it has set up a National Council for Occupational Safety and Health under the Ministry of Justice and Labour. The council is a tripartite body of a technical, scientific, social nature, the main objective of which is to define in a democratic and participatory manner policies and action in the field of occupational safety and health. In order to make these proposals financially and technically feasible and in keeping with the policy of giwing priority to the improvement of working conditions and the working environment, a Directorate of Occupational Safety and Health has been set up under the Ministry of Justice and Labour, which acts as the executive body of the Council, and which has a budget which is five times higher than that of the previous financial year. All this is proof of what we are doing to improve labour conditions.

In this forum which is open to the concerns of labour throughout the world we send our greetings from Paraguay to all the nations represented at this session of the Conference.

Original – French: Mrs. SASSO MAZZUFFERI (Employers' delegate, Italy) – I address to the President my warmest congratulations on his election. This is a very positive element which augurs well for our Conference. I should like to congratulate the Director-General and all his staff on all the work which they accomplished over the last year.

I will mention but a few of their activities which are of particular interest to us. The first positive note I should like to strike is the work done by the Turin Centre. Their activities, the number of participants and the level of skills are constantly improving. The directorate of the Centre, and in particular, Mr. Tremeaud, deserve not only our commendation but above all our increased support for the continuation of the long-term programme with a view to a better use of the capacities of the Centre to meet the new and growing training needs of many countries throughout the world, including those of Central and Eastern Europe, where the situation requires a considerable commitment on an urgent basis.

Secondly, activities to assist employers are of particular and growing importance to us, in particular as regards technical assistance programmes to establish or reinforce free and independent employers' organisations. High priority should also be given to programmes for the integration of women in economic and social life; finally efforts made to assist countries in transition should be particularly commended. In his Report, the Director-General reaffirms the ILO's interest in these spheres.

The Bureau for Employers' Activities, which deals with this enormous programme, should become the ideal link between the world of enterprises and the ILO services, so that requirements and suggestions from business circles could be taken into account in the preparation of ILO programmes.

Let me now look towards the future. Discussions in the March session of the Governing Body on the ILO's priorities enabled the Employers' group to formulate specific proposals on topics to be selected, including productive employment which generates wealth, which for us is the top priority. In order to improve the effectiveness and efficiency of our work, there was a proposal that the ILO structure should be made more flexible and that the role of the Governing Body should be reinforced as regards general policy decisions.

The Italian employers support efforts which have been made to draw our Organisation closer to the new needs of its Members and more able to meet these needs.

The part of the Report which deals with democratisation contains an in-depth analysis of a subject which is crucial to our era. Although it is true that democratisation is a slow and complex process, we must all work together to stimulate and accelerate it, which is in the interest not only of the peoples directly involved but of Europe as a whole and the entire social and economic system of the world. Indeed, the reinforcement of human and trade union rights, autonomous collective bargaining, free initiative with due respect for market rules, the application of international labour standards in countries experiencing transition, are of crucial importance which transcends the States in which this process is taking place.

In this context tripartism is the method which promotes independent economic and industrial relationships whilst respecting the equal roles of citizens, governments and the social partners.

The Report of the Director-General stresses the fact that the reinforcement of organisations of employers, as well as those of workers, is one of our urgent imperatives. It is in my opinion the ILO's responsibility to promote a legal and social framework which takes account of the new realities and which promotes the full autonomy of the social partners.

The Italian employers would like to see democratisation taking root as soon as possible but without too heavy costs being placed on the individual.

We are in favour of the promotion of productive investment in those areas where clear regulations and appropriate legislation can stimulate and protect foreign investment and ensure respect for the principles of the market and of democracy. The experience of Italian enterprises can offer examples of efficiency based on flexible technologies and market by innovation and this seems to us the best approach for the development of new enterprises which are competitive in the countries in transition.

The creation of joint ventures and the implementation of training programmes for employers in these countries, which we plan to organise, are pragmatic solutions which we propose in the belief that by injecting efficiency and productivity into the system, it is possible to make an effective contribution to solving the very serious social problems facing these countries.

Mr. PETKOV *(Workers' delegate, Bulgaria)* – I have the honour to speak on behalf of the workers' organisations in Bulgaria, the Confederation of Independent Trade Unions (CITUB) and the Podkrepa Confederation of Labour. At the same time, I have the difficult task of informing you about the tendencies which threaten to undermine the process of democratisation and to render the representative role of the trade unions next to impossible. That is why we highly appreciate the Report of the Director-General, Mr. Hansenne, which puts a finger on the sore place.

With your permission I will start with the good news first. In less than three years Bulgaria has joined the group of countries in Eastern Europe which have thrown off the totalitarian regime and given the new democratic forces a vote of confidence in free elections. The first non-Communist government in 45 years was formed; and the Parliament has approved a package of laws, including the Privatisation Act, which pave the way to a market economy. The rights of ethnic minorities are guaranteed and the forceable assimilation of the Turkish population has been discontinued.

It is unfortunate that a tendency of a different kind has been clearly noticeable since the end of last year. I am referring to the series of anti-trade union actions taken by the executive, judicial and legislative authorities in Bulgaria. These actions began with the confiscation of trade union property. This was done quickly in an austensible, legal disguise and with ideological arguments about the necessity to use sanctions against the former state and party-controlled trade unions. However, workers cannot – now or in the past – be held collectively responsible for having been forced to be union members and pay membership fees which were used to acquire property. Nor are they responsible for the manner of spending the means collected by them.

In taking away the property of the old trade unions, the State deprives all acting workers' organisations of resources for existence. At one blow, strike funds were swept away. This provoked our dispute with the state institutions which grew to become a serious confrontation. We are deeply convinced that we are right. Our arguments are strong and irrefutable, both from the viewpoint of the Bulgarian Constitution and under the Conventions and standards of the ILO.

The right of wage labour to freedom of association and property ownership is laid down in the Constitution of the Republic of Bulgaria. Despite this, the Confiscation Law was adopted and it is now in force. However, even its provisions are being violated everywhere. Buildings and premises of local and branch trade unions are being sealed off and seized and our employees and experts are being thrown out. State property was declared the assets of trade union newspapers and publishing houses.

Following an order issued by the Minister of Finance, offices are now being closed down and inventories are being made of resources collected in the past two years from subscriptions. This is a gross violation of article 56 of the Bulgarian Labour Code. The only "compromise" which the Government is inclined to make is to let us rent our own property or to grant credit under "favourable terms." What is expected in return is obedience from the trade unions.

The tripartite system of social partnership was abolished in November 1991. This act was followed by a massive campaign against the trade unions which were accused of all kinds of wrongdoings: organising conspiracies, being a mafia, being the greatest enemy of the economic reform, etc. An attempt was also made to deprive us of the right to collective bargaining through amendments in the Labour Code.

Moreover, after two trade union centres opposed the Government's decision in April to freeze wages, pensions and social benefits, the settlement of accounts began to take place through the court. Over a dozen lawsuits are now under-way against leaders of the CITUB and the Podkrepa Confederation of Labour. A screening law was also prepared but following public protest, including the representatives of European institutions, it was suspended. An attempt is now being made to pass discriminating legislation in disguise, through a new law on state employees and a new pension law.

I am not complaining; I am just making a statement. Nevertheless, it is a sad, even bitter, statement because it reveals an emerging danger for the democratic development of Bulgaria.

In the clash with the State the trade unions in Bulgaria rely primarily on themselves and defend their rights by all legitimate means. We appealed to the President to apply his veto right concerning this legislation; we used the mass media to explain our position; and we organised boycotts, warning strikes and effective strike action. Our response to the rejection of the tripartite cooperation were bilateral negotiations with the employers and the joint declaration concerning the economic policy. I would like particularly to stress that the joint declaration is in complete conformity with the statement of the ILO and the ICFTU, issued in the early spring of this year.

The coordinated pressure by the trade unions and the employers' organisations brought the first positive result. At the end of May the social partnership was restored and negotiations began on the compensation of wages, pensions and social benefits.

But the confiscation of property continued. The CITUB appealed on this issue to the Constitutional Court and is now waiting for its order. Our complaint was also already received by the ILO Freedom of Association Committee – Case No. 1623. Concerning the legal prosecutions against trade union leaders, we are going to make a representation in accordance with article 24 of the Constitution of the ILO; and we insist on an examination of these cases by the ILO.

Believe me, it is not a pleasant task to raise such issues at this Conference because it works against the country's prestige and the image of the fragile democracy in Bulgaria. However, democracy means publicity of conflicts, especially when fundamental worker and trade union rights are at stake – as in Bulgaria, Latvia and other countries.

The representative workers' organisations in Bulgaria have pledged their full support to the democratic changes, privaisation and the transition to a market economy. Consequently, no political grounds exist for the rising wave of anti-unionism. We only demand that the transformation of the centralised planned economy and the way out of the crisis be accompanied by the participation of wage labour and its representative organisations.

We believe that a clash between two concepts underlies the conflict between the Government and the trade unions. Neo-liberalism and extreme monetarism confront the concept of a market economy taking account of the social aspects.

The economic reform in Bulgaria started in February 1991. Today Bulgaria has to begin with macroeconomic stabilisation and a restrictive wage policy. Mass privatisation is about to be ushered in. In this situation it is hardly accidental that Bulgaria is being turned into a testing ground in the settlement of accounts with the trade unions which have been labelled as "enemy No. 1" of the economic reform.

Allow me to conclude by saying that we are well aware that in this difficult moment our position and steadfastness will be decisive. Yet we need understanding and support from the ILO. We already receive assistance in the area of workers' education; but the anti-unionism in Bulgaria has become official policy and this requires the particular attention of the ILO, a specialised and influential organisation.

Mr. IANNOU *(Workers' delegate, Cyprus)* – Please allow me to congratulate the President on his election to the chair of this session of the Conference.

The theme chosen by the Director-General for discussion at this year's session is without doubt the cornerstone of every society and every effort for prosperity, progress and social justice. They are the principles that give a meaning to life and safeguard human dignity. The individual, the basic cell of our society, aspires to a better future and a higher standard of living. By nature, the individual wants to satisfy both his material and spiritual needs, elements vital for proper development and for peaceful coexistence with other individuals within the fabric of society and the State.

If we separate these two fundamental elements and attempt in any way to deprive the individual of either one, then we unavoidable create conditions of conflict, leading us to oppression, violence and confrontation.

These fundamental needs of the individual can be satisfied only in conditions of democracy, freedom and peace, where the principles of equality, political rights and meritocracy prevail and where human and trade union rights are respected and guaranteed.

Countries and societies which for years were ruled by democratic regimes and respected human and trade union rights, have experienced progress and prosperity, whereas dictatorships and totalitarian regimes which violated these rights, have collapsed and left behind them an abundance of problems, misery and poverty, even though they assume power on the pretext of protecting the people and their interests from the exploitation of capital.

Democracy is not just theory. Democracy is a way of life. It is the respect of the right of the individual to think and express himself or herself freely, to have a choice of activity and enjoy free movement. To enjoy equal opportunities in life, to have the right of free association and collective bargaining and to elect the government of his or her country.

If we wish to have a peaceful future, we have to focus our attention on the measures and methods we must apply both at the national and international levels to protect and develop all those elements which contribute to the establishment of democracy and social justice.

The International Labour Organisation, with the principles it has been defending and promoting since its founding, with the manner in which it has set up its various instruments and with the Conventions and Recommendations it has approved from time to time, sets the foundations for the predominance of these principles in all countries, and on all the continents of our planet. The practical recognition by the ILO of the role of trade unions, employers' organisations and governments sets an example to all governments on how to rule and how to view the organisations in their dominion. The principles of democracy must become a way of life and encompass our economic and social sectors. Tripartite cooperation must not be applied only in theory within confined frames. It must be extended to cover all the activities affecting the lives of workers and all citizens. It is our opinion that the ILO, in the context of the programme for cooperation with governments, must take seriously into consideration whether these governments respect and uphold these principles. It is also essential that great care is taken for the further education and training of the population, especially trade unionists, as an additional factor for promoting the concepts of democracy, freedom and social justice.

Democracy, freedom, social justice and peace cannot be consolidated where human and trade union rights are being violated. Unfortunately, there still are countries which apply racial discrimination.

There are dictatorships which violate the fundamental rights of citizens. My organisation, which is a member of the free trade movement, will continue to give its solidarity and support to these peoples struggling for freedom and justice.

My country, Cyprus, is a democratic country. Since it became independent in 1960, Cyprus has recognised the human and trade union rights of all citizens and observes them in practice. The right of free association, the right to strike, the rights of free movement, free thought and expression are constitutionally guaranteed. Unfortunately, since 1974 my country has been divided. In July 1974, a neighbouring country invaded and still occupies a large part of my country by armed force, depriving the people of their fundamental human right. The army of occupation imposes constraints on the free movement of citizens, on ownership and on the free pursuance of work. It is impossible to extend social justice in the occupied area under such conditions. It is for this reason that workers in the occupied area have a lower standard of living than those living in the free areas.

The efforts of the workers of my country are focused towards the prevalence of the principles of the ILO for all the population throughout all the territory of our country. We seek the respect and observance of the rights of all citizens in order to promote the principles of democracy and social justice. We are struggling towards this goal and we hope that with the help of the United Nations and with international solidarity we will be able to pull down the wall that keeps the towns and villages of our country divided, like the Berlin Wall. We will struggle so that democracy and social justice are guaranteed by the legitimate Government for all citizens, irrespective of sex, religion or national origin. Until then, the free trade unions of our country will be at the vanguard of this struggle, because we believe in and we are committed to the ideals of freedom, democracy and social justice.

(The Conference adjourned at 5.30 p.m.)

Credentials

Brief Report by Mr. Yvon Chotard, Chairman of the Governing Body of the International Labour Office, on the credentials of delegates and advisers to the 79th Session of the International Labour Conference Geneva, 2 June 1992

The Chairman of the Governing Body of the International Labour Office has the honour to present the customary report prescribed by Article 26 of the Standing Orders of the International Labour Conference.

The composition of each delegation and the method of appointment of delegates and advisers to the sessions of the International Labour Conference are governed by article 3 of the Constitution of the International Labour Organisation.

In accordance with paragraphs 8 and 9 of this article, it is for the governments to inform the International Labour Office of the nominations made. The Conference examines these nominations and decides, in the case of dispute, whether delegates and advisers have been nominated in accordance with article 3 of the Constitution.

The Conference exercises this power in accordance with the procedure laid down in Articles 5 and 26 of its Standing Orders.

In particular, paragraph 2 of Article 26 of the Standing Orders of the Conference provides that "A brief report upon these credentials, drawn up by the Chairman of the Governing Body, shall, with the credentials, be open to inspection by the delegates on the day before the opening of the session of the Conference and shall be published as an appendix to the record of the first sitting".

The present report is submitted in compliance with this provision. The list given in the table below was closed on 2 June 1992 at 10 a.m. in order that it might be available for inspection by the members of the delegations that same day, that is, the day before the opening of the Conference.

In addition, the present report serves for fixing provisionally, in accordance with paragraph 1(2) of Article 20 of the Standing Orders of the Conference, the quorum necessary to give validity to the votes taken.

The table below, based on the files containing the names of the delegates and advisers and the credentials with which they have been provided or the official communications transmitted to the International Labour Office, shows the numerical composition of the Conference. It is to be noted in this regard that persons who have been nominated both as substitute delegates and as advisers, in the letters communicating the nominations, have been included among the advisers.

To date, 126 States have notified the names of the members of the delegations. It is to be noted that only 53 countries deposited the credentials of their delegations with the International Labour Office before 19 May 1992, that is within the 15 days deadline before the date fixed for the opening of the Conference, in compliance with paragraph 1 of Article 26 of the Standing Orders of the Conference.

On the other hand, while the Conference and the Credentials Committee have already previously insisted on the obligation which Article 3 of the Constitution imposes on governments requiring them to send complete delegations to the Conference, six countries (Afghanistan, Bolivia, Chad, Comoros, Djibouti, Equatorial Guinea) had only nominated Government delegates, and four countries (Albania, Kyrgyzstan, Sudan, Suriname) had nominated a Workers' delegate but not am Employers' delegate.

It should be noted, finally, that in the letters or telegrams communicating their nominations, a certain number of governments have not mentioned the employers' and workers' organisations which they have consulted and with which they have come to an agreement in appointing Employers' and Workers' delegates in accordance with paragraph 5 of article 3 of the Constitution of the Organisation. In this regard, in order to ensure greater clarity in establishing the credentials, it would be advisable that governments use, for the nomination of delegates and advisers, the form enclosed with the letter of convocation and the Memorandum on the Conference which the Office addresses every year to member States.

Finally, I should like to urge delegates and advisers to register in person at the Information and Reception Desk, the quorum being calculated on the basis of the number of delegates registered.

Composition of the Conference, and Quorum

At present 247 Government delegates, 116 Employers' delegates and 120 Workers' delegates – a total of 483 delegates – are accredited to the Conference.

There are, in addition, 556 Government advisers, 298 Employers' advisers and 338 Workers' advisers – a total of 1,192 advisers.

The total number of delegates and advisers who have been nominated in conformity with the provisions of the Constitution of the Organisation to take part in the work of the Conference is 1,675.

Since four States have nominated a Workers' delegate but not an Employers' delegate, four delegates are left out of account in the calculation of the quorum.

Since nine of the States[1] now represented are in arrears in the payment of their contributions to the Organisation, those Members, under the terms of paragraph 4 of article 13 of the Constitution may not at present participate in the voting in the Conference or any of its committees. Account is therefore not taken of a further 29 delegates in calculating the quorum.

In conformity with article 17 of the Constitution of the Organisation and with article 20 of the Standing Orders of the Conference, the necessary quorum to give a vote validity will provisionally be 225.

Observers

On the invitation of the Governing Body of the International Labour Office, the Democratic People's Republic of Korea and the Holy See have appointed observer delegations to the Conference.

Organisations and liberation movements invited

The Conference is also being attended by:

- representatives of the United Nations and some of its organs, invited by virtue of Article II, paragraph 1 – relating to reciprocal representation – of the Agreement between the United Nations and the International Labour Organisation, which came into effect on 14 December 1946;
- representatives of specialised agencies and other official international organisations, invited in conformity with Article 2, paragraph 3(b), of the Standing Orders of the Conference;
- representatives of non-governmental international organisations with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of other non-governmental international organisations also invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of liberation movements invited in conformity with Article 2, paragraph 3(k), of the Standing Orders of the Conference.

A list of these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Geneva, 2 June 1992

(Signed) Y. CHOTARD

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[1] Comoros, Djibouti, Dominican Republic, Equatorial Guinea, Guyana, Iraq, Lebanon, Libyan Arab Jamahiriya, Yugoslavia.

LIST OF ACCREDITED DELEGATES AND ADVISERS

Country	Government delegates	Government advisers	Employers' delegates	Employers' advisers	Workers' delegates	Workers' advisers
Afghanistan	2	4	—	—	—	—
Albania	2	—	—	—	1	1
Algeria	2	4	1	7	1	3
Angola	2	5	1	2	1	2
Antigua and Barbuda	—	—	—	—	—	—
Argentina	2	8	1	8	1	8
Australia	2	5	1	3	1	3
Austria	2	6	1	3	1	3
Azerbaijan	—	—	—	—	—	—
Bahamas	—	—	—	—	—	—
Bahrain	—	—	—	—	—	—
Bangladesh	2	2	1	1	1	—
Barbados	2	—	1	—	1	—
Belarus	2	2	1	6	1	2
Belgium	2	10	1	6	1	8
Belize	2	—	1	—	1	—
Benin	—	—	—	—	—	—
Bolivia	1	1	—	—	—	—
Botswana	2	2	1	—	1	—
Brazil	2	5	1	8	1	2
Bulgaria	2	3	1	3	1	6
Burkina Faso	2	1	1	—	1	—
Burundi	2	3	1	1	1	—
Cambodia	—	—	—	—	—	—
Cameroon	—	—	—	—	—	—
Canada	2	5	1	4	1	4
Cape Verde	2	—	1	—	1	—
Central African Republic	—	—	—	—	—	—
Chad	2	—	—	—	—	—
Chile	2	10	1	2	1	8
China	2	13	1	3	1	5
Colombia	2	5	1	6	1	4
Comoros	2	—	—	—	—	—
Congo	2	4	1	—	1	—
Costa Rica	—	—	—	—	—	—
Côte d'Ivoire	2	2	1	—	1	2
Cuba	2	3	1	—	1	4
Cyprus	2	4	1	2	1	4
Czechoslovakia	2	13	1	7	1	3
Denmark	2	6	1	3	1	7
Djibouti	1	—	—	—	—	—
Dominica	—	—	—	—	—	—
Dominican Republic	2	4	1	3	1	4
Ecuador	2	5	1	1	1	3
Egypt	2	4	1	3	1	3
El Salvador	2	—	1	1	1	1
Equatorial Guinea	2	—	—	—	—	—
Estonia	1	—	1	—	1	1
Ethiopia	2	3	1	—	1	1
Fiji	2	—	1	—	1	—
Finland	2	6	1	5	1	5
France	2	14	1	4	1	8
Gabon	2	5	1	1	1	1
Germany	2	2	1	2	1	1
Ghana	2	1	1	3	1	2
Greece	2	11	1	7	1	8
Grenada	—	—	—	—	—	—
Guatemala	2	1	1	1	1	1
Guinea	2	1	1	1	1	—
Guinea-Bissau	—	—	—	—	—	—
Guyana	2	—	1	—	1	—
Haiti	2	2	1	—	1	—
Honduras	2	3	1	—	1	—
Hungary	2	5	1	4	1	5
Iceland	2	4	1	1	1	1
India	—	—	—	—	—	—
Indonesia	2	11	1	8	1	8
Iran, Islamic Republic of	2	11	1	3	1	8
Iraq	2	3	1	—	1	1
Ireland	2	5	1	1	1	1
Israel	2	6	1	1	1	4
Italy	2	10	1	6	1	5
Jamaica	—	—	—	—	—	—
Japan	2	16	1	6	1	8
Jordan	2	—	1	3	1	1
Kenya	2	1	1	1	1	1
Korea, Republic of	2	9	1	6	1	8
Kuwait	2	7	1	2	1	2
Lao, People's Dem. Rep. of	—	—	—	—	—	—
Latvia	2	—	1	2	1	2
Lebanon	2	1	1	5	1	2
Lesotho	2	1	1	—	1	—
Liberia	—	—	—	—	—	—
Libyan Arab Jamahiriya	2	11	1	3	1	5
Lithuania	2	1	1	—	1	1
Luxembourg	2	7	1	3	1	9
Madagascar	1	1	1	3	1	—
Malawi	—	—	—	—	—	—
Malaysia	2	9	1	2	1	4
Mali	2	1	1	1	1	1
Malta	2	2	1	1	1	1
Mauritania	2	2	1	—	1	—
Mauritius	2	4	1	1	1	1
Mexico	2	1	1	8	1	5
Mongolia	2	1	1	—	1	—
Morocco	2	6	1	4	1	6
Mozambique	2	—	1	—	1	—
Myanmar	2	6	1	—	1	—
Namibia	2	3	1	2	1	2
Nepal	2	—	1	—	1	—
Netherlands	2	14	1	5	1	6
New Zealand	2	4	1	1	1	1
Nicaragua	2	3	1	7	1	1
Niger	2	2	1	1	1	2
Nigeria	2	4	1	3	1	3
Norway	2	5	1	4	1	5
Pakistan	2	—	1	—	1	—
Panama	2	3	1	—	1	—
Papua New Guinea	2	1	1	—	1	—
Paraguay	—	—	—	—	—	—
Peru	2	7	1	5	1	3
Philippines	2	5	1	3	1	3
Poland	2	13	1	5	1	5
Portugal	2	16	1	6	1	6
Qatar	2	4	1	—	1	—
Romania	2	7	1	5	1	3
Russian Federation	2	8	1	5	1	6
Rwanda	2	—	1	—	1	1
Saint Lucia	—	—	—	—	—	—
San Marino	2	4	1	8	1	5
Sao Tome and Principe	—	—	—	—	—	—
Saudi Arabia	2	3	1	—	1	—
Senegal	2	8	1	2	1	6
Seychelles	—	—	—	—	—	—
Sierra Leone	—	—	—	—	—	—
Singapore	2	2	1	—	1	3
Solomon Islands	—	—	—	—	—	—
Slovenia	2	2	1	1	1	1
Somalia	—	—	—	—	—	—
Spain	2	10	1	8	1	7
Sri Lanka	2	5	1	—	1	5
Sudan	2	2	—	—	1	1
Suriname	2	—	—	—	1	—
Swaziland	2	2	1	—	1	—
Sweden	2	5	1	5	1	6
Switzerland	2	7	1	6	1	4
Syrian Arab Republic	—	—	—	—	—	—
Tanzania, United Rep. of	2	6	1	—	1	1
Thailand	—	—	—	—	—	—
Togo	2	—	1	—	1	1
Trinidad and Tobago	—	—	—	—	—	—
Tunisia	2	8	1	4	1	7
Turkey	2	15	1	8	1	8
Uganda	2	1	1	1	1	—
Ukraine	2	4	1	—	1	1
United Arab Emirates	2	4	1	1	1	1
United Kingdom	2	14	1	7	1	7
United States	2	16	1	5	1	8
Uruguay	—	—	—	—	—	—
Venezuela	2	3	1	5	1	8
Viet Nam	—	—	—	—	—	—
Yemen	2	2	1	—	1	1
Yugoslavia	2	2	1	—	1	1
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Provisional Record

Seventy-ninth Session, Geneva, 1992

8

Third sitting

Thursday, 4 June 1992, 10 a.m.

President: Mr. Nascimento Rodrigues

FIRST REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original – Portuguese: The PRESIDENT – The first item on the agenda is the first report of the Selection Committee; I call on Mr. Ali, Government delegate of Bangladesh and Chairman of the Selection Committee, to submit this report to us.

Mr. ALI *(Government delegate, Bangladesh; Chairman of the Selection Committee)* – I have the honour to submit to the Conference the First Report of the Selection Committee which is contained in *Provisional Record* No. 6. It is divided into two parts. The first reproduces the decisions and recommendations that I announced orally to the Conference yesterday at its second sitting, and on which the Conference has already taken a decision.

The second part (Part B) contains the decisions and recommendations adopted by the Selection Committee at its second meeting, at 6 p.m. yesterday. Only Part B is therefore before the Conference for adoption now.

In Part B, the Selection Committee first makes recommendations to the Conference as to the composition of the Credentials Committee and the Drafting Committee of the Conference. Then, on the basis of proposals made by the Director-General at the invitation of the Governing Body, the Selection Committee has decided to convene a special sitting of the Conference to consider the Appendix to the Director-General's Report on the situation of workers of the occupied Arab territories. It took this decision on the understanding that at that sitting speakers would confine their remarks to that Appendix and that, conversely, the subject would not be discussed in the framework of the debate on the remainder of the Report. It decided that the Special Sitting should be held on the afternoon of Tuesday, 16 June. The Selection Committee accordingly recommends the Conference to allow speakers who so wish to take the floor both on the General Report and during the Special Sitting.

In view of experience at the Special Sittings held during the sessions of the Conference in 1990 and 1991, and in particular of the large number of speakers who will probably wish to take the floor at the Special Sitting, it is likely that a shorter time-limit for speeches will be necessary, even if the sitting is extended. The Selection Committee has accordingly decided that the list of speakers will be closed at 6 p.m. on Friday, 12 June so as to enable the President to submit to the Conference for decision a proposal concerning the time-limit for speeches in the Special Sitting, taking due account of the number of speakers registered.

The Selection Committee also noted that the Director-General intended to devote a part of his comprehensive reply to the discussion of his Report to drawing lessons from the Special Sitting.

The Selection Committee also decided that certain committees should not meet at the same time as this Special Sitting.

Finally, the Selection Committee refers direct to the Conference a resolution concerning the procedure at the forthcoming Thirteenth Conference of American States Members of the ILO.

Lastly, I should like to point out that the lists of the composition of committees appended to the report take account of changes in composition that inevitably occurred after the initial announcement yesterday morning.

I commend the report to the Conference for adoption.

Original – Portuguese: The PRESIDENT – If there are no objections, we will take it that this report is adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – Portuguese: the PRESIDENT – We now move on to the debate on the report of the Governing Body and of the Director-General.

Original – Spanish: Mr. GOMEZ MERA *(Minister for Labour and Human Resources, Ecuador)* – On behalf of the Government of my country, I would like to congratulate the President on his successful election by this assembly. We will rely on his effective leadership in the debates of the 79th Session of the International Labour Conference.

I would also like to extend my congratulations to the Vice-Presidents. I am sure that this Conference will fulfil its task and will adopt important decisions for all our countries.

The Government of the Republic of Ecuador, which I am honoured to represent, is very pleased to participate once again in the proceedings of this important international event which each year reviews the key issues in the world of work. Our major topic this year, as outlined in Director-General's Report, is the process of democratisation currently under way in member States, and the role of the ILO in this process. There is no doubt what is said here, including apparently opposite views, will enrich the debate.

I remember that three years ago, in this very forum, the Ecuadorian Government, which was then beginning its term of office in the midst of an unprecedented social, financial and economic crisis, proclaimed its decision to give priority attention to the adoption of a global policy of employment within an environment of authentic democracy, dialogue and full respect for human rights.

As first proof of its commitment to universally recognised principles, freedoms and human rights, and to its decision to promote the establishment and development of trade union organisations, in 1988 the Government recognised the legal personality of the Ecuadorian Confederation of United Workers' Organisations, thereby putting an end to a dispute which for more than a decade had pitted two of the country's four major workers' confederations against each other, and institutionalising its participation in the work of this Conference.

Having proclaimed its decision to fight unemployment – the major challenge of developing countries – it immediately deployed tremendous efforts and economic resources, both national and international, to establish job creation and social development programmes through the implementation of public works in economically depressed areas. At the same time it introduced special employment projects to provide permanent jobs for the most vulnerable social groups such as women, heads of household, young workers, the disabled, etc. Up to April of this year, some 205 million sucres had been invested in these projects.

In tandem with these direct job creation programmes, the Government established the first and most important national support programme for micro-enterprises through the concerted action of two ministries which were responsible for its implementation.

The Ministry of Employment and Human Resources alone provided 560 million sucres in loans to small producers and micro-enterprises and offered management training to 17,294 persons.

The Government has understood that there can be no economic and social development without education for workers and technical training for middle management. It has therefore put together at national level an extensive vocational training programme for the formal and informal sectors. To this end it has substantially improved the corresponding state infrastructure. It is with great satisfaction that we can report that from August 1988 to 1992 the Ecuadorian Vocational Training Service has trained 231,900 citizens.

All these actions to combat unemployment, hunger and social injustice would have been both useless and demagogic if at the same time we had not undertaken the essential task of pursuing democratisation and greater flexibility in the labour market, precisely in order to meet the employment needs of the Ecuadorian people and to improve the standards of living of the workers. These objectives, which are today common to both the developed countries of Europe and our own developing countries, made it essential to establish a legal framework which would encourage the creation of permanent jobs in the private sector, and at the same time offer security and guarantees to national, subregional and foreign investors.

Aware of this essential responsibility to change our legal structures, the Government has undertaken to promote major reforms of national legislation.

The tax reform, which has been in force since December 1989 and which is the first and most important of its sort in this century, has not only modernised procedures, replaced and unified taxes and enlarged the tax base to include those who were previously exempt, but has also freed from income tax workers who earn less than 2 million sucres per annum, and thus has increased their real income. Similar measures include tariff reforms and the creation of duty-free zones to make the country's international trade more flexible, and thereby to benefit production, trade, capital and labour.

This legal structure, instituted by the Government, is complemented with crucial measures to make the labour market more flexible through legislation on part-time work which allows employers to hire unemployed persons on a part-time basis, and on export-processing zones to generate direct and indirect sources of work and tax revenues for the country. In addition, the reform of the Act on handicrafts seeks to expand the size of artisanal workshops and to boost levels of employment in this field.

Of all the reforms in the labour field, perhaps the most controversial and important was the reform of the Labour Code, which was approved by the national Congress last year.

The controversy surrounding this particular measure has not yet subsided, and for this reason the Government would like to stress that it has acted in good faith to uphold national interests, to improve relations between employers and employees, to protect sources of employment and, above all, to comply fully with the labour guarantees and rights established in the national Constitution and in international conventions ratified by Ecuador.

In particular, I would like to stress certain aspects of the reforms which are certainly improvements in the protection of workers' rights. For the first time, the Labour Code grants a special job security of 12 months to workers engaged in collective bargaining; furthermore, it protects the right of workers to file grievances and appeals when their employer is contemplating the closing down of their workplace, and establishes two new grounds for strikes. It has also improved the scale of compensation for redundancy. It has incorporated the right to receive a prorated retirement pension with a minimum of 20 years of service. It has also improved the guarantee of job stability by abolishing dismissals without notice for persons with contracts of unlimited duration. It has also levied more severe fines on companies which fail to respect the law, and, in general, it has streamlined litigation and administrative procedures, for the benefit of both parties and of the national community.

There is absolutely no doubt that the controversy will continue, but we are certain that time will confirm the need, the advisability and the timeliness of these reforms.

As part of its policy of ongoing dialogue with the social partners, the Government has enthusiastically advocated the adoption of a social pact between employers, workers and the Government with a view to putting a halt to inflation, which erodes the purchasing power of the Ecuadorian people. Although our efforts have not been successful, we are certain that under the next Government, whatever its composition, the social pact will become a reality since it is no longer possible for interest groups to work simply for their own short-term interests, disregarding the future of the country as a whole.

This philosophy has led Ecuador, in the context of the Subregional Andean Integration Agreement, to approve the Labour and Social Charter which enshrines the fundamental rights and guarantees of workers and employers in the Andean zone in these times of economic liberalisation. There is absolutely no doubt that the adoption of this instrument goes well beyond the interests any single government; indeed, it is directly relevant to all workers of the region.

Democracy, together with social justice, is the only guarantee for peace in the world, as the Director-General has quite rightly pointed out in his brilliant Report. We are very proud of the fact that such transcendental issues lie at the heart of the International Labour Conference.

Once again, I would like to express my wish for the President's success in his delicate task, and the hope that this Conference will fully meet its aims and objectives.

Mr. WIJETUNGE *(Prime Minister and Minister of Labour and Vocational Training, Sri Lanka)* – I must begin by congratulating the President, on his election to this very esteemed office. I have no doubt that his distinguished background, experience and wisdom will guide the affairs of the 79th Session of the International Labour Conference towards a fruitful and successful conclusion.

I am fortunate, indeed, to be able to address this august assembly. I am present here both in my capacity as Prime Minister and in that of Minister of Labour and Vocational Training of Sri Lanka. I convey to you the warmest greetings and best wishes from His Excellency Ranasinghe Premadasa, the President of Sri Lanka.

Heading the items placed on the agenda for this Conference is the subject of protecting workers' claims in the event of the insolvency of their employer. The agenda gives the term "insolvency" an extension in meaning to include situations in which a government decides to close a state enterprise for economic reasons. It might interest you to know that this has indeed been a subject of current interest and application in Sri Lanka. In a broad-based approach to privatisation, our Government is currently engaged in converting state commercial enterprises into private companies. The objective of our Government is to create a share-owning democracy. In doing so, we have taken special steps to ensure the protection of workers' rights: firstly, 10 per cent of the shares of a company are given free of charge to workers; secondly, we have legislative restrictions regarding termination of employment; thirdly, all employees' provident fund and other protectionary benefits will continue to accrue to the worker. Our desire is to see that these undertakings, under private sector management, become more efficient and viable, thereby resulting in greater capabilities to give more benefits to the worker. Thus our rationale for privatisation also takes the workers' interest into account.

This 79th Session of the International Labour Conference is being held at a time when momentous events of great potential impact on human civilisation are taking place around the globe. The Report of the Director-General of the ILO captures the spirit of this global situation. The theme of his Report is democratisation. In my view the concept of democratisation encapsulates the most important events of our time. Democratic forces are sweeping over the world in a manner and scale that has never been seen in the past.

The cry everywhere is for political freedom and human rights. Participation and sharing in decision-making are replacing command styles of management. Totalitarian structures are crumbling against the human assertion for liberty.

The Director-General in his Report refers to the principle of alternating power and the recognition of the rights of the opposition. This is the essence of the democratic way of life. In democracies dissent is institutionalised and respected. We in Sri Lanka have for well over four decades been enjoying a vibrant democracy. The smooth transition of power from one political party to another has taken place with marked regularity, giving expression to the principle of alternating power mentioned by you.

We also believe that economic liberalisation is a prerequisite for the democratic way of life. The Sri Lankan Government has over the last decade, and especially under President Premadasa, been systematically removing the shackles of state control over the economy and has been granting greater and greater incentives to the private individuals to develop their business capabilities. This has shown dramatic results in the way of unprecedented foreign investment, the remarkable strengthening of our stock market and an impressive growth rate despite the disturbing conditions in one part of our country.

For democratic institutions to survive in a country, supportive internal and external conditions must exist. Internally, poverty, unemployment, malnutrition and illiteracy cannot yield democratic and participative institutions. Such situations can only provide a happy breeding ground for totalitarian and fascist-oriented vested interests which are able to set up machineries of power under various euphemisms which cloak their real intentions to subvert the rights of the people. I do not need to cite examples as history is replete with such instances.

The external conditions I referred to emerge from the international order. Firstly, a supportive political order must prevail which respects the rights of nations and discourages interferences in their internal administration. Individual nations should be left to find their own solutions to their unique problems. Secondly, I wish to emphasise very specially the urgent need for a new international economic order which would be equitable towards the vast majority of countries peopled by the poor and the downtrodden. Is it not a sad commentary on the human community to state that although we are on the threshold of the twenty-first century, more than half the world population lives in misery and want?

The ILO ideals of international social justice can only be achieved if a greater sense of international brotherhood is developed and nurtured. In this regard we all have reason to feel happy about the demolition of iron curtains symbolically heralded by the dismantling of the Berlin Wall. We are also happy to see the situation in South Africa easing considerably. We are hopeful that the coming months and years will strengthen these forces of unity.

The globe we all inhabit and share is getting smaller and smaller by a corresponding increase over the years in facilities for human contact. The rapid march of technology is, in a very real sense, compelling linkage among people and nations all over the world. The world order of the era prior to the 1980s is yielding and giving place to a new vista where global co-operation and integration would be the only formula for human survival.

I would like to conclude my speech with a traditional Buddhist invocation: "May all beings be well and happy".

Mr. LEE *(Minister for Labour, Singapore)* – On behalf of the Singapore delegation I would like to joing the previous speakers in extending our warmest congratulations to the President on his election to the chair of the 79th Session of the International Labour Conference. I am confident that under his leadership this Conference will proceed expeditiously to a fruitful conclusion.

We are meeting during a period of economic uncertainty. Growth in OECD countries has slowed down since the second half of 1991. While there are tentative signs of economic recovery in the United States, the situation is less sanguine in Germany and Japan. Unless the situation improves, it is not likely that many of us in the developing countries will see further growth this year.

Unemployment remains an issue of concern in the OECD as well as in many developing countries. The growing numbers of unemployed is a destabilising factor in many countries. It is therefore timely that the Governing Body has given priority to a general discussion on adjustment and human resources development.

Human resources development is an important prerequisite for sustained economic growth. The experience of Japan, South Korea, Taiwan and Hong Kong demonstrates the importance of human resources development. These are human resource based economies as against a natural resource based economy. The so-called NIEs, or Newly Industrialising Economies have concentrated their human resources development towards applied science and technology which are vital disciplines for economic progress and transformation. By doing so they have been able to enhance their economic competitiveness and have achieved prosperity.

Apart from human resources development, these economies have also established industrial relations systems characterised by high productivity and less antagonistic labour-management relations. In contrast, the occurrence of frequent industrial unrest in various countries is a clear message for us that we cannot take harmonious industrial relations for granted. The fragile relationship between labour and management can be easily disrupted, as exemplified by the recent strikes over pay hikes in Germany. There is a need for each country to strengthen labour-management linkages which maximise constructive discussions between labour and management. It is better to avoid the enormous cost of industrial unrest than to repair the damage resulting from neglect of labour-management relations.

My country, Singapore, is also very much dependent on our human resources for economic development. Our approach is to treat human resources development as a joint responsibility of the Government, employers and workers. In 1979, we set up a Skills Development Fund (SDF) for the post-employment training of our workers. The SDF encourages employers to train their workers by providing cash grants to employers. All employers with workers earning $750 or less a month contribute to the SDF. The fund is managed by a tripartite Advisory Council.

Turning to a different issue, I note that the Governing Body has also included on the agenda the subject of the prevention of industrial disasters. A safe and healthy work environment is essential to raising productivity. In Singapore, the safety and health of workers is safeguarded through workers' training, the monitoring of working conditions and the enforcement of the law. To keep pace with the changing industrial profile, our law has been amended to include protection for more workers in a wide variety of working environments. Compulsory medical examinations are also extended to occupations with specific chemical and physical hazards.

My Government also recognises that employers and workers can make significant contributions to the Government's enforcement measures. More than 95 per cent of factories in Singapore which employ 50 or more workers now have safety committees comprising management and worker representatives. These committees provide front-line defence against industrial accidents. As a result of these measures, the industrial accident rates in Singapore are now comparable to that of the developed countries.

While short-term economic prospects remain uncertain, in the longer term prospects remain bright. The end of the cold war has spawned optimism world wide. Countries can now focus their attention on economic development rather than squabble over ideological differences.

History shows that countries which have adopted the free enterprise approach have managed to provide better standards of living for their people: better jobs, better health care, more homes and consumer goods. Those countries that have tried centralised state planning are now faced with economic stagnation and declining standards of living.

More and more countries now appreciate the virtues and benefits that free enterprise brings. They also realise that promoting international trade and foreign investment is the way to economic progress. Indeed, over the past four decades world trade has grown at a faster rate than world Gross Domestic Product (GDP).

It is therefore ironic that despite the manifest advantages of free trade, protectionist sentiments are now on the rise. The trend can be seen in the frequent emphasis by many countries on "fair trade" rather than "free trade". Very often "fair trade", which is hard to define, becomes "protected trade". We can understand why, in some cases, domestic political considerations may require economically unsound solutions. Hence, protection of domestic employment is often cited as the reason for trade barriers. However, if governments increasingly rely on unilateral measures rather than work within the framework of GATT to resolve trade inbalances, we can expect to see more trade disputes and economic stagnation.

Unfortunately, the GATT Uruguay Round has been stalled for two years. It is beset with problems of prolonged and bitter negotiations over the question of farm subsidies. It is imperative for all of us that the Uruguay Round succeeds. If it does, it will provide a boost to world trade. If it fails, the world will see the emergence of protective trade blocs and bilateral deals. We would have lost the opportunity to reap the vast potential that free trade can bring. On a brighter note, a broad agreement on a new European farm policy has been reached recently, and it is our hope that this will provide the impetus to revive the stalled trade talks.

The ILO has made a valuable contribution to the improvement of the health, welfare and conditions of employment of workers around the world. Such improvements have been made possible in conjunction with the policies of governments and other international organisations, such as the World Bank and GATT. Continued success will depend on countries keeping the international trading and investment system unfettered and open. The ILO has an important role, together with other international organisations, to remove barriers against free trade. Only with free trade can countries hope to achieve economic growth, to create employment opportunities and to provide a better life for workers everywhere.

Mr. ARISTIDOU *(Minister of Labour and Social Insurance, Cyprus)* – On behalf of the Cyprus delegation may I congratulate Mr. Nascimento Rodrigues on his election to the presidency of this Conference. I have no doubt that under his able guidance, the Conference will have constructive debates and reach a successful conclusion to its deliberation.

This year's theme of the Report of the Director-General, *Democratisation and the ILO*, is very topical given the increasing number of countries which have deliberately opted for a democratic form of government combined with a more or less decided preference for a market economy. The time is indeed ripe for the ILO to define with greater precision the nature of its contribution to current trends. Marking out a framework within which the ILO can be of assistance in fostering democracy, ensuring that economic and social policies assist in the building of democratic regimes and in meeting the demands of social justice, is a task which cannot be postponed. I feel that it is our responsibility to support and assist the ILO in defining its role, not only by taking a stand on the suggestions made by the Director-General in his Report, but also by sharing our experiences in this respect. The ILO, because of its tripartite nature, is in a unique position to undertake this task.

Speaking at the Tripartite Symposium on New Perspectives for Tripartism in Europe last April in Brussels, I stressed that "tripartism is not only a methodology for doing things in the economic, social and labour fields, but it could also become the answer to what mankind has been trying to find or invent, i.e. a social system which, on the one hand, will preserve and enhance the strength and the competitiveness of the economy and, on the other hand, promote and maintain social justice, within a democratic system of government".

Since ancient times, philosophers and political thinkers have tried to define democracy. From the simple etymological meaning, that is, power in the hands of the people, the concept has, as pointed out by the Director-General, expanded to include political freedom, freedom of opinion and expression, equality of opportunity, impartiality of justice, rule of law, operation of organised opposition and the idea of sharing social and economic power. This wider meaning ties the individual freedom and the plurality of interest with participation in social and economic development. For, as rightly underlined in the Report, "the participation of all in social and economic life is the embodiment of genuine democracy", and "economic efficiency is intimately linked to dialogue between the social partners".

In Cyprus, we have long recognised the close relationship between democracy, economic development and social justice. Since the establishment of the Republic, we have adopted a mixed approach to the management of the economy. We have encouraged the operation of free market and price mechanisms as the major means for the allocation of resources, and we have tempered the functioning of free market forces through indicative planning and limited government intervention. The Government has provided the general policy framework through its fiscal and monetary measures, the creation of the basic economic and social infrastructure, and the establishment of the institutional and legal framework.

Within the framework of our policy to create the right institutional set-up, we have continuously tried to involve employers' associations, trade unions, farmers and other interested groups in both the processes of indicative planning and of market intervention. It is our belief that participation not only is a democratic method but it contributes also to the acceptance and, therefore, the eventual success, of various policies and programmes. In the process of indicative planning, in particular, participation was sought of as many social groups as practically possible, that is without undermining expertise or hampering the process of decision-making.

Referring in particular to the broad area of strengthening the economy, which has been identified by the Director-General as one in which the ILO should specifically direct its attention, we would agree with the assertion that no political regime and no economic system can expect to survive unless it is capable of satisfying the basic needs of its population and creating sufficient, productive and useful employment. And these must be done within systems of social protection, which in their turn will ensure political stability, social solidarity and cohesion. Thus, the ILO should become a focal point of action and play a leading role in helping countries to set up an environment conducive to the process of democratisation, to advance economic development and employment and to develop a system of social protection tailored to their needs and resources.

Drawing from our own experience we unhesitatingly endorse proposed ILO action in areas such as structural adjustment, liberalisation of markets, rural development, enterprise and co-operation creation, employment and training.

Cyprus has acquired over the years extensive experience, inter alia, in the field of small enterprise development and in the more general field of labour administration, including industrial relations and labour inspection. We are ready to share this experience with other countries in the same way we have done in the past through inter-regional seminars organised jointly with the ILO. Cyprus is a small economic and social workshop that has proved itself in many ways.

The ILO is well aware of Cyprus's commitment to the principles of tripartism and social dialogue. The almost miraculous revival of the Cyprus economy after the 1974 invasion would not have been possible without close tripartite cooperation. The philosophy of tripartism was the cornerstone not only of the economic revival but also of the socio-economic progress before and after 1974 – including the high growth rate of per capita income and the substantial upgrading of our social security system. More specifically, economic, labour and social policies have been formulated in consultation with the representative workers' and employers' organisations, through a wide network of permanent and ad hoc tripartite committees. New forms of tripartite cooperation are being introduced all the time – especially in the areas of economic efficiency and productivity.

Encouraging a market economy with a social dimension and strengthening tripartism and collective bargaining are indeed important areas for ILO action. Yet, the most important area in which, in our view, the attention of countries wishing to foster democracy should be directed is that of the respect for fundamental human rights. The ILO should give its wholehearted support to the efforts of member States to establish a framework of laws and regulations guaranteeing respect for human rights and adequate protection of the rights of the workers. Special attention should be devoted to activities aiming at combating all forms of *de jure* and *de facto* discrimination which promote equality of opportunity and treatment in respect of access to employment and conditions of employment as well as to activities aiming at ensuring equality of men and women in employment and occupation.

Our all-round success so far, despite all adversities, was made possible because Cyprus is a democratic society where human rights and fundamental freedoms are guaranteed. The Constitution of the Republic of Cyprus prohibits any racial prejudice or racial discrimination and provides for the full and effective protection of human rights including civil and political, social, economic and cultural rights. Under the Cyprus Constitution, the functioning of a liberal and democratic State, as well as the parallel development of a modern welfare State, is guaranted to every citizen without discrimination.

Furthermore, the Republic of Cyprus has signed, ratified or acceded to all important international Conventions relating to the protection of human rights.

Despite the systematic and unremitting efforts exerted by the Government, the people of Cyprus as a whole have been deprived of the possibility of the enjoyment of human rights and fundamental freedoms because of the 1974 invasion and occupation of 37 per cent of its territory.

As a result of the occupation, the Government of Cyprus is prevented from exercising its full responsibility for the implementation of all its obligations under the various international Conventions on its whole national territory, and the human rights and fundamental freedoms of the people continue to be violated.

In conclusion, I would fully agree that the ILO should play a primary role in the democratisation process of the world. With its long experience and unique expertise in the setting of social standards and the development of institutions, with its successful record for human rights, freedom, collective responsibility, economic development, human resource efficiency, and social equality principles, the ILO is well-equipped to assist the countries in the throes of transformation and to play a leading role in the global efforts to eliminate poverty, to establish democracy firmly, and to promote social justice on all continents.

Cyprus, even though striving for a solution to its own problems, is quite willing to contribute, however marginally, to this great effort of mankind, for the benefit of peace, social equality and prosperity for all.

Mr. MIFSUD-BONNICI *(Minister of Education and Human Resources, Malta)* – Allow me to congratulate the President on his election to preside over the work of the 79th Session of the International Labour Conference.

The question of adjustment and human resources development which has been put on the agenda was prompted by the structural adjustments made necessary because of the sweeping economic and, I add, political changes that have occurred in the last few years all over the world. These structural adjustments will precipitate further changes in working conditions. While the changes were brought about largely by the maturing of political events, which can fairly be described as a renaissance of democracy, it is still painfully evident that full democratisation is far from being achieved. It is increasingly evident that the further realisation of democracy as a way of life permeating all aspects of human activity faces major obstacles, which lie in the larvae of former oppressive systems with which our societies are still largely bestrewn, and in the lack of proper education. All the problems of labour are compounded by a lack of proper education and training. In seeking solutions to most labour problems, in addition to tackling the present contingency one should also address oneself to the proper planning of educational, training and retraining programmes. Most of the problems hindering the smooth functioning of democracy can be traced to lack of education.

In development, in labour conditions, in the enactment and implementation of social security legislation and in occupational health and safety standards most imbalances arise out of perhaps historically explainable deficiencies in the educational infrastructure. It is vital to spread the conviction that no real development, no real progress, no real sustainable development, no real environmental conservation, no real transfer of technology, no real social justice can take place without the even spread of education. Formal democracy, even though it is a boon, cannot alone be true participatory democracy without education of a sufficiently high level, such as is compatible with human dignity for the conduct of community affairs.

This realisation should transcend the political particularities of the reasons for structural adjustments. It should also transcend geography. Indeed, the adjustments from centrally planned economies in the former communist states and the adjustments from high-handed dirigism in the case of dictatorial regimes, notwithstanding the evident differences in development and the imperatives of redevelopment of these systems, both require a basic realignment of human resources and a new way of looking at interpersonal and citizen-state relationships.

Perhaps one has to explain that, when speaking of education, we are not restricting the phrase to the early scholastic stage. Indeed, if education involves the "whole" man, it cannot exclude his very human aspect as the *homo faber*, the transformer of the goods of the earth into others needed as food, clothing, or for the satisfaction of so many physical, psychological or spiritual needs. Nor can education exclude the social aspect, which includes the delegation of one's power to be governed by others. The basics of primary and, I would venture to say, secondary education, are indeed fundamental to a proper modern societal preparation of the citizen of any country.

We are well aware of the fact that most countries outside Europe, North America and Japan are an appreciable distance away from the achievement of this goal. But it must be emphasised as an aim none the less. There is a constant temptation to discount the importance of the acquisition of primary and secondary education by the whole of the young age cohorts of all countries, and some developing countries may impatiently try short cuts which do away with this wise and indeed basic itinerary. In my own country, some years back, an experiment was tried under which instruction was given in a craft or trade before a proper grounding in academic subjects was completed, and we are now realising that premature vocational training does not give the proper results and that it disperses human resources. Indeed one of the reforms that we are at present effecting is that of postponing further entry into vocational school by one year. With training and, indeed, retraining programmes coming more and more into play in the implementation of developmental policy, there is all too clearly a need for people educated during their early and middle years of schooling. Such people are required for specialisation and respecialisation in the increasingly technologically advanced methods of work. I might perhaps dare to add that the transfer of technology is impossible without a primary and secondary, and perhaps post-secondary, schooling base.

What, however, should be further understood is that the consensus about the need to provide this educational infrastructure cannot be established merely by the pleading of philosophers, of economists and educators, or indeed by people in government or the mass media. The other social partners, organised labour and organised employers, have to make their contribution. Unions may sometimes be forgiven the fact that they tend to give paramount importance to the present and to the immediate future. The day-to-day pressures that attract immediate attention are such that the provision of proper education for tomorrow's working class might not be given its place among their priorities. As for employers, while they criticise the fact that the product of state and non-state educational establishments do not meet the requirements, and while they suggest remedies, they too sometimes succumb for understandably profitable but myopically unwise reasons to the temptation to employ prematurely the half-trained raw recruit.

Report VI refers to the threat posed to the education budget and allocations made for training and retraining when the economic situation demands a reduction in expenses which are not deemed to be on the highest scales of priority. The Report analyses such occurrences in various countries and suggest strategies. It is said that basic education suffers most. Reference is made to the role of teachers' unions and to methods of lobbying against cuts in the education budget. A rather great deal of reliance is placed on the wisdom of governments. I would plead for a more tripartite approach. All workers' unions, and not solely teachers' unions, have a stake in maintaining high investment in education. The ascension towards an ultimate state of true human dignity for the worker can only be performed through education. Again, workers' unions may be asked to show greater interest in the scholastic base rather than vocational education and training. Likewise all employers should now begin to realise that any premature employment before education and training have been completed may be profitable in the short run, but is ultimately wasteful and less than wise. Employers' associations have been known to be vociferous on matters of fiscal policy, but have been shy in exercising any pressure in defence of the education budget. Ultimately, however, the major responsibilities for prioritising the even spread of basic primary and secondary education and of providing adequate vocational training rests on the whole body politic and its political leaders.

Investment in education bears fruit a hundred times over, and this applies to all levels. The multiplier effect of tertiary education should not be overlooked at any stage.

In the government reshuffle which followed our election in February of this year, the Prime Minister decided to assign responsibility for labour matters to the Minister of Education, with an expanded title to include "and Human Resources". The thinking behind this arrangement is to make the relationship between education, training, retraining, guidance and placement more functional and direct. We believe it is a step in the right direction. Perhaps closer interaction between education and labour should be one of the aims of government structural adjustments. Moreover, this attitude should bring about similar thinking among the organised social partners. Better education is the worker's best friend and better education is the employer's best asset in making use of human resources.

May I also venture to suggest that better education may not only help workers to be much more aware of their rights and duties, but would smooth relations between labour unions and employers. Through education, worker participation in industry is made more sensible and useful. The complications arising from misunderstandings and lack of comprehension are often not only time-consuming but have a marked retarding effect on development.

There may be some doubt as to whether education could be the cure-all for social ills and dysfunctions. However, people in government all over the world cannot disregard the indicators pointing to the fact that no development can in fact occur without the spread of education, and that all restructuring is to a great extent conditioned by the availability or non-availability of education.

May I also stress that if development without a good groundwork in primary and secondary education is a mirage, democracy built on prevailing ignorance may be very illusory. We have seen that there is no guarantee of workers' rights without liberty and democracy, and that economic prosperity without the constitutional climate of liberty and democracy is very short-lived. One would therefore be very wise to stress not only the importance of democratisation and the vested interest that workers and entrepreneurs have in fostering it, but also the primary role of the spread of education in ensuring the well-being and dignity of every man and woman within a democracy. If democracy is the only civilised way for human beings to govern themselves, it is also the product of culture and of the shared culture of a people. Ultimately, we cannot have a ubiquitous democracy without the general spread of education.

Original – Portuguese: The President – I would ask delegates kindly not to forget the rule adopted by our Conference according to which the presentations of all speakers should not exceed ten minutes.

Original – Spanish: Mr. ANTONIOLI VASQUEZ *(Minister of Labour and Social Development, Peru)* – I am greatly honoured to be participating in this 79th Session of the International Labour Conference and I bring with me the greetings of the people and Government of Peru to all brother delegations represented in this august assembly. This session of the Conference is beginning under the best possible auspices. The election of Mr. Nascimento Rodrigues to direct our work is a clear recognition of his personal and professional gifts and of those of the Officers of the Conference. They are a sure guarantee of a successful outcome of this session. We should also like to extend our greetings to Mr. Michel Hansenne, Director-General of the ILO, and to his staff.

The subject chosen by the Director-General for the Report this year, *Democratisation and the ILO* is of great interest to us and we agree with much of its contents. The Government of President Alberto Fujimori agrees with the Director-General when he says that democratisation is but the action whereby a people assumes responsibility for itself and all its component parts, exactly, as individuals and their families shape their own destiny and that democracy requires that everyone should participate in political power and in economic responsibility. Likewise, when he says that nothing is further removed from democracy than the identification of society with a single party or union of parties, either for or against the State. In a democratic system, there is no monopoly, either by the government in office or the opposition. Democracy recognises the diversity of interests and it is the responsibility of the authorities to define and implement the general orientations of the public interest. Democracy is not merely the act of depositing a paper in a ballot box; without participation in public life, democracy would be unable to fulfil the aspirations of the people and would simply be void.

I believe I am right in saying that we all agree with what was said by the Director-General in his Report and I am sure that it will be of great assistance in clarifying and understanding the current situation in Peru.

We have directed our efforts to achieving the democratisation of society, by setting up mechanisms for participation by our citizens in controlling any excesses of power. We believe that in this way the people will be able to play a moralising role, obliging those who are elected or appointed to fulfil their obligations. We wish to promote a market economy within a legal framework which provides security and guarantees for industry, trade, private property, enhancing at the same time the efficiency of judiciary by simplifying administrative procedures and reorganising public administration in order to provide better services to all natural and legal persons, be they nationals or foreign and to achieve economic stability which the country needs so much.

I wish to stress that the fundamental rights and duties of persons enshrined in our Constitution remain fully in force and have not been impaired in the slightest.

The convening of a constituent congress for 18 October next by the President of the Republic will allow us to move from an imperfect democracy to a genuinely representative democracy in which all the levels of our political, economic and social organisations, will participate, including above all the social partners – in other words, the workers and employers.

When President Fujimori assumed power on 28 July 1990, we knew that our labour legislation was often bombastic, contradictory, ambiguous and anachronistic and very often the source of labour disputes. The intervention of the State was constant, restrictive, peremptory and exclusive. It limited or even cancelled collective autonomy and its major manifestations – in other words, self-organisation, regulatory autonomy and self-governance.

A programme of priority actions was drawn up, covering such subjects as youth employment; labour administration; labour stability; compensation for length of service; collective and individual labour relations.

In 20 months we made little headway. The Bill on strikes of 1982 was not debated, neither was the General Labour Act. The Labour Relations Act submitted in April 1991 was approved only as regards section 1; and the decree guaranteeing compensation for length of service was annulled without any legal justification.

From 5 April 1992, we have been implementing a programme of vocational and pre-vocational training for young persons through Legislative Decree No. 728. We have restored the compensation for length of service which workers receive even when enterprises close down. The Labour Relations Act includes the right to association, collective bargaining and strikes, and is now ready for promulgation. All that remains to be done as part of the democratisation policy concerning State decisions is for, the Council of Ministers to give its prior authorisation for its publication in the *Official Gazette* so that those concerned can express their criticisms and observations.

I once again would like to express my agreement with the Director-General when he says that democratisation is the symbol of the aspirations of mankind and the depository of hope for a better life. We believe it also very important that the ILO should retain and strengthen its specific role within the international system of aid to development and on behalf of social justice.

We would like to express our gratitude for the ILO's readiness vis-à-vis its Members to deal with all requests for assistance in creating effective and efficient labour administration services and in rationalising employment and labour inspection services. We are engaged in this task in our country.

We cherish the hope that our discussions will lead to a consensus which reflects not only of the expectations of the participants in this session of the Conference but also the concerns of our times, in which are witnessing major changes and upheavals and the reaffirmation of democracy which, along with social justice, is the sole guarantee for world peace.

Original – Portuguese: Mr. MELLAO NETO *(Minister of State for Labour and Administration, Brazil)* - Firstly, I should like to congratulate Mr. Nascimento Rodrigues, President of this Conference, and say what a great pleasure it is for us as Brazilians to have a representative of Portugal as President of the Conference. Brazil is a sister nation.

When, more than two centuries ago, economists defined the three factors of production – land, capital and labour – humanity was just embarking on what was known as the industrial economy. Later it could be seen that, as a result of this, all economic social, and cultural values of civilisation were revolutionised, but the concept of labour, on the threshold of this new era, was very rudimentary. In order to enter the labour market, a worker at least needed to possess the concept of discipline, punctuality, obedience and method. It was therefore necessary to rapidly turn rough and ready peasants into a labour force able to carry out automatic, synchronised and repetitive tasks which were part and parcel of manufacturing activities.

From then, until the first half of this century, it was believed that the labour factor was of secondary importance in creating wealth. It was the land with its mineral resources and capital, together with technology, that were the driving force behind economic development.

At the end of the Second World War the elite started to re-examine this idea. Europe had been reduced to ashes, Japan had been brought to heel, with its physical assets that had been accumulated during centuries, severely depleted. Were these countries therefore condemned, for a further two centuries, to rebuild everything that had been created during the previous two centuries? Those who were responsible for the Marshall Plan thought this should not be the case. The human capital remained: workers who for many generations had been educated and trained were ready to work, and it was this source which represented in fact the wealth of nations. With just 28 million dollars, the amount made available by the Marshall Plan, Europe was able to rebuild its economy in one decade alone with productivity of work growing at spectacular rates of 6.8 per cent per year.

Of course the plan was sound. Fertile soil was being cultivated. Take everything from a person, and he still shall be able to bounce back, if his wisdom remains. If we look at what happened shortly after with underdeveloped nations, we see that 700 billion dollars were invested through petrol dollars in backward countries during the seventies. And what were the results of this great investment in capital? Virtually none.

The difference in the second case in underdeveloped nations was that fertile soil was sown. Great numbers of illiterate, underfed people, untrained and unskilled workers were not suitable receivers. It was impossible to break away from this vicious circle, no matter how much was invested in a physical infrastructure. A prosperous upper middle class developed amongst those who had already basic knowledge, the majority, however, remained in the same situation as before, excluded from the development process, living in subhuman conditions and helping to increase social inequalities with badly distributed incomes. Appropriate investments were not made in training and informing workers and investment was not made in any nation's main asset: the people who live and work there.

I come from a country which has suffered from this strategic disarray. What we have failed to invest in education and training in the past, we are paying for today through poverty and criminality which threatens our large towns.

It is vital that profound and important changes be made in our development model. Brazil today is governed by a young progressive president who has accepted the challenge to re-examine his programme of work, change his values and rid himself of preconceived ideas. The great historic work of our President Fernando Collor de Mello, is certainly that of having invited intellectuals and the elite to re-examine entrenched certainties. The economy has been opened up. We have broken down the barriers to imports and market reserves are being depleted. Although our economy is still suffering from the effects of these corrections, throughout the country as a whole, the watchwords are productivity and competativeness and in order to achieve this it is necessary to believe in the potential and the ingenuity of the individual, through the free market and a state which is committed to overcoming shortfalls in food supplies and education.

I have been Minister of Labour for only two months now. I understand how great my task is. Brazil has today almost 22 million adolescents and adults who are lacking in schooling, are illiterate or have less than four years' basic education. Fifty-two per cent of our workers never got beyond the first stage of basic education.

Extra schooling through an ambitious programme of training and providing skills one of my priorities. There is no way of distributing income in a nation where tens of millions of workers lack skills, are undernourished and produce nothing.

For such an urgent task we need technical and economic co-operation from more experienced nations, and from international organisations, particularly from the UNDP and the ILO. If on the one hand, we are opening up the potential of our economy to international markets, on the other hand, we hope that there will be a number of benefits from nations who will set up a series of co-operation programmes with us so that we can train our labour force and build up our human assets.

Other nations who in the past have invested in training labour have been able in the space of one decade to break away from the vicious circle of poverty and today are able to compete as equals with more developed economies.

Brazil, under the management of President Fernando Collor de Mello and with my own co-operation is now taking up the challenge and expect solidarity from all the members of this plenary.

We are planting corn and will have a harvest for one year, are cultivating orchids and will have a harvest for five years. But what we want to do is to have harvests for many decades and centuries.

Original – Arabic: Mr. AL-SABAH *(Minister of Social Affairs and Labour, Kuwait)* – In the name of God, the Merciful, the Compassionate! Allow me to start by congratulating Mr. Nascimento Rodrigues on his election to the Presidency of this Conference. I wish him every success in his work during this session and I trust, thanks to the efforts by representative of member States, we shall be able to build a world full of social justice and attain the targets anchored in the Constitution and in the Declaration of Philadelphia.

I should like, on this occasion, to pay tribute to the Director-General for the theme that he has selected for his Report this year: *Democratisation and the ILO*. The world is in the process of change towards democratisation and the respect of civil freedoms; and this is the essential objective and target of the Organisation in its moves to achieve international peace.

In this respect, I would like to refer to some remarks that are contained in the Report of the Director-General. First, building a new world order has become a vital necessity and I believe this is one of the essential objectives in the relationship between people and States in our modern society. This order brings home two basic features: democracy and freedom. The rapid changes that many countries and States have undergone is, I believe, a striking example of the goodwill of the States to implement this new international order.

Second, the right of self-determination of States and peoples is essential in order to strengthen peace and do away with conflicts and ambitions that have been a direct cause of many regional wars – resulting in a loss of human and material resources and failing to resolve any problems. On the contrary, I believe they brought about tensions and frictions which still exist today. We thus have to take a firm stand to do away with these ambitions, reinforce freedom and independence and condemn regional and international conflicts.

Third, the ILO can look back to a glorious past in democratic change and the implementation of principles of freedom. Since its inception in 1991, the Organisation has been based on tripartism: workers, employers and government representatives participate in the work of the International Labour Conference, the Governing Body and all other activities of the Organisation. This co-operation is reflected in Conventions and Recommendations adopted by the ILO.

Fourth, governments and peoples throughout the world look to the ILO to strive for democracy, strengthen tripartism and defend freedoms and human rights.

Fifth, since my country became a member of the ILO in 1961, we have honoured and respected these principles and objectives by ratifying international labour standards, while also respecting human rights and social objectives. Moreover, my country provides financial support for trade union activities and encourages them to serve the interests of the workers. Kuwait has also introduced the principle of tripartite negotiations between workers and employers in the case of a dispute. Our State is founded on freedom and liberty. We provide social protection and material assistance to those who are needy. There is free education, free medical care and housing; and we also do our best to guarantee our citizens a dignified life. Our labour legislation grants rights to workers and their application is monitored carefully by the Ministry of Social Affairs and Labour. What is more, workers may bring their grievances before the courts.

On behalf of my country and my Government, I would urge you to exercise pressure on the Iraqi regime to free the prisoners and hostages they captured on 2 August 1990. They are being detained unjustly and must be given the chance to return to their families and to their country in accordance with the relevant United Nations Security Council resolutions. I call upon you to make this noble gesture so that the ILO may fulfil its role to strengthen peace throughout the world. I hope that our deliberations will be crowned with success so that we might attain the ILO's objectives in order to guarantee a better future and create a world in which conflicts and wars are absent.

Mr. FOKEER *(Minister of Labour and Industrial Relations, Mauritius)* – It is a great honour for me and for my country to be given the opportunity to address the 79th Session of the International Labour Conference.

Allow me to start by congratulating the President on his election to the Chair of this year's meeting in the name of the whole delegation from Mauritius. We all rejoice at the unanimous choice because we have confidence in his wisdom and his will to bring the meeting to a fruitful conclusion. Our congratulations go also to the Vice-Chairmen.

I am proud to say that 1992 is yet another landmark in the constitutional evolution of my country. Twenty-four years after independence, Mauritius has acceded to the status of a republic and a son of the soil is now the Head of State. This has been achieved in the traditional form of democracy to which we remain jealously committed. Indeed, we reaffirm solemnly our will to peace, to the defence of human rights and to social justice, for we have the experience that societies with democratic values have developed with consensus and have prospered.

But still, like most sister countries in the South, we face 1992 with mixed feelings. If the 1980s have been the lost decade for Africa, the start of the 1990s has not shown the evolution which was expected in spite of promises and hopes created by the tide of democracy which has swept across the world. The economies of many nations continue to be assailed by difficulties and still present the same morose and gloomy landscape, showing economic growth retarded and crippled by foreign debt burdens, balance of payment difficulties and a lack of new investment resources, a situation aggravated in many cases by natural calamities like droughts and floods.

Within this context, we have to face a fast changing world of work where the daunting challenges of international trade competition and emerging mega-trade blocks have replaced the traditional geopolitical groups of the last four decades. If we are not careful, the consequences on the social front could be catastrophic to the countries in the South. This is why I would plead for the acceleration of the process of economic growth with consequential employment opportunities and social progress.

We have often, as conditions, the need to liberalise our economies at initially greater sacrifices from the population, and in particular the working class, on prescriptions from certain international institutions. Fortunately, the conditions are becoming more digestible thanks to the recognition of our individual specificities. I recall that ten years ago when the World Bank wanted to change the structural pattern of the Mauritian economy, we pleaded for a survey to be carried out by the Bank and the ILO jointly. The result was quite a palatable solution. In other words, structural adjustment must be made in such a way as not to break the social fabric of the community.

In Mauritius we are conscious that the working world is evolving very quickly. We have tried to broaden our economic base from a monocrop culture into additional areas of manufactured products and tourism while struggling towards a South-South cooperation. But more importantly, a human resource development strategy is being evolved to ensure that the human resource base continues to be a prime asset for the long-term development of the country. The next stage of our economic development will meet with success only if our training objective takes care of future skill needs and equips the workers to deal with new technologies and cope with new levels of responsibility in order to make enterprises move upmarket and remain competitive. My Government therefore views human resource development as an important issue of considerable contemporary relevance as it presents the possibilities of occupational advancement, optimisation of means of production and provides new employment and income-earning opportunities.

The item before us on adjustment and human resources development highlights the social dimension of structural adjustment policies and underlines a need for education and training as prerequisites for economic development. Our Master Plan on Education, prepared with the financial and expert assistance of the UNDP, UNESCO, the ILO and the World Bank, is designed essentially to provide the appropriate linkage between secondary schools and the world of work. It also aims at providing the framework to enhance the skill requirements and levels of the labour force, and to make technical and vocational education a credible component for training and employment.

As industries continue to increase and expand, the need to address the prevention of industrial disasters cannot be more opportune. The tragic disasters that took place recently remind us of the necessity of taking the right initiatives at the international level in order to minimise the dangers that threaten humanity. International support is needed for creating the appropriate level of awareness and implementing training programmes in key areas. Major hazards control at industrial sites is imperative for the protection of workers, the public and the environment.

The inclusion of an item on the prevention of industrial disasters on the agenda of this Conference correctly illustrates the importance attached by the world community to this problem and highlights the necessity of multilateral arrangements for remedial action and burden-sharing. In spite of a rich legacy of labour instruments in favour of a risk-free working environment, the ILO still strives to create the structural and institutional conditions which will promote a healthy climate for economic employment growth. The discussion on the prevention of industrial disasters coincides with the United Nations Conference on Environment and Development starting in Rio de Janeiro, where my country will be strongly represented for we believe that the need to maintain sustainable development in harmony with nature must continue to dominate worldwide attention. Environmental degradation transcends national boundaries and the responsibility for finding a solution has to be shared both by developing and industrialised countries.

It is not surprising therefore that high on my strategic agenda is the implementation of social action plans for improving the safety and health and welfare of workers, supported with programmes of technical co-operation. Our challenge is to match economic performance with prior achievements affecting the working conditions of those who make that performance possible.

Another burning issue to which we have to devote our attention is the insolvency of enterprises. Loss of work is a human tragedy which we must try to avoid. But in the context of an open economy to which we have all moved, economic viability inevitably follows the logic of the survival of the fittest. The closing down of inefficient enterprises is but inevitable and, sometimes, has cruel consequences.

Fortunately, in my country we have managed to reach the situation where anybody losing his job can almost immediately find alternative employment. This, perhaps, is the prime factor at which we should aim.

The complexity of the socio-economic situation confronting us all must lead us to define a new strategy for the survival of our peoples. Gone are the days, I think, when governments could link the development of their countries with ideologies. Instead, we must try to fight for the cost benefit of every project, every action. Then, and only then, can we satisfy the social needs of the population. A host of revolutionary measures must be imagined and implemented. Employers, on their side, must be encouraged to develop fully their spirit of entrepreneurship so as to maximise employment and wealth creation in an atmosphere of confidence. Finally, trade unions must first find a modern approach to their traditional role, and secondly, find other ways of helping workers, like looking after the working environment and the quality of life, even outside the workplace.

In Mauritius this is proving extremely necessary due to the changing pattern of life as a result of industrialisation. In particular, this need is felt by women in employment who already constitute one-third of the total workforce of my country.

There has been close collaboration among the three social partners involved in economic development. In spite of the odds, and in spite of outmoded but entrenched habits, we are trying, all the social partners together, to create a new integrated approach to modern methods of production and new ways of living. This is another challenge which many of us here have to face.

(The speaker continues in French.)

I would be failing to honour my bilingual country if I did not address a few words to you in French. The problems individually mentioned by us cannot be resolved by one country acting alone. We need the assistance of international bodies, and above all we need international collaboration. I recognise the extremely positive work of the ILO in the social sphere, particularly for training, workers' education and occupational safety and health in my country, and I would like here to express my gratitude to the Director-General and his heads of departments for their support in our efforts. Nevertheless, aware of his concern for the development of the Third World, I would like to express the desire that we see his activities converge towards more emphatic and aggressive action in order to bring home to all the social partners the essential need to give close attention to collaboration on the present and future standards to be adopted to assist in the development of all countries. Finally, I would address an urgent appeal to all member countries to consider the importance of bilateral, regional and international collaboration for mutual development in fraternity. We have come here from all over the world to share our experience. Let us take advantage of that fact in order to find the mechanism which will enable us to work towards common success because alone a country is doomed to languish in underdevelopment, but all together we have a better chance to work for the welfare of our peoples. The time is ripe to think, and above all to act.

The Republic of Mauritius, in all modesty, opens its heart to all its brothers and sisters on all continents and offers its services for the construction of an unbroken chain of solidarity that will unite all the peoples of our world.

Original – Spanish: Mr. MORALES *(Deputy Minister of Labour and Social Security, Costa Rica)* – For one who, such as I, is honoured to represent at this session of the Conference one of the most solid and famed democracies of the Americas, the Costa Rican democracy, I can but express my profound satisfaction in turning to the study of the far-reaching and in-depth reflections on democracy from the Director-General of the ILO, Mr. Michel Hansenne, in his Report.

Prompted by the thoughts, comments and questions raised by the Director-General, I would now like to share with you the democratic experience of Costa Rica. The building of Costa Rica goes back to the past century. However, it was the social reforms instigated by Dr. Rafael Angél Calderón Guardía, half-a-century ago, consolidated and strengthened by the institutions of the Second Republic, which gave social content to our democratic institutions. The Labour Code was promulgated in 1943 as a key instrument of these social reforms. In this way Costa Rica established the conditions to make labour more dignified, to create greater social justice and solidarity to the social agents. The modernisation of the State and civil society which this implicated guaranteed political stability, social peace and the freedom which we enjoy today.

Throughout the process of development which began in 1950, Costa Rica experienced wide-ranging changes to its economic and institutional structure.

As regards its institutions, the Costa Rican State promoted a culture of consensus and respect of civil and democratic values. The State improved national infrastructure and promoted an institutional system which gave material shape to the main aspects of the policy of reform. The dissolution of the army consolidated the state of law and ensured for subsequent generations the free exercise of civil rights and liberties. In other words, institutional modernisation paved the way for stable democracy committed to development based on political pluralism and the improvement of the standard of living of Costa Ricans.

As regards economic modernisation, industrialisation has been the outstanding phenomenon here. The diversification of production, the expansion of the domestic market and the search for ways of ensuring Central American trade integration were some of the tangible results of the process of industrialisation. In social terms, this process has led to the emergence of an industrial working class and to a new relationship between capital and labour regulated by a system of tripartite industrial relations which made it possible to regulate social conflict by strengthening the machinery for negotiation, mediation and conciliation. The Supreme Labour Council, a tripartite body set up in 1991, is today a forum for deliberations which provides both workers and employers alike with the means to defend their interests and also enables the State to propose its priorities.

Alongside economic and institutional modernisation, Costa Rica has brought about a transformation in its civil society. This has taken the form of greater citizen participation, in expansion of civil liberties, the respect of universal suffrage and the upholding of the right to associate. The civil society has been a counterbalance to political and administrative control by the Costa Rican State and has helped create a climate of opinion in favour of social dialogue and tolerance of the opinions and practices of minorities.

ILO technical cooperation and the development of labour policy have been peaceful and based on principles and practices which are opposed to any form of discrimination or abuse of basic human rights.

The ratification of international labour standards has been consonant with these principles which have guarantee to the working population a favourable climate for the enjoyment of the right to organise the integration of production and access to programmes established by the Costa Rican State in the fields of employment and vocational training. More particularly in this sphere of vocational training, I should like to thank the ILO for its cooperation. Costa Rica has had the support of the ILO in the development, among other things of an ambitious programme for the expansion and strengthening of small businesses. Likewise, important steps have been taken to update labour legislation and to adapt it to modern times.

We believe that social policy cannot be separated from economic programmes nor can it be replaced by aid programmes to mitigate the social cost of structural adjustment. In this sense, one important lesson from our experience in Costa Rica is that the social impact of the application of structural adjustment programmes has been assimilated without jeopardising social and political stability, because we have a solid social security system which has meant that Costa Rica has one of the highest social budgets in Latin America, with social indicators similar to those of many developed countries. We have also promoted cooperative organisations which have led to economic democratisation and the creation of new forms of distribution of social wealth. Similarly, low levels of unemployment, wage protection and institutional practices of mediation and the settlement of social conflicts, as well as the respect of human rights, are, among other, key practices which have ensured the peaceful coexistence and internal stability of the Costa Rican civil and political institutions.

I would like to conclude by saying that our most important convinction is that the wonderful work of democracy is a never-ending task, because, like man whom it serves, there is always room for improvement.

Original – Arabic: Mr. KABARITI *(Minister of Labour, Jordan)* – I have the pleasure and the honour to extend to the President my warm congratulations on his election to the presidency of this Conference. His election bears witness to the confidence that we place in him and in his abilities. We are certain that this Conference will be crowned with success under his leadership.

May I also address my thanks and express my gratitude to the Director-General of the International Labour Office, Mr. Hansenne, and express our appreciation for the valuable report he has prepared for us, which corresponds to current trends and is fully in keeping with the future path embarked upon by societies moving towards democracy as a means of achieving independence, construction and development. While we do not seek to classify political regimes, nor to compare them, we wholeheartedly agree with the Director-General's Report concerning the movement towards democracy and the achievement of its aims. We unconditionally support these aims and we believe that the best expression of our support is the wind of democratic change making itself felt in our country, in a region facing challenges and dangers.

The Kingdom of Jordan has heightened its democracy in order to respond to these dangers and challenges with greater freedom and respect for human rights, and this is reflected in the National Charter adopted by the Jordanian people. This document sets the objectives of our national aspirations and establishes the basis of our democracy. We have chosen to respond by placing our faith in the rule of law and in enterprises to attain comprehensive development with a human face.

This is what we call the "Jordanian experience", a democratic option, and an option which recognises political pluralism as the cornerstone of democracy. Thanks to this approach, Jordan will be oriented towards a just and comprehensive peace and strong cooperation with all other peace-loving countries, as well as strong solidarity with international organisations.

We are working for the development of educational programmes that reaffirm the value of science, of work, of participation and of equality. We are working for the adoption of a new Labour Code inspired by the model of international labour standards. This Code has already been submitted to the State Council. It guarantees the independence of the trade union movement and it ensures social security and the protection of workers. There have been more and more initiatives to counter unemployment and poverty and to promote employment through the use of development and employment funds, national assistance, the establishment of cooperatives and associations and draft legislation to improve opportunities for training. Tripartism too is being strengthened, and the social partners consult one another and work together to foster development, to establish a reform programme and economic adjustment as well as the liberalisation of our markets.

His Majesty King Hussein sees the future of our country in the terms I have been outlining, with courage and wisdom. The economic and social problems besetting my country are being addressed by the international community and international organisations. Notwithstanding the interest thus demonstrated we feel there is a need for further efforts to guarantee social security and political stability, without which we cannot bring about lasting peace and successful democracy. We therefore hope that the International Labour Organisation will play an even more important role in helping us to cope with the problems of poverty and unemployment, not only through the organisation of meetings and the adoption of Conventions and Recommendations, but also through the establishment of specific projects and practical operations in the field.

Experience has shown that the aggravation of economic and social suffering can only create an atmosphere which is favourable to extremism and violence and the relegation of moderate and more tolerant forces. It thus jeopardises pluralism and democracy. It is therefore our contention that democracy and social justice are inseparable. The ILO needs to emphasise the strengthening and encouragement of social reforms as an essential prerequisite for guaranteeing the democratic process. I feel duty-bound to emphasise the need for cooperation between our organisation, the World Bank and the IMF in order to ensure that reform programmes may be carried through in a balanced and objective way, striking a fair balance among the social, political and economic aspects. Otherwise, all efforts will be in vain and we shall not succeed in our aims.

The delegation of my country trusts that the International Labour Organisation and all its leaders will pay close attention to the problem of repatriated workers in Jordan – workers repatriated following the Gulf crisis. We hope that this problem will be resolved in accordance with international charters and by drawing up plans and programmes to mitigate the effects of this tragedy. I have no doubt that you are aware of the scale of the problem, of the dreadful suffering caused to hundreds of thousands of repatriated workers. This problem is undermining my country's efforts to reintegrate all of these repatriated persons and to satisfy their needs.

Despite the worsening unemployment in Jordan, we are trying to find jobs for over 200,000 workers from neighbouring countries, most of whom are in an irregular situation. We are providing the best possible working conditions for them, thanks to our democratic institutions and the advantages of our country, the labour protection and social security laws as well as our policy of openness and freedom of movement. I would like to take this opportunity of thanking all our brother and friendly countries that have received some 200,000 Jordanian workers on their territory.

We also hope that the ILO will work for the establishment of a regional informational system which will list all workers in order to guarantee the freedom of movement, protect their rights, and also the free movement of capital, and employers in accordance with international laws and Conventions.

We entirely agree with the Director-General when he says that race, religion, nationality and the anger of the people are pretexts used to reject other people and deny then their rights; discrimination in the field of employment remuneration and residence, and a resurgence of inhumane practices are contrary to all international labour criteria and standards, as well as ILO resolutions. It is necessary to put an end to such actions which are contrary to democracy and human rights – something to which we all aspire – a new world where peace and justice will prevail, where development and prosperity will be the rule. But this will not be possible so long as there is a gulf between international justice and international legality. Unless that gulf is bridged, the situation will continue as it is and double standards will be applied.

We have no doubt, notwithstanding these difficulties, that in Jordan society's move towards democracy will accelerate and will become the means for us to achieve development and prosperity; democracy will become an irreversible option. We are quite sure that the ILO has a decisive role to play here.

We would like to take this opportunity of thanking the Organisation – its Director-General and all his colleagues – and to express our appreciation for the constant efforts made in order to improve conditions for workers.

We would also like to thank the ILO for its close cooperation with the Arab Labour Organisation which is also working to improve conditions in the Arab world.

Finally, I would like to welcome all the new member States of the ILO. Let us hope that the work of our Conference will be a great success.

Mr. NAGANO *(Employers' delegate, Japan)* It is an honour to attend this 79th Session of the International Labour Conference and to have a chance to listen to the opinions of persons from different countries on the issues raised in the Director-General's report concerning the future role of the ILO. As the representative of Japanese employers, I would like to say a few words.

The subject of the Director-General's report is *Democratisation and the ILO*. The historic developments we have been witnessing over the past few years make the choice of this year's theme very timely and appropriate.

At this time it is very important to examine what is needed to promote democratisation and the ILO's role in this regard. Since economic problems and other issues resulting from the change in a socio-economic system affect people's lives directly, rapid action is needed; our discussions here will be meaningless if nothing results from them.

The founding principles of the ILO and those upon which the organisation's activities have been based are respect for fundamental human rights and the realisation of social justice, as the Declaration of Philadephia states.

Freedom, equality and economic independence are the conditions on which the independence of individuals depends. In that sense, the ILO's basic principles and activities support the achievement of democracy.

Democracy is not only a political concept but a social and economic one as well. Democracy does not merely imply the right of citizens to participate in politics, but also their possibility to lead economically independent lives based on their own efforts.

In order for citizens to be truly independent, they must be economically independent, able to find employment and earn an income. Thus, the fight against poverty and the creation of jobs are important elements underlying democracy.

In order to find jobs, people need education. Education is important not only for imparting skills needed to earn a living, but also for enabling people to make their own decisions and think for themselves. The importance of education can never be overemphasised.

I would like to say a few words about Japan's experience. It is not very long ago that Japan espoused democracy, in accordance with Allied Occupation policies after Word War II. Along with these policies, "zaibatsu" was dismantled, and the agrarian reforms were implemented, promoting the establishment of independent farming. At the same time, democratisation of labour was an important element of social development.

Various laws concerning labour were promulgated, beginning with the Labour Union Law of 1946. As soon as labour union activities were legalised, the number of union members rapidly increased and there were many serious labour disputes in this period of economic turmoil. I believe that changes in the system always entail economic and social disturbance; every country seems to undergo an upheaval when repression is eased and freedom of expression becomes possible.

Labour and management in Japan gradually learned to discuss matters thoroughly through hard experience. Especially after the first oil crisis of 1973, labour and management started to act – paying serious consideration to the overall national economy. This stance, I believe, greatly contributed to the stabilisation and growth of our economy.

Labour and management groups have thus established their own sphere of activities, particularly with regard to social and labour matters. Within this sphere, the solutions arrived at through constructive bipartite discussions have gained wide acceptance and respect in our society.

However, depending on the nature of the problems, some issues cannot be resolved only by employers and workers. The nationwide organisations of employers and workers, NIKKEIREN and RENGO, are working together to consult with the govenment to take effective measures regarding the structural policy issues.

Further, in Japan, when the government determines social or economic measure, the opinions of management and labour are reflected through a tripartite council. The Industry and Labour Council and other bodies discuss issues such as social issues at a variety of levels.

In any case, we consider that management and labour are "social partners supporting industry". The state of relations between labour and management has a decisive influence on industry and the economy.

In Japan the decision-making process concerning enterprises and even sometimes the future direction of the country through serious discussions has finally become established.

Talking about the ILO's role in democratisation, one of the ILO's basic functions is to help establish the fundamental conditions for democracy. Freedom and equality should not simply be ideas. It is important to create employment and foster companies, which provide the economic foundations for making this possible.

Through work, people live, find a means of self-expression, and contribute to society. Thus, the growth of enterprises deserves special focus – in the same way that enterprises provide workplaces, allowing people to establish economic independence.

In this connection, the ILO should take full advantage of its tripartite system to enhance awareness among workers and employers and to nurture strong, independent and responsible workers' and employers' organisations capable of acting as a stabilising force of the democratic society.

We live in an age of accelerated flow of information. Many of the drastic changes have occurred through the spread of information. With its 157 member States, and with its unique tripartite system, the ILO is in a position to collect all types of information and experiences. Because of this, the ILO should make a special effort to provide a forum for exchanges and provide information regarding democratisation. We, tripartite constituents of ILO, should make the best use of this Organisation in order to give solid backing to the current world-wide trend to democratisation.

Mr. LIM *(Minister of Human Resources, Malaysia)* – On behalf of the Malaysian delegation, I wish to congratulate the President on his election to the Chair of this Session of the Conference. We are confident that under his able leadership, this session will come to a successful conclusion. We also wish to extend to the Vice-Presidents our warmest congratulations on their election.

I would like to thank the Director-General for his Report to the Conference, especially Part I, relating to the important theme of *Democratisation and the ILO*. It is certainly a thoughtful analysis of one of the greatest global challenges of our age. We all subscribe to the efforts to promote democracy that would guarantee basic human rights, social protection and the sustained well-being of workers. These principles are embodied in the Declaration of Philadelphia and many Conventions and Recommendations on a wide range of subjects, including freedom of association, trade unions' rights, equalities, social protection and other labour stndards adopted at the International Labour Conference.

Almost half a century has gone by and it is time for us to review the relevance and suitability as well as the effect of those standards on member States, especially the developing countries. The truth of the situation is that nations have differing perceptions of democratisation and many developing countries are finding it difficult to keep up, let alone comply with, international labour standards, mainly because they are based on the norms and values of the developed countries which may not be compatible with the cultural values and national aspirations of the developing countries. The question may also be asked whether it is feasible to apply international labour standards on a basis of equality when there is so much disparity in economic and social development. It is this disparity which accounts for the diversity in the global application of such standards. Rigidities in these standards may suffocate economic growth and result in higher labour costs and ultimately the displacement of workers. How then can we convince workers who lose their jobs that their welfare will be taken care of by international labour standards?

We must therefore take stock of the experiences and economic difficulties faced by developing countries. We must also recognise that efforts to bring about a better quality of life and improve social conditions are part of a continuing process and can be improved only if there is sustained economic progress.

Since Malaysia's independence in 1957, the Government has devoted itself to developing the country and raising the standard of living of the people. Malaysia is unique in that it is one of the few developing countries which has within a span of two decades succeeded in bringing about socio-economic development with immense benefits to the people. This socio-economic development achieved through pragmatic and liberal economic policies and favourable labour laws has led to a relatively strike-free industrial relations climate and contributed to a near full-employment situation, higher standard of living, better quality of life and a more equitable distribution of wealth for the people. In short our development policies have been formulated bearing in mind the socio-economic realities in the country. A new National Development Policy under our Second Outline Perspective Plan for the period 1991-2000 has been formulated to replace the New Economic Policy. This policy signals a new era in our endeavour to make Malaysia a developed nation by the year 2020. The objective of the National Development Policy is to attain a balanced development of the economy in order to establish a more united and just nation. The Government's policy will be based on the principle of growth with equity, in order to achieve a fair and just distribution of wealth among all sectors of society.

As regards to our labour laws, the Government has always recognised the fundamental rights of workers to associate, and this right is guaranteed under the Malaysian Constitution. Today there are over 462 trade unions with a membership of 667,669 out of a total of about 7.1 million workers in Malaysia. Issues affecting workers' rights and labour policies are also discussed at the National Labour Advisory Council, which is tripartite in composition.

Contrary to allegations, the right of association also applies to electronics workers. In 1989, the Government amended the 1959 Trade Unions Act to facilitate the growth of enterprise unions. To date, six enterprise unions have been formed and registered in the electronics industry. In Malaysia it only takes seven workers to initiate the formation of a union, regardless of the size of the workforce. These unions are free, independent and as effective as national unions. Each has the same opportunity to develop itself into an effective and strong organisation. They are as capable as any other unions and have shown themselves able to acquire far superior benefits for their members than some of the established national unions.

The decision to amend the 1959 Trade Unions Act was taken in the context of the overall interest of national development. The interests of workers and employers must also take into account the rights of others in society at large. Governments have a responsibility to ensure that social legislation should not only guarantee economic benefits to the organised workforce, but also to the rest of society who may not be as privileged. This is also in line with the broad principles of democratisation which the ILO is promoting.

Malaysia's development will face greater challenges in the 1990s, due to its dependence not only on capital resources and technological development, but also on the quality and quantity of available human resources. The task of developing such manpower will rest upon a pragmatic educational and training system, sensitive to future changes and the needs of the market. To achieve this, the delivery system requires a more active involvement of the private sector to supplement the Government's efforts. With this in mind, the Government is in the process of establishing a Human Resource Development Fund to motivate greater private sector participation in training and skills upgrading.

It is against this background that I would like to refer to the agenda item on adjustment and human resources development. Pragmatic human resources development policies will enhance the capabilities of the workforce, thus improving income-earning ability. Such policies are also pertinent as a shortage of trained manpower can be a major constraining factor for economic development. To ensure job flexibility and security, countries also need to invest strategically in a well-educated and trained workforce, capable of absorbing existing and newly emerging technologies. Without this crucial input, a country's development may not be able to cope with the fast-changing world. Therefore it is timely that ILO places greater emphasis on human resource development, in cooperation with member States' labour ministries and agencies concerned.

Regarding the agenda item on the prevention of industrial disasters, Malaysia welcomes the proposed Convention on the prevention of industrial disasters. Recent tragedies resulting from major industrial disasters all over the world have led to the loss of many lives and incalculable damage to property and have served as grim reminders of the outcome of uncontrolled development in hazardous industries. The proposed Convention and Recommendation will provide important guidelines for member States in the formulation and periodical review of a coherent national policy for the protection of workers, the public and the environment against the risk of industrial accidents.

In line with this, our Ministry of Human Resources, is in the process of formulating specific regulations for the prevention of industrial disasters, which will incorporate most of the proposals in the Convention. The Malaysian Government has also set up an Institute of Occupational Safety and Health to train and advise both employers and workers with the view to minimising industrial accidents.

I would like to address the agenda item on the protection of workers' claims in the event of the insolvency of their employer. The Malaysian Government is in the process of consultations with both employers and workers on the feasibility of introducing legislation for the setting up of a wages and benefits guarantee fund to ensure that employees are not denied their contractual and statutory benefits due to them in the event of their employers becoming insolvent.

There remains an important issue regarding the future of the ILO. There is a need for the ILO to encourage greater democratisation in terms of representations and participation of member States in the decision-making process, in order for it to keep pace with the fundamental changes in the world of work and the world economy.

In this regard, the ILO should take into account the increase in the number of new member States and the question of equitable representation in the various organs of the ILO. My main message to this august body is that it must be prepared to promote some fundamental changes if it is to be relevant to the world of work in the next century. Perhaps it is time for us to look at the ILO's organisational structure with a view to enabling developing countries to play a greater role in determining the ILO's policies and programmes. Such participation should cover areas such as policy-making, programme setting and operations, so as to ensure that the interests of developing countries which account for the majority of the ILO's membership are protected.

Let me conclude by expressing my confidence that the comprehensive agenda for this session will enable us to return to our respective countries, better equipped to deal with the various issues discussed in the various working committees. We are also ready to help the ILO to the best of our ability in discharging its many tasks in the interests of workers in general throughout the world.

(The Conference adjourned at 12.30 p.m.)

Fourth sitting

Thursday, 4 June 1992, 3.15 p.m.

President: Mr. Solórzano Martínez

COMMUNICATION TO THE CONFERENCE

Original – Spanish: The PRESIDENT (Mr. SOLÓRZANO MARTÍNEZ) – Before turning to this afternoon's agenda, I give the floor to the Clerk of the Conference to read a communication we have received from the Government of Turkey.

The CLERK OF THE CONFERENCE – The letter is in English and I will read it in English. It is dated Geneva, 4 June 1992.

Dear Mr. President,

The Government of the Republic of Turkey took note of the declaration made on 27 April 1992 on behalf of the Republic of Serbia and the Republic of Montenegro, announcing the inception of the "Federal Republic of Yugoslavia" and asserting that the "Federal Republic of Yugoslavia" is the legal and political successor of the former Socialist Federal Republic of Yugoslavia.

The said declaration raises the question of representation of the former Socialist Federal Republic of Yugoslavia by the Federal Republic of Yugoslavia at international organisations, including the International Labour Organisation.

Under the present circumstances, Turkey cannot recognise the "Federal Republic of Yugoslavia". Turkey maintains this position at the ongoing 79th Session of the International Labour Conference.

I would appreciate it if you could kindly present the contents of this letter to the knowledge of the Conference.

Please accept, Mr. President, the assurances of my highest consideration.

(signed) Gündüz ATKAN, Ambassador,
Permanent Representative
of the Permanent Mission
of Turkey in Geneva.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – Spanish: The PRESIDENT (Mr. SOLÓRZANO MARTÍNEZ) The next item on our agenda is the continuation of the discussion of the reports of the Governing Body and of the Director-General.

Original – French: Mr. ABDI *(Government delegate, Djibouti)* – The delegation of Djibouti, which I have the distinguished honour of representing at this 79th Session of the International Labour Conference, joins all countries which have preceded it at this rostrum to present its sincere congratulations to Mr. Nascimento Rodrigues on his election to the Presidency of this Session of the Conference as well as to all the Officers of the Conference.

Aware of their open minds, their sense of dialogue and experience in the field of social issues, I am convinced that our work this year will yield constructive and peaceful results – so desired by all countries of the Third World and former Eastern European countries.

We should also like to express our congratulations to the Director-General for his excellent Report on the role the ILO should play in the process of democratisation and the acquiring of civil liberties which is taking place now in a large number of member States in our assembly.

The points he develops in his Report illustrate the capital importance of socio-economic changes which often give rise to employment and social crises.

Thus it is imperative that all member States, especially those already developed or industrialised as well as international organisations, work together in concert to support democracy and bolster efforts undertaken by the leaders of these countries in order to lead them to a state of true democracy.

The democratisation process is a laborious and sensitive one. Our Government therefore devotes all of its energy towards this policy, together with the social, economic and political partners in Djibouti.

We would like to express our best wishes of success to the Director-General and join together with all countries and all international organisations, especially the ILO, which seek to establish true social justice in the world based on a more rational and better-balanced new economic order between the North and the South.

Our country has been most impressed by the efforts of the ILO in its development programmes and international technical cooperation activities – as seen in the excellent ILO Financial Report for the 62nd Financial Period.

As part of the restructuring measures the Director-General has proposed, the Republic of Djibouti would like to see account taken of the vital interests of Third World countries who do not have the financial means – other than international means – to have access to experts in areas of labour legislation, social security and vocational training.

The first technical item on the agenda of this 79th Session demonstrates the importance of maintaining this international technical cooperation, organised and financed by the ILO.

Both a social and legal problem, the difficulties of protecting wage claims in the event of the insolvency of the employer concern especially Third World countries where the informal, non-structured sector involves up to 50 per cent of the working population.

However, no international Convention or national legislation provides for protective measures in this informal sector, which is outside the law unlike the formal and legalised sector to which benefits from certain guarantees and measures aimed at protecting wage claims in the case of bankruptcy or insolvency of the employer.

Unfortunately, even in the latter case, we note that the protection of wage claims is far from being complete and effective.

Our country would therefore like to propose to this 79th Session of the Conference two ways in which the protection of wage claims in the case of insolvency of the employer might be improved. First, a financial guarantee system could be set up, updated by all enterprises, in agreement with and under the supervision of a joint committee involving employers and the State; this could be equal to the overall quarterly payroll. Second, wage claims could have the same rank as handwritten or superprivileged claims.

As regards the second agenda item concerning the prevention of industrial disasters, the Republic of Djibouti, although not directly affected by this problem, expresses its deep concern at the proliferation of industrial chemical companies that are constructed and used in the Third World without any special environmental protection or protection for the people living in the vicinity.

The Director-General mentions as an example the disaster in Bhopal, which impressed us all because of its magnitude and the irresponsible attitude of a number of directors.

We understand today that chemical accidents, even those resulting from a minor technical incident, may prove to be deadly and impossible to combat.

The only way to cope with this problem is prevention; our country hopes that this will be as comprehensive as possible and adopted by all countries throughout the world, because the future of all mankind is at stake.

Of course, the solutions are not simple or miraculous because there are some financial and economic imperatives which encourage the setting up of these chemical factories in the Thrird World, where legislation is not as binding as in the countries of the North. How can we hope to fight against problems of unemployment and poverty while accepting to serve as a depository of radioctive toxic wastes or allowing very dangerous factories to be set up in our countries without any special social protection?

Our delegation is counting on dialogue and the determination of each member State to ensure that an ILO Recommendation is adopted, which will contain new international standards for the prevention of industrial disasters.

Concerning the third agenda item on the adjustment and human resources development, our country has already adopted a very assertive employment and vocational training policy. For example, various official institutes and vocational training centres have been created to examine ways to draw up a realistic human resources development programme to adapt training to employment needs. This programme will be proposed to the social partners, economic leaders and educators in our country.

Furthermore, the International Chamber of Commerce and Industry in Djibouti (CICID) as well as certain enterprises, propose evening and further training courses in order to identify and meet the needs of the employment market. The only area in which very little progress has been made is that of occupational reintegration, because Djibouti does not have structures adapted to this requirement.

We would like to express the solidarity of people with our brothers in South Africa – a subject which is covered in the Special Report of the Director-General on the application of the 1988 Declaration concerning action against apartheid in this great African country. Our delegation takes note of the many successful measures taken against apartheid in the field of work; an example which is really revealing is the appointment of Mr. Conrad Sidego, a renowned journalist, as Ambassador of the Republic of South Africa to Denmark. Indeed, the appointment of a man of colour bears witness to the effort made in the world of work, where the trade unions are succeeding step by step in their fight against apartheid, proclaimed by President de Klerk. We would like to express to the people and Government of South Africa our best wishes for the continuation of an inter-racial and inter-ethnic dialogue, which is both constructive and peaceful.

Last but not least, we must spare a thought for our Palestinian borthers, whose fundamental rights are still scorned to this day. May they know that we are striving for the international community to recognise fully their right to live, their right to independence and especially the justice of their cause.

In conclusion, I should like to welcome the ILO's new member States.

Mr. TROTMAN *(Workers' delegate Barbados)* – I should like, before I go to my prepared text, to congratulate the President on his election to his very esteemed position and to express the wish that he will continue to lead this session of the Conference in the very mature manner which he has shown so far.

I wish to congratulate the Director-General on his insightful Report on the theme of *Democratisation and the ILO*. I particularly agree with him where he admits that, and I quote: "unions often channelled the discontent of populations deprived of representative political parties". I venture further to add that they are the social conscience of the State even where there are political parties operating.

Whatever formal definition we may choose to give to "democracy", it is evident that central to its functioning is the need for meaningful consultation, which is based on tolerance and mutual respect. People all over the world are trying with varying degrees of success to make that consultative process work. The ILO, however, has a particularly vital role in the struggle for democracy.

We in the labour movement, while pointing out the importance of human rights as a necessary condition for the existence of democracy, have always submitted that the right of freedom of speech or of dissent or any other right is only properly protected when there is the right to organise into any association of our choosing and the right to bargain collectively.

Indeed the Director-General is very careful in presenting this very specialised ILO analysis of his theme, and he issues a very clear advisory to the social partners that if they wish for democracy then, and I quote: "The workers' organisations should be in a position to promote their members' interests vigorously. While their action will obviously be directed first and foremost to the employment-related interests of their members, it cannot be limited to this field alone. The choice of policy, especially of an economic policy, affects the life of the workers. The unions, like the employers, should therefore have a chance to express their opinions on their country's economic and social policy".

This advice of the Director-General has a particular relevance to labour in the Caribbean. At this time, we are struggling to keep our economies from total collapse. At the same time, we are satisfied that we have has a good and serious initial dialogue on how the social partners working together might bring about improved social and economic benefits for the entire community.

What seems to be one of our major setbacks is the apparent pressure which is being exerted on our Caribbean Governments to sidetrack away from the consultative approach, and to embark on policies which, at the very best, speak only to tokenism. Only a few short months ago, our Conference welcomed Mr. Camdessus, foremost spokesman for the IMF. His assurance of cooperation and his advice for the consultative process to form part of the IMF's suggestions to borrowing nations seem to be observed as infrequently as possible. Indeed, there is an almost universal view that the bureaucrats within that institution, and other international lending agencies, seem to resent any strength which they find in the labour movement. The impression is therefore that they direct governments to by-pass, or otherwise avoid union involvement, especially in this critical time when it is clear that development will only take place if it is people-centred, and if the relevant communities are given the opportunity to assist in the planning for development which is necessary.

In the Caribbean we have few or no natural resources to expedite our recovery programme. But we do have our people and we have spent much time and effort on training. This great Organisation, the ILO, has done much in the area of training, as have some other very progressive donor agencies interested in our welfare. We need now, however, to reorient our workforce, concentrating on the dynamics of the changed curcumstances. And we need, as well, to recognise the burgeoning of the informal sector and strive to devise developmental modules which will address this group.

Initial efforts which we, in Barbados, have made have suggested to me that the trade union movement and capital may be able to work more closely together. However, critical to the effort must be the awareness of the total developmental strategy of the State, and we must be in a position where we feel we can associate with and participate in that strategy. In short, we can function properly only if governments accord us the respect and the opportunity for a meaningful social dialogue which true democracy requires.

I wish to sound a note of caution however, and it is that we can make this initiative work only of we operate from the highest levels of principle. We have noted the increasing movement by the employers in our region towards the casualisation of labour. This Organisation, particularly for dockworkers, has gone a long way towards showing the general benefit for all of discontinuing ad hoc practices in labour recruitment. Regrettably this austerity period is being used by some to put back the clock. Another way in which this retrograde step is being used is by some businesses which terminate workers and then re-engage them as self-employed or private contractors to perform the same tasks.

It is my fervent wish that the ILO will use its good offices to remove this form of exploitation of labour wherever it threatens to reduce the standards set by time.

I wish to conclude by paying special tribute to our former Caribbean delegate, Sir Frank Walcott. At last year's session of the Conference, he advised that it may have been his last. Indeed, ill-health, coming on the heels of his retirement as General Secretary of the Barbados Workers' Union, has now confirmed that it was his last. I wish to record the appreciation of all my Caribbean colleagues, as well as those from further afield, for the outstanding work Sir Frank has done for labour, for freedom and for justice everywhere. On their behalf, I wish him improved health and a satisfying period of retirement.

Original – Spanish: Mr. ALBURQUERQUE *(Secretary of State for Labour, Dominican Republic)* – On behalf of the Government of the Dominican Republic I greet the President of the 79th Session of the International Labour Conference, congratulate him for the vote of confidence which his election represents and wish him much success in the task which member States have just conferred upon him.

Likewise on behalf of the Government of the Dominican Republice I express our gratitude to Mr. Michel Hansenne, Director-General of the International Labour Office, for his wisdom in choosing democratisation as a central topic of this session of the Conference. This choice will enable the delegates to speak on the subject of a problem which concerns us all.

For the developing countries, the great challenge is to know whether the process of democratisation they are experiencing can endure or gain strength in the absence of measures which enable the population to meet their basic needs. Political democracy is inseparable from social justice. This is why freedom and the respect of human rights must be accompanied by a social and economic context in which individuals can attein their legitimate aspirations.

According to a fashionable economic school of thought, a free market will lead developing countries to prosperity and economic growth; its adherents would have the State reduce its role. But it should be asked, as the Director-General does, whether this market economy, which some proclaim as a panacea against underdevelopment, will serve the general interest or merely benefit a select minority.

This concern is well-founded, particularly for Latin American countries subjected to a policy of structural adjustment which is aimed at reducing budget deficits, stabilising the economy and enabling it to withstand the crushing weight of foreign debt. Latin America has had to endure shock therapies which, in some countries, far from helping to strengthen democracy, have imperiled it, since the measures adopted have, in a first stage, worsened poverty and, thereafter, incited the population to resist the negative effects of adjustment.

On the other hand, the neo-liberal movement led by the International Monetary Fund, by advocating a completely free market, even in the labour market, which Michel Camdessus, the Managing Director of the IMF, has said should be less rigid, has invited

Latin American employers to demand the derogation of legal norms which guarentee the social rights of workers, with the pretext that these norms hamper the creation of employment.

It is therefore significant that the Director-General states in his Report that "the law of the market cannot be the law of the jungle", and that he pleads for a "market economy with a social dimension".

Structural adjustment and the liberalisation of the economy must go hand in hand with policies to combat poverty, to protect and develop employment for the benefit of the poorest segments of the population. It bears repeating that the fragile Latin American democracies will be successful in moving towards a market economy only if their efforts are accompanied by action in the social field.

The Director-General understands, as noted in his Report, that "the strenthening of tripartism and collective bargaining" can serve to harmonise the economic transformations with the building of freer and fairer societies.

In Latin America, however, it is paternalism, dependency and excessive legalism which have characterised labour relations. This is why the transition to a market economy requires that we go beyond this worn-out scheme, and open the doors of tripartism, enabling the State, along with employers and workers, to find adequate answers to the current crisis, and keeping the process of democratisation in step with economic progress.

The Dominican Republic is a good example of how tripartism can be used to achieve social concertation policies. As a Latin American country, the Dominican Republic had to adopt structural adjustment measures which enabled it to lower inflation, to stabilise its currency and to renegotiate its foreign debt; it did so without the convulsions experienced by other countries. These adjustments were introduced gradually and with moderation, and were also accompanied by the adoption of a new Labour Code which substantially improves workers' rights. It was tripartite consultation and the consensus of the social partners which facilitated the adoption of this new Labour Code.

To implement new labour legislation which improves social rights and strengthens trade unionism while the economy is being liberalised clearly demonstrates that structural adjustment and the establishment of a market economy can be compatible with programmes of social justice and equity.

In a global economy, competition is inevitable. Tripartism can be the answer, from a social point of view, to economic adjustment policies and the introduction of a market economy. A free market must be an instrument for the prosperity of the population, and indeed it can be if it is accompanied by social programmes which favour job creation, which increase productivity, which improve the living conditions and working conditions of wage earners, which protect those who are not self-sufficient, and which establish systems of social security which make economic restructuring and industrial reconversion acceptable.

Political democracy can be consolidated and will be lasting only if States move towards a market economy in which there is equal opportunity, the satisfaction of the basic needs, the development of employment and minimum guarantees of the social rights of workers.

Deregulation and flexibility cannot overlook man or shift the weight of the crisis to the less-privileged segments of the population. A market economy can and must have a social dimension. The Dominican Republic has sought this objective by adopting a new Labour Code which recognises the esential values advocated by the International Labour Organisation, while at the same time liberalising its economy. In the end, social justice is the only sure road to peace. Without it, democracy will crumble. Let us push for democratisation; let us work towards a market economy, but let us remember that these changes will lead to lasting growth only if special attention is paid to improving the living conditions and working conditions of the population at large.

This has been understood by the State, by the employers and the workers in the Dominican Republic, and for this reason the structural adjustment policy which has managed to stabilise the economy has been accompanied by the adoption of a new Labour Code; the consensus of the social partners facilitated its passage through the National Congress and its entry into force on 29 May when it was promulgated by the Executive branch. In this way we have been able to liberalise the economy while at the same time protecting the most disadvantaged segments of the populaltion. What we have understood in the Dominican Republic is that social justice is essential for peace.

Mr. MOKZHANI *(Employers' delegate, Malaysia)* – First of all, on behalf of the Malaysian Employers' Federation I would like to congratulate Mr. Nascimento Rodrigues on his election to the high office of President. We all look forward to his able leadership during this session. My congratulations also to the two Vice-Presidents on their well-deserved election.

We have before us the usual agenda items, a number of which are to be discussed first in the committees before deliberation at the plenary. Of the technical items, I wish to refer principally to the question of the protection of workers' claims in the event of the insolvency of their employer which is presently tabled for a second discussion. I shall not elaborate on the views expressed by Employer members last year since I fully associate myself with those views. There is no doubt in my mind that it would be better to deal with this subject in a national rather than in an international setting. In this connection, the Government of Malaysia is proposing to establish by law a Workers' Wages and Statutory Benefits Protection Fund. The proposal entails setting up a guarantee fund to which only employers will contribute.

As President of the Malaysian Employers' Federation I am happy that the minister responsible has consulted employers through the tripartite National Labour Advisory Council. We have requested, and the Government has agreed, that the matter should be further studied. While Malaysian employers wholeheartedly support the principle of workers being protected in the event of their employers becoming insolvent, we feel that the method by which such protection is to be provided requires careful study. We are of the view that each employer should be primarily responsible for the welfare of employees and it is not therefore equitable to the majority of employers who strive hard to succeed to bear the consequences of failure of others. If a workers' protection fund is to be made statutory, then it is only fair and reasonable that workers should also contribute to such a fund. There are already institutions in Malaysia to which workers and employers contribute although the beneficiaries are only the workers. Examples are the Employees' Provident Fund (EPF) and the Social Security Organisation (SOCSO).

Business are set up for profit, but even if the investors and managers do not wish it, it is a fact of life that some businesses fail for internal and external reasons. Insolvency not only adversely affects workers but it also has dire consequences for owners of capital and suppliers of credit. Even so, the Malaysian employer community takes the view that workers should be accorded priority in such situations. We have asked the Malaysian Government to work within the existing laws and mechanisms such as suitable amendments to the Companies Act, to give priority to the legitimate claims of workers in the event of the insolvency of their employers. We have requested them to refrain from creating new laws and new bureaucratic structures to cope with the problem.

I would like now to refer to the question of instruments passed by the Conference in previous years. And I shall confine my remarks to Conventions. As of now, the Conference has passed 172 Conventions. Resolving ILO instruments has been a major task of the ILO. The world has possibly become a little bit better thanks to the ratification of Conventions by member States. However, the record of ratification has been dismal indeed. I do not wish to go into the details, but it is abundantly clear that a large number of countries both developed and developing have ratified far too few of the 172 Conventions. In the Asia-Pacific region, from where I come,ratification is as low as three or four in certain countries. The country with the highest rate of ratification has not even reached one-third of the total of 172 Conventions. And so it should be legitimate to ask where the priority of ILO work should be. Is it in pushing for the passing of more and more Conventions? Should not the ILO instead be doing purposeful promotional work so that a much higher rate of ratification can be achieved? I would seriously suggest the latter. The existing Conventions already cover most of the important areas. It is better that the ILO tries to have these adopted and ratified by governments. There is not point in multiplying the number of Conventions and yet achieving no higher than the currently poor rate of ratification.

Of course, the human mind is so fertile that it will be able to suggest to the Conference more and more Conventions for adoption. There are already several recently passed Conventions which very few countries will be able to ratify, such as these on night work and the sector-specific Convention on hotels and restaurants. Matters which might be best left to national governments are now proposed to be governed by international instruments; such is the case with the protection of workers' claims in the event of the insolvency of their employer. These developments are unfortunate and should be reviewed. I would urge the Governing Body to put a standstill to more Conventions. Resources should be released to promote wider ratification of existing Conventions, and greater attention should be given to the intensification of technical assistance in member States.

On the question of technical assistance, I read with some concern in Part II of the Director-General's Report that "continuing efforts are being made to link ILO activities on standards and ILO technical cooperation". In connection with this, I would like to propose that ILO technical assistance should not be made conditional upon ratification of any Convention. The need for technical assistance in many fields, especially in less developed countries, is clear and easily identifiable. I wish that the ILO had much more financial resources than at present so that it could increase its work in this area. We already know the difficulties many countries face in ratifying a number of Conventions. If, in addition, technical cooperation is to be made conditional upon adherence to standards adopted by the Conference, as implied by the Director-General's statement I quoted, I fear that the result will be that the ILO assistance will be directed to where it is least needed.

Furthermore, on the issue of assistance, need I remind this assembly that ours is a tripartite body? I note that assistance to employers' organisations and for employers' activities in relation to that devoted to workers' organisations is disproportionately small. Let it not be assumed that all employers' organisations in ILO member countries have adequate personnel and financial resources to carry out the required activities. Allocating extra resources to strengthening the activities of employers' organisations will contribute to the strengthening of tripartism. Only an effective employers' organisation can influence each nation's employer community into adopting good employment practices. I would request the Director-General to review this matter.

Finally, I commend the Director-General for his Report *Democratisation and the ILO*. In doing so, I also welcome the new members who have just joined the ILO. It is true, as the Director-General says, that democracy is often associated with the liberalisation of markets. It is also true that democracy is a precondition for social justice. I wish, however, to add that it is difficult to achieve social justice if there is no continuing prosperity. In order for countries to prosper it is important to ensure the continued growth and expansion of the private sector and of private enterprise. We need to make this explicit in the policy of the ILO. I welcome the Director-General's suggestion that the Office should make a determined effort to develop a policy of active partnership with the constituents of the Organisation, i.e. not only with government organisations but also with employers' and workers' organisations so as to involve them more closely in ILO activities.

I also share the view given in the Report that the ILO should make every effort to support democracy and in that connection promote the application of international standards relating to the rights of workers, but I would like to say that in doing so we must not let free enterprise, private initiative and entrepreneurship suffer because to do so would be tantamount to killing the goose which lays the golden eggs necessary for improving the standard of living in all countries.

Original – Russian: Mr. EFIMENKO *(Workers' delegate, Ukraine)* – I would like first of all to congratulate the President on his election to this lofty post and I would like to wish this Conference every success.

On the agenda for this session, there is a very important and topical question. Democracy is the milk upon which a new generation will feed. The peaceful revolutions which spread acress central and eastern Europe have shown convincingly that people are not content to see their own private initiatives crushed and democracy sacrificed to State diktats. Democracy must become the basis for social and cultural transformation in Europe and in the world at large.

Having moved away from the totalitarian system, the people of Ukraine have begun to create a democratic society. The transition from totalitarianism to democracy, from a centralised to a market economy is a difficult process. The power of money in society, hitherto restricted by the administration, has seeped into every aspect of social relations. Commercialisation and wealth are increasingly seen as the ultimate goal. It is suggested that the more wealthy people are, the better it is for society as a whole. However, at the same time specialists estimate that over two-thirds of the populaltion in the Republic are living below the poverty line. The Council of the Federation of Independent Trade Unions of Ukraine have worked out a programme to defend the social interests of workers during the transition to a market economy, which embraces the population as a whole and relies on the participation of governments, workers and employers. We need, first and foremost, a scientifically determined minimum consumer budget and, allied with this, a minimum wage, pensions, grants, and social benefits. Secondly, we need to protect the purchasing power of the population by indexing wages. We need a proper social security system and benefits for families with children, pensioners, students, young people and other sectors of the population. And, last but not least, we must protect the consumer market and consumers' rights.

Bearing in mind that the present economic situation in Ukraine does not make it possible to ensure a minimum wage above the minimum standard of living, even though this is provided for in legislation, the trade unions have worked out an alternative governmental concept of wage reform. It envisages a gradual approximation of minimum wages to the minimum consumer budget, a gradual increase in wages to reflect the real value of the labour force. A socially acceptable level of protection for the population in 1992 must ensure that minimum wages and pensions are at the same level on physiological consumption.

All of this shows that Ukraine today ranks among those countries which are not going to be able to overcome their economic difficulties alone, without assistance from the international community in the area of social policy.

We share the views expressed by the Director-General of the ILO that "the ILO's mandate and its experience in the field make it the ideal agency to assume responsibility for developing a system of social protection tailored to the needs and resources of its members".

One of the most important tasks of Ukrainian trade unions is to ensure full and rational employment. This participation in working out employment policy, and monitoring observance of employment legislation, which is covered by corresponding Ukrainian laws, is essential. On the initiative of the Council of the Federation of Independent Trade Unions of Ukraine and the Ministry of Labour of Ukraine, an employment service has been established, with finance coming mainly from the State budget. A tripartite coordination committee has been set up to harmonise the activities of trade unions, administrative bodies and employers' organisations.

The main aim of the trade unions is to prevent spiralling unemployment. This is not a corporatist alternative. Quite the contrary, the activity of trade unions is directed at defending the interests of the weakest sectors of the population – young persons, women, the disabled and the sick.

Bearing in mind the increase in unemployment due to structural changes, the problem of retraining the population has intensified. However, the Ukraine itself is not able to set up, overnight, a new system of vocational training and retraining for management personnel. We simply cannot keep up with all the changes that are taking place in connection with the transition to a market economy and in particular, the changes in the structure of labour. The Ukraine must diligently adhere to ILO programmes on employment and development, and training. This does not mean that we are going to become a burden on the ILO but the present situation simply does not allow us to confine ourselves merely to consultations. We need to experiment, with the held of the ILO, which can help us to stabilise employment in this transitional period.

Today the trade union movement in Ukraine is also facing considerable difficulties. The traditional trade union structure has shown itself to be inflexible and unable to meet the challenge of a market economy. The trade unions do not have a real mandate to take decisions in the area of social policy, due to a lack of legal provisions covering their activity.

Due to the fact that the process of forming employers' organisations is not yet completed, we have not, so far, embarked upon social dialogue with employers at the national level.

However, we have taken the initiative with regard to negotiations with the Ukrainian Union of Industrialists and Entrepreneurs, and this is not merely to provide us with an alibi so that we are not accused of being unwilling to take advantage of the tripartite system to strengthen democracy. Agreement with this Union, should, we believe, help form an overall legal framework for regulating industrial relations in Ukraine.

In November this year, we are going to hold an extraordinary congress of the Council of the Federation of Independent Trade Unions of Ukraine. Far-reaching structural, strategical and tactical changes are being prepared, but in order to carry them out we need help, in the form of information on trade union centres abroad. We also need consultations with experts, access to information exchanges and other data banks, training and internships abroad for our trade union leaders and experts, etc. We ourselves are ready fully to cooperate with trade unions of all countries and at every level.

In conclusion, I would like to express our hope that the ILO will be successful in carrying out its activities which are aimed at ensuring social justice – the prerequisite for lasting peace throughout the world.

Original – Russian: Mr. KLOCHKOV – *Workers' delegate, Russian Federation)* – First of all, I would like to congratulate the President on his election to this very responsible and honourable post. I am certain that under his leadership the Conference's work will be a success.

It is for me a source of great satisfaction to be able to take part in the discussion of such a timely and crucial question as the role of the ILO in the current process of democratisation. Indeed, this process has, in one way or another, affected practically all the countries of the world, without exception. As the report quite rightly points out, it is sometimes met with violations of human rights or attempts to limit trade union activities or curtail the social gains of workers. In our country, as there has been an explosion of political liberties, the democratisation of public life has assumed a critical and sometimes unmanageable nature and has approached the brink of the dangers so aptly alluded to in the Director-General's Report.

To be honest, we must recognise that along with the positive changes brought about by democratisation throughout our society, we have also encountered serious difficulties stemming from the distortion of the country's economic development, acute social problems and inter-ethnic conflicts.

Society's political democratisation must inevitably be accompanied by democratisation of an economic type – otherwise, people will have a warped idea of democracy as a concept legitimising social and legal inequality.

Since its inception, the Federation of Independent Trade Unions of Russia and its associated sectoral trade unions and regional associations have on many occasions demonstrated their commitment to the strategic course of the reform policy. The reform policy aims to renew Russian society based on free market relations.

Notwithstanding our support for the reforms, we have always advocated what the Director-General's Report correctly refers to as "a market economy with a human face".

It is our firm conviction that the transition to a market economy must take place providing workers not only with the freedom to dispose of their work as they choose, but also with certain social guarantees, ensuring social protection and social justice. The trade unions' stance on this matter is not always in agreement with the authorities' action in implementing the reforms. Our positions clash on a number of questions. This is normal practice for such relations. What matters is the way in which such conflicts are resolved: through negotiations or through strikes. We are in favour of negotiations, reasonable consensus, social partnership and social peace, and we are opposed to the unleashing of tensions and the aggravation of the vicious cycle which could definitively ruin an already weakened economy.

However, we have the right to count on a certain amount of respect for trade unions' positions. We therefore support the Report's statement that the "law of the market cannot be the law of the jungle". It is impossible to obtain effective results in the transitional phase we are now going through without a constructive dialogue between the Government and the social partners and without involving all layers of society in the solution of national problems.

When it is impossible to reach agreement, certain workers' groups, through their trade unions, will as a last resort make use of strikes.

In May a nearly month-long nationwide strike of over 3 million physicians and teachers came to an end. They had presented claims which were fair and which were met when a compromise was reached. At present there are difficult negotiations being held with the Automotive Transport Workers' Union, which has postponed a nationwide protest action.

There has been a strong wave of protest in many sectors and regions because of the non-payment of wages. Technical difficulties cannot be used to justify problems of this type.

From the people's point of view, such problems are a direct violation of their human rights. And they are ready to defend these rights.

In recent months, there has been a paradoxical payment crisis brought about by the indebtedness of the social partners to each other and by the breakdown of economic ties. This breakdown has led production to plummet and has even shut down some enterprises. This has occurred not simply, as a result of restructuring and the bankruptcy of the weaker, less profitable establishments, which would have been an inevitable and necessary, albeit painful, part of the overall process. It is, unfortunately, becoming an overall phenomenon to see enterprises closed as a result of serious miscalculations in economic management.

The trade unions of Russia, Belarus and Ukraine jointly have appealed to the presidents and heads of government of their countries to immediately commence negotiations to avoid the most serious consequences, to stabilise interstate productive and financial activities and to sustain employment and the payment of salaries.

What, at this stage, is the main concern of the trade union I represent?

The economy is continuing to collapse, and ever greater segments of the population are being impoverished and transformed into a lumpenproletariat, facing mass unemployment and the limitation of social guarantees. Is it really unavoidable that such people should suffer?

I should like to refer to some statistical data. Despite the fact that most of the population spends the greater part of its income on food, the daily calory intake ration has dropped to 2,100 calories. The type of food eaten has been concentrated more on carbohydrates, with fewer protein sources. The number of diseases related to nutritional deficiencies among infants under one year old has increased.

For the first time since the Second World War, the mortality rate has exceeded the birth rate. The recently begun dismantlement of free state health care, services, education and social services is taking place significantly faster than the new social protection system can be set up.

Such developments have led to worker dissatisfaction and social tensions, naturally leading trade unions to be concerned about the future direction of economic restructuring and democratisation. In this regard we can only agree with the statement in the Director-General's report to the effect that "No political regime and no economic system can expect to endure unless it is capable of satisfying the basic needs of its population."

It is the opinion of the trade unions that the reform programme requires serious corrections. We cannot further pin our hopes on financial stabilisation at the macroeconomic level or the observance of the general recommendations of the International Monetary Fund. Such recommendations are far from effective for the specific case of a highly monopolised and militarised non-market economy. We advocate giving priority to a set of institutional transformations, beginning with: the creation of a labour market; the reduction of monopolistic powers; the modification of the manner in which state property is managed; the development of bankruptcy procedures; privatisation, taking into account the interests of the workers; and the conversion of military production.

The production and payment crisis must be solved immediately through a well-targeted structural and industrial government policy. It should aim to stimulate competitive production of goods required by the population. Incentives should include tax breaks and credit privileges.

In order to carry out a civilised transition to the market, to develop democracy and economic relations with a minimum of conflict and to establish a basis for social dialogue, we require now more than ever the assistance of the international community. We need to make use of the experience of tripartism and the experiences of the trade unions in countries with market economies.

In this regard we fully support the three basic thrusts of the ILO's practical activities. We have expectations for their concrete results.

The trade unions of Russia are counting on the ILO's assistance firstly in the field of workers' education. The ILO's experience in this field can make an invaluable contribution in our world to involve workers actively in market relations. We have already begun working together. Our contacts with ILO experts on the training of supervisory personnel and the organisation with their help of seminars are noteworthy contributions to the implementation of our programme and we are counting on the continuation of such cooperation in the future.

We would like to come to a new understanding of the collective bargaining system and would like actively to participate in solving employment problems and other social problems by working in the ILO's sectoral committees. We hope that the ILO will not only create large-scale programmes, but will also take a leading role in the organisation of bilateral and multilateral exchanges of experience with our partners from countries with market economies.

For our part, we are eager to cooperate with the ILO in a constructive manner to solve problems of general concern.

Original – Arabic: Mr. ABBADI *(Minister of Employment, Morocco)* – I am very pleased to associate myself with the Ministers and heads of delegations who preceded me at this rostrum in congratulating the President on my own behalf and on behalf of the delegation of the Kingdom of Morocco upon his election to the Chair of the 79th Session of the Conference.

We are convinced that with his skill and thorough knowledge of the issues and objectives of our Organisation, our work shall yield the expected results.

I avail myself of this opportunity to thank the Director-General for the efforts he continues to deploy in order to achieve the noble objectives assigned to our Organisation. I should also like to welcome the new member States who will without doubt contribute to the action undertaken by our Organisation.

The process of democratisation has been chosen this year by the Director-General as the subject of our debate, which confirms that our Organisation is very attentive to changes in the world. These changes are characterised by the adoption of a pluralist system and by the choice of a liberal economic system as a means of economic and social development.

The proposals and ideas contained in this report are such as will strengthen the action of our Organisation in assisting the countries concerned to establish the bases of democracy through dialogue, the strengthening of labour relations and by the improvement of production.

We thus agree with the Director-General that it is not incumbent on the ILO to deal with political issues. Nevertheless, its mandate obliges it to fight against discrimination in all its forms and to pomote equal opportunity and treatment, particularly as regards employment and occupation.

We also believe that democracy can develop only if all national potential is associated with the management of a country's public affairs, so that economic social and cultural progress can be achieved in an atmosphere of social justice and democracy.

To this end, the ILO is called upon to step up its efforts and pursue its action in the field of technical cooperation in order to assist member States in the promotion of employment, the fight against unemployment, the strengthening of the protection of workers and the improvement of working conditions and the working environment.

The Kingdom of Morocco, under the enlightened leadership of His Majesty King Hassan II, has opted for a liberal economic policy, and has chosen trade union pluralism and political parties in order to achieve its economic and social development.

Political and trade union pluralism is an essential characteristic of the authentic nature of the Moroccan people. Since the beginning of independence, our country has enshrined this democratic choice by prohibiting a single-party system and by providing for the plurality of political, trade union and professional organisations, and by guaranteeing to all citizens the freedom of membership in any political and trade union organisation of their choice.

Our country, convinced of the importance of dialogue and of concerted efforts in all spheres and at all levels, has reserved an important role for employers' and workers' occupational organisations which are represented in the Parliament and in national advisory councils, such as the Higher Council for National Promotion and Planning, the Advisory Council on Human Rights, the National Council for Youth and the Future, all of which actively participate in the drawing up of all economic and social development plans. The occupational organisations are also represented on such social bodies as the Office of Vocational Training an Employment Promotion, the National Social Security Fund, the mutual societies and the national and provincial committees on vocational training and employment.

The Government of the Kingdom of Morocco encourages dialogue with all economic and social partners. This dialogue is a permanent one at all levels and within all sectors; its essential objective is the drawing up of a national social pact to determine the rights and duties of all parties. This social pact will contribute to the establishment of social peace to the benefit of workers and the community and help increase the production and development of the national economy.

The agenda of the present session includes issues of great importance, including the protection of workers' claims in the event of insolvency of their employer, the prevention of industrial disasters and adjustment and human resources development.

As to the first point, I already expressed the view of my country at the preceding session on this matter. Yet, I would like to point out at this time that the recommendations adopted within the framework of dialogue with the social partners include the carrying out of a study on the creation of a wage guarantee fund in the event of insolvency of the employer or of the closing down of the enterprise.

As to the second point, the prevention of industrial disasters, the Kingdom of Morocco feel that it is time to prepare instruments in this sphere, particularly since industrial progress and technological change today are in most cases the main causes of industrial disasters whose consequences are nefarious for both mankind and our natural resources.

We hope that this session of the Conference will result in the preparation of a Convention and a Recommendation containing preventive measures which guarantee man's safety and the preservation and the protection of the environment.

As regards the third item, adjustment and human resources development, I would like to point out that this matter is of great importance, especially at a time when many countries are experiencing changes in their economic and social structures as a result of adjustment policies.

In this context, and alongside the policy of structural adjustment followed in recent years and which has positive economic effects, the Kingdom of Morocco continues to support the social sectors and in particular, education, teaching, training, employment, health and social affairs. We have continued to support these sectors and the role assigned to then in the various economic and social development plans illustrate the importance which the Government attributes to social matters.

The discussion on the process of democratisation and social justice should not let us forget the situation of Arab workers and employers in Palestine and in the other Arab occupied territories.

I hope that this matter will be broadly discussed at the special sitting which will be organised by our Conference on this subject.

Before concluding, I should like to reiterate my thanks to the Director-General of the ILO, his collaborators and his staff, and I would like to express gratitude for the work carried our and the positive results that have been achieved. I should also like to wish you all every success in your task.

Mr. AHMED *(Workers' delegate, Pakistan)* – In the name of God, the Merciful, the Compassionate! On behalf of the Workers' delegation of Pakistan and myself it is a great privilege to associate myself with the other distinguished speakers in offering sincere felicitations to the President and Vice-Presidents, including my friend Mr. Mugalla, the Workers' Vice-President.

May I also take this opportunity to convey fraternal greetings from the working class of Pakistan and myself to all the esteemed participants, in particular the members of the Workers' group who have conferred honour upon me by electing me as one of the officers of the Workers' group.

We appreciate the work of the members of the Governing Body, headed by Mr. Chotard and Mr. Oechslin, Vice-Chairman, and particularly of the Workers' group led by Mrs. Shirley Carr, Spokeswoman, and Mr. Laurijsson, Secretary of the Workers' group.

We welcome the admission of the States of Kyrgyzstan, Azerbaijan, the Republic of Korea, Latvia, Estonia, Albania and Viet Nam.

We pay tribute to the work of Mr. Michel Hansenne, the Director-General, with his dedicated team, in carrying out the mandate of the ILO, despite constraint of the resources.

The Director-General has presented a comprehensive Report on an important subject, entitled *Democratisation and the ILO*, and has rightly concluded that "Democracy is not just for the rich, its values are universal: from north to south from east to west every human being aspires to freedom and justice (...) with social justice democracy is the sole guarantee of peace in the world". He has declared that major ILO technical and regional programmes would focus on the war against poverty and on employment provision, improvement of conditions of employment and of the working environment, and on the health and safety of workers, including the well-being of women, and on war against the evil that is child labour. He further declared the ILO would continue to pursue universal and lasting peace based upon social justice. He has outlined the various measures being undertaken in respect of fundamental human rights, as well as the protection of workers, in the process of structural adjustment. He has spoken of human resources development, of the importance of the rural sector, of strengthening institutions such as trade unions and employers' organisations, and of collective bargaining and tripartism.

The noble objectives of the ILO, are outlined in its Constitution (proclaimed in 1919) which requires the elimination of injustice and hardship to workers, and the protection of children, young persons and women and of workers employed in other than their own countries, and also in the Declaration of Philadelphia which reaffirms the fundamental principle that labour is not a commodity and that poverty anywhere constitutes a danger to prosperity everywhere, and that freedom of expression and of association are essential to sustained progress. Bearing these objectives in mind it is painful to point out that despite the passage of 73 years since the founding of the ILO, we still have a world wherein almost 1.3 billion of the population lack even access to healthy water supplies and 2.3 billion have no sanitation facilities; 32 million children died last year from water-borne diseases; there are more than 1,600 million people without health services; 1,250 million people live below the poverty line mostly in the rural sector; the literacy rate in the least developed countries is only 37 per cent; 1 billion people are illiterate, nearly 600 million of them women; the number of unemployed is rising at the rate of 35 million every year, which is already at 700 million.

In order to promote the principle of democracy and social justice, it is the need of the hour that each child should have access to meaningful education and training, not only to play its positive role in the development of a better future for mankind, but also to break the chains of ignorance imposed upon the bulk of the children of the Third World, due to the poverty of their parents since their birth. Each young person should have an opportunity of gainful employment with healthy working and living conditions both in the urban and rural sectors, with the guarantee of a suitable minimum wage and social security benefits. There should be an improvement in the quality of life for womenfolk and the rural poor, most of whom in Third World countries still suffer from a lack of the basic necessities of life. Four-fifths of the world's population living in Asia, Africa and Latin America receive only 13.3 per cent of the total world income, while 20 per cent of the poorest receive only 1.4 per cent and a 1 per cent share of global trade.

In such a situation, we have a world of haves and have nots; 25 per cent of the world's population consumes 70 per cent of the energy of the planet, while US$900 billion are being spent on military spending each year. The level of human resources development in the South in terms of engineers and scientists is only 100 per million, while the North has 40,000 per million persons. Even this meagre percentage is prone to a brain drain to the West. The Third World is continuously subjected to an unjust international economic order which makes the poor poorer by a high foreign debt burden, unjust terms of international trade by lowering the price of their commodities. The price of 33 commodities, excluding oil, in 1988 was 33 per cent lower in real terms than in 1979-81. By contrast, in recent years, developing countries have had to make a net debt-related transfer of nearly US$40 billion per year to the developed counties, having no hope of a reversal of the flow of capital from the poor to the rich.

Between 1983 and 1987 alone, net IMF transfers turned from +US$7.6 billion to –US$7.9 billion, while World Bank transfers also turned negative to –US$500 million in 1991.

This being the situation, it is the duty of the rich nations to fulfil their human obligation to help Third World countries with their foreign debt burden, to give them a fair return on their commodities, to open avenues for their exports against protectionism, to fight against the spread of pollution by providing common programmes of action, to transfer technology and scientific know-how in order to combat poverty, hunger and ignorance thereby promoting democracy based upon social justice.

It is also equally the duty of the leaders of the Third World countries to radically change their social and economic order so as not to allow the rich to get richer and the poor to get poorer, and to enable human beings to develop their full potential, build self-confidence through meaningful mass education and training programmes, and lead their lives with dignity and fulfilment, freeing them from the fear of want and exploitation through a joint struggle for their common objective in conformity with ILO standards of freedom of association and the development of organisations, such as trade unions and rural workers' organisations, and the dismantling of the feudalistic system, thereby giving the rural poor access to land and know-how.

In this context, the workers' organisations rightly expect the ILO to assist their efforts in workers' education and institutional development to achieve the objective of democracy, in line with the norms of social justice, and to raise adequate resources for workers' education.

There is also a need for running public administrations in Third World countries with greater transparency and accountability; public leaders should set an example through integrity, efficiency, dedication and austerity.

The growing population also requires that priority be given to mass education and public awareness of the need for population control.

The workers' organisations in Pakistan have been pressing the Government to bring the remaining labour legislation into conformity with ILO Conventions, including the restoration of trade union rights in radio and television, and to apply all labour welfare laws to all employees, regardless of their emoluments, to improve health and safety at the workplace, to raise the minimum wage to keep pace with the high cost of living, to improve the lot of rural workers and women folk and children, to tackle the problem of growing unemployment among youth, and to check the rising inflation in the country. The Government promised new legislation in the last tripartite standing body meeting, at which time the workers' group made their main points known to the Government; we have been awaiting the results eagerly. And we have been demanding early positive measures for the economic and social well-being in those areas.

The Government of Pakistan has pased progressive labour legislation concerning the welfare of children, namely the Employment of Children Act, as has instituted severe sanctions for forced labour, in conformity with the national Constitution and ILO Conventions Nos. 105 and 29, which it seeks to implement in letter and spirit by providing economic and social measures to combat this evil.

The Government has concluded an agreement with the trade unions of state-owned enterprises ensuring job security and other special benefits in the process of privatisation. However, the trade unions have been urging the Government to ensure that the State should continue to perform its role as regards the provision of basic neds in the areas of health, education, electricity and communications, since the poor segments of society cannot pay the high prices for basic utilities and needs fixed by private enterprise.

We hope that the ILO will continue to extend its cooperation to trade unions in the process of structural adjustment, to mitigate its adverse effects and to provide social safety nets by enlarging workers' education and training programmes and developing research and study activities.

May I also take the opportunity to convey our appreciation of the work of the ILO in various fields, including workers' education, improving working conditions, employment, human resources development, industrial relations, migration, international labour standards, the International Institute of Labour Studies, the fight against child labour, as well as the contribution of the Workers' Relations Branch, led by Mr. John Svenningsen, and his dedicated team. We also appreciate the close cooperation of the Asian Regional Office and the Area Office in Islamabad, Mr. Nakamura, Assistant Director-General, and Mr. Dudley, in the promotion of workers' activities.

May we also place on record our deep appreciation of the work performed by two dedicated ILO officials who are retiring, namely Mr. George Kliesch and Mr. Sidibé, who headed PIACT and the International Labour Standards Department, respectively, with great devotion. As well, we appreciate the dedicated work of Mr. Cesare Poloni, Chief of the Workers' Education Branch, during his 27 years' service, who is to retire at the end of this year.

The working class of Pakistan fully supports the just struggle of the South African people against the racist regime of apartheid, which is a crime against mankind, and hopes that they will achieve their independence.

We fully support the right to independence of the people of Palestine in the occupied Arab lands, in accordance with the United Nations resolution, and welcome the Report of the Director-General concerning these struggling people.

We also welcome the establishment of a representative interim governments in our fraternal neighbouring nation, Afghanistan, and wish them success and prosperity in new areas.

The working class of Pakistan is looking forward to the Director-General's visit; along with other tripartite partners, namely the Government of Pakistan and employers' organisations, we will be glad to welcome him to the land of Pakistan.

We are sure that the deliberations of this historic session of the Conference will form a milestone for working men and women in the improvement of their working and living conditions; that it will enhance the dignity of work, and promote the objectives of social justice in order to develop a better future for mankind as a whole.

Mr. TAMRAKAR *(Minister of State for Labour and Industry, Nepal)* – It is a great honour and privilege for me to address this august gathering. I would first like to extend warm congratulations to the President, Vice-Presidents and other officers of this Conference on behalf of my delegation, and on my own behalf, on their well-deserved election. I am confident that under their wise and able guidance this Conference will undoubtedly achieve its objectives.

During the past two years important developments have taken place in Nepal. A popularly elected government is in office. A new Constitution has been adopted which guarantees all human rights, including the right of freedom of association, civil liberties and protection against exploitation. Laws are being enacted to give practical effect to such constitutional provisions.

In the labour field the Government is committed to promote and protect the rights and well-being of the workers. Substantial reforms are already under way to achieve this objective. The old Act of 1959 has been replaced by a new law, the Labour Act, 1992, which extends to different, so far unprotected, sectors, as well as with special provisions for women and young workers. It provides for better conditions of work, updates health and safety standards and enhances social security benefits. Procedures on labour-management relations have been streamlined. A law on voluntary registration and recognition of trade unions is on the anvil and is expected to be adopted in the next session of Parliament. These laws fully recognise the right of freedom of association and collective bargaining and should pave the way for industrial peace in the country, which is one of the main objectives of the country's labour policy. The Bonus Act, 1974, which provides for the participation of workers in the profits of a company, and the Foreign Employment Act, 1985, are also being amended to suit the present day needs of the country. For the first time, provision has been made in the Labour Act for a Labour Court in the country.

Nepal is a least developed country and is confronted with many problems, not only on the economic front, but also in the social field. Child development is one such problem. Our population is growing at the rate of 2.1 per cent per annum and is now estimated at 18.4 million, with children under the age of 18 accounting for 52 per cent of the population. Their welfare and development is a major concern of the Government. A ten-year National programme of Action for Children and Development has been formulated and put into action. A law which provides for the rights of children has been enacted. Nepal has already ratified the Conventions on children's rights.

Participation of women in the economic development process is another important matter which is being given priority. Government, as well as non-government agencies, are involved in this task.

Nepal is now in the process of entering into the Eighth Development Plan (1992-97). The guiding principles of the Plan have already been determined. It will be our earnest endeavour to assure a minimum standard of living for the poor. Poverty alleviation is a principal objective of this Plan and is the commitment of the present Government.

A prerequisite for poverty alleviation is growth in employment. Unfortunately, due to the high rate of population growth, the unemployment situation in Nepal has become more acute. While open unemployment estimated at 6 per cent is not that high, it is underemployment which is worrying us more. Nearly 90 per cent of employment is in the agricultural sector with no further scope to absorb additional labour. This means that most of the existing unemployed, together with the estimated annual growth of 200,000 economically active persons, will have to be absorbed in the non-agricultural sector. Various measures have been adopted to cope with this situation which include, inter alia, extension of public works and social services to rural areas, access to credit and other support measures to encourage self-employment, promotion of cottage industries, promotion of tourism and energy development and its extension to rural areas.

After the establishment of a democratically elected Government, we expect industrialisation to lead to the overall economic development of the country. A liberal private-sector-oriented investment policy has been adopted. Foreign investors can own 100 per cent equity in medium and large-scale industries. Licensing requirements have been relaxed. Repatriation of profits, dividends and receipts from the sale of property have been liberalised. Guidelines for the privatisation of public enterprises are being drawn up with the assistance of the World Bank. Needless to mention that the ILO is also participating in this exercise.

In the process of industrialisation, environmental protection should not be ignored. However, this immense task cannot be handled by developing nations alone. International agencies should seek support from developed countries and help the developing countries, particularly the least developed ones.

However, a significant limitation to the growth of the industrial sector is that a major portion of the existing workforce is unskilled. There is an urgent need to supplement agricultural activities by providing skill training in non-farm activities. Our Government is committed to expanding and improving training opportunities, especially in the rural areas. A comprehensive labour market information system is being developed. While the ILO is already assisting us in this task, there is a need to further step up its technical assistance programme to meet our urgent needs, particularly in the field of vocational training. I would like to reiterate the need for the ILO Area Office in Nepal, which has become a necessity in view of the size of the ILO technical assistance programme in the country. I hope that our request will receive a favourable response from the ILO.

The Report of the Director-General is devoted to an important and topical subject, the role of the ILO in the process of democratisation. We are looking forward to a constructive debate in the Conference on this innovative topic. Although Nepal is still in the infancy stage of democracy, we are committed to promoting democratic values in labour as well as in all other fields. Tripartism is the basis of our new labour policy. The ILO can play an important role for the promotion of tripartism at the national level through its technical cooperation programme. The equilibrium between the demands of workers and the capacity of management should be maintained for the stability and development of the country.

In view of the interdependence of labour markets and the need for greater cooperation between countries, there is urgent need for a solution to the problems of migrant workers. Special measures should be taken for the promotion and protection of the rights of migrant workers.

With reference to the various topics of the agenda, we shall welcome international standards on these issues. Workers' claims in the event of the insolvency of their employers need to be protected. Guidelines from the International Labour Conference should help member states to enact suitable legislation on this subject. Regarding the prevention of industrial disasters, there is a need for suitable regional arrangements because it may not be possible for individual countries to evolve elaborate control systems. Suitable training programmes at regional and national levels should also be arranged by the ILO.

It would also be appropriate for the ILO to publish a document on policy packages devised in various countries on industrial restructuring and the resulting labour relations problems and their resolution. Nepal is committed to the ideals of the ILO. I am happy to inform you that our new Government is in the process of ratifying a number of suitable ILO Conventions.

We are looking forward to a fruitful discussion; I am confident that at the end of the Conference we will be richer in knowledge and ideas for the betterment of our people.

Original – Russian: Mr. BATBAYAR *(Workers' delegate, Mongolia)* – I would like to congratulate the President upon his election to this post and wish him every success.

I agree with the views expressed and assessments made by previous speakers, representatives of workers from many States, with regard to the activities of the Governing Body and the Director-General during the period under review, and the contents of the Report *Democratisation and the ILO.* Whilst democratisation is a prerequisite for self-determination and development, there are problems facing all States and peoples, whether they have democratic traditions or are starting anew on the road to democracy. Of cause this has particular importance for those people who until recently were still living under a totalitarian regime. The Director-General in his Report stressed the fact that "the countries now in the process of establishing democracy, and those proud of their long-standing parliamentary traditions are all committed to the cause of democratisation". There is no question about this.

In Mongolia, the political climate is changing radically in favour of democracy. The recently approved Constitution proclaims the basic rights and freedoms of the people: the right to life, free speech, freedom of association, the multi-party system, as well as the independence and impartiality of the judiciary. Very soon new elections to the Great People's Hural (Parliament) will be held. The Parliament will be elected by direct and free suffrage. There are ten parties and party groups taking part in the election campaign. This shows how quickly and how radically the country is transforming itself. However, economic changes are lagging far behind political transformation. Mass privatisation, price liberalisation and free investment are indeed taking place but are not yet showing any tangible results. Output has fallen by 30 to 50 per cent, inflation is running into three figures, unemployment is at between 7 and 8 per cent and, we expect, will soon reach 10 per cent. All this forces us to think about ways in which we can help the country out of the quagmire in the shortest time possible and protect the workers from the danger of widespread poverty. All patriotic forces including trade unions must focus their attention and their efforts on solving these problems and difficulties. In this connection, it is appropriate to quote from the Director-General's Report, which says: "the manifest failure of centralised economic planning has undoubtedly a major role in the willingness to democratise, but the threat hanging over democracy as a result of the economic crisis is all too real. No effort must therefore be spared to prevent the hopes borne of political liberation from being frustrated by upheavals in the country."

As regards the changes in Mongolian trade unions, despite all the difficulties we face we can say with confidence that we are well on our way towards finding a compromise between innovation and tradition which has helped us in a very short space of time to set up a sound and independent trade union able to adapt to changes in society. Today the Federation of Mongolian Trade Unions is a highly influential and representative organisation of Mongolian workers, and occupies a fitting place in the new democratic structure of our society. Nowadays, the Federation boasts a membership comprising over 80 per cent of the workforce.

The Federation of Mongolian Trade Unions is almost the only representative of consequence defending the interests of its members and, in fact, all workers. As such it was able to force the Government to establish subsistence and social minimum standards, including minimum wages. These social standards have been raised twice in the last eight months in relation with the inflation rate. This means that the indexation of the population's income levels is now acknowledged and serves as an appropriate guarantee, sustaining minimum living conditions for the people and in particular for vulnerable groups.

Collective bargaining has become the norm at the enterprise level, at economic establishments and local and central management bodies, and it has become a fixture in the legal and practical order. Still, it is one thing to agree on such normative documents and it is quite another to apply them in practice. Unilateral efforts and isolated trade union activity have no tangible effect when it comes to the application of such agreements in practice. The Mongolian trade unions are now working to create a national tripartite mechanism to attain an overall social consensus, inspired by the ILO's universal priority given to tripartism. Our efforts have already borne the first fruit, as a first mechanism has been created and has begun working.

While safeguarding freedom of association and trade union pluralism, we must be careful, as is correctly mentioned in the Report, to avoid a splintering of the trade union movement and to ensure its unity in defending its interests and the principle of worker participation. International worker solidarity and cooperation with international trade union federations has been and will remain an extremely important factor for the national development of all trade unions. By maintaining our traditionally friendly relations we have successfully developed cooperation with the Russian independent trade union and the All-China Federation of Trade Unions, as well as with the trade union federation in Khazakstan. In addition we have begun cooperating with trade unions that are members of the International Confederation of Free Trade Unions, such as the Japanese Trade Union Confederation (JTUC-RENGO), the National Trade Union Congress of Singapore (NTUC), the Asian Pacific Regional Organization (APRO), American trade unions (AFL-CIO) and the Israeli General Federation of Labour (Histadrut), etc.

As in the past, the ILO is currently providing member organisations with a range of assistance. Mongolian trade unions have been no exception. The ILO and its Workers' Education Branch have provided us with constant support. For example, a two-week seminar on "The Market and Trade Unions" has been held for officials of Mongolian trade unions, and our personnel has been trained at the Turin Centre.

In concluding I should like to make a remark about the International Labour Office. The ILO is already making a significant contribution to social reforms which must be prepared through political and economic changes, and it intends to carry on doing so in the future as well. Such contributions will be complemented by a programme against poverty, which in its turn shall aim to reach concrete objectives.

Original – French: Mr. EL MOKHAREK *(Workers' delegate, Morocco)* – Allow me first of all, on behalf of all the Moroccan workers, to congratulate Mr. Nascimento Rodrigues on his election to guide the work of the 79th Session of the International Labour Conference.

It was with great satisfaction that my organisation, the Union of Moroccan Workers (UMT), read the Director-General's Report, *Democratisation and the ILO*. I should like to commend it on its intellectual excellence and powerful political and social impact. On behalf of the Moroccan workers, for whom you have once again embodied their principles, concerns and many objectives, the Union of Moroccan Workers extends its heartfelt congratulations. Similarly, the UMT expresses its gratitude for the vast quantity of work carried out by the ILO during the past year – and for its quality. It reflects the vitality of tripartism and total concordance with the extraordinary changes which our world is experiencing.

The Director-General aptly demonstrated the close connection between democracy and development. He highlighted the fact that democracy is the result of a lasting learning process everywhere. And then he illustrated with clear lucidity the so-called risks of democratisation when it comes into play in societies which have been under the yoke of dictatorship and poverty for too long.

But the greatest threat to democracy today, at the precise time when its becoming more universal, is that the partners of democratic changes – the workers and peoples – might not benefit from it. As you so clearly stated, economic expansion and social justice often lag behind. But this is not merely a question of pace; the direction this change takes is sometimes involved.

Peoples who witnessed the magnificent tide of decolonisation quickly realised that the success of the national movement was not – far from it – synonymous with the success of the democratic movement. The workers who, everywhere, were the vanguard of national liberation failed to reap the political, material and social reward of national independence.

History seems to be repeating itself today. In what we call the New World Order, as in structural adjustment programmes, there is a great vacuum, fraught with danger and despair. This is what the UMT calls the absence of any ambitious project or social dimension.

The social sphere is neither a residual dimension of development nor a peripheral value of democracy. It is not a charity to attenuate or make bearable poverty, exclusion, unemployment, disease or old-age.

We believe that the social field is intended to meet the needs of the most disadvantaged: peasants, workers, women and the unemployed.

We wish to see it as such – and to defend it and shoulder it as a network of dynamic rights guaranteeing a true partnership with producers.

In order for this to be achieve, the workers' trade union organisations must be recongnised and respected as an independent and full partner.

The Union of Moroccan Workers regrets to have to say once again that we are far from our objectives.

Trade union independence, the immense value of which the Report of the Director-General rightly stresses, continues to be overlooked in too many countries, including Morocco. The subordination of trade unionism to a political party has perhaps become less commonplace in Eastern Europe; but this does not mean that it does not exist elsewhere under many and dangerous disguises. The Workers' opponents, who are always opposed to democracy, have stepped up their cunningness to undermine trade union independence.

First of all, there is direct brutal repression. To silence authentic trade unionism, they resort to conventional tactics which range from administrative harassment and court summonses to arbitrary dismissals.

Thus, this year, the Union of Moroccan Workers has seen a number of its most fervent members lose their jobs and their freedom because they hold a UMT membership card or because they exercise a legitimate trade union activity within the framework of our organisation. In 1992, the Union of Moroccan Workers organised two general strikes in the cities of Mohammedia and Tangiers and a general strike throughout the chemicals sector to defend the right to organise.

But there is another form of repression, which is practiced in my country, Morocco. There is another insiduous and deadly type of repression. In order to weaken free trade unionism, which is the only authentic trade unionism, the same opponents manipulate the principle of pluralism by devising a trade union plurality which is absurd and artificial. They create bogus organisations full of "blacklegs" to divide the workers, undermine their struggles, destroy their representativity and their capacity to intervene. In a nutshell they wish to do away with trade unionism. On behalf of pluralism and democracy, they wish to do away with trade unionism. On behalf of pluralism and democracy, they wish to bring trade union independence to its knees and give a regressive and destructive meaning to the very idea of democracy.

We cannot insist too much on this. Independent trade unionism is a bugbear. Ir is considered as a factor which stops political systems from moving aimlessly. These political systems have never offered any choice to their citizens between a lack of freedom or official democracy; a false democracy built on the artificial plurality of an organisation without foundations and on bogus, badly elected assemblies which perpetuate falsehood and the confusion of powers.

This is the key to the problem and there is one underlying common component: anti-trade union repression is fuelled by the collusion of authorities with irresponsible employers. It has as its root the absence of democracy; it is assisted by political brigades and bogus trade unions entrusted with dividing the ranks of authentic trade union members.

The workers have the right to be protected against such interferences and against such infringements to their independence of action, opinion and organisation. The right to organise cannot be dissociated from trade union independence. The UMT will continue to campaign so that the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which is one of the greatest legislative achievements of workers, is not only ratified and complied with, but it also be enriched as an instrument of prevention against the infringements to trade union independence.

Moroccan workers remain faithful to the history of their emancipation struggle. From this prestigious rostrum where their ceaseless fight for dignity and freedom has taken them, they join together with all the other workers of the world, in their common aspirations and interest for social justice and democracy. They are equally attached to the fostering of development – as long as they may reap their fair benefits from this process.

There is no complete and exportable model of democracy but there are universal principles of democracy. These principles are such that democracy becomes simple and clear.

Democracy exists when accounts are rendered to workers and to the people on the management of the country; when the government is a responsible government before those elected by the nation; when the assemblies are freely and sincerely elected and can be dissolved by suffrage; when justice is independent; when the administration is healthy and able to make just choices for the benefit of all; when there is participation and mobilisation of workers and the population in collective decisions. Only then is there a true separation of powers. This means that there has been an adoption of clear constitutional rules, intended and respected by all.

That is the true meaning of the struggle of the UMT and this is also the direction we have found in the Report of the Director-General at this 79th Session of the International Labour Conference.

We are proud to see our struggle be part and parcel of the universal principles of our time. On behalf of all the Moroccan workers, we congratulate the Director-General of the Organisation for his excellent statement.

Mrs. PUHAR *(Minister of Labour, Slovenia)* – It gives me a great pleasure to express my deepest feelings of appreciation at the admission of Slovenia into the family of the International Labour Organisation. Becoming a member of such an eminent international organisation is an historical event for the Republic of Slovenia. Thus, our newly-born State has now become, after its admission to the United Nations Organisation, the World Health Organisation, and UNICEF, a member of another specialised United Nations agency.

As a member State of the former Socialist Federal Republic of Yugoslavia, Slovenia has already participated in the work of the International Labour Organisation as well as in the implementation of Conventions ratified by what was formerly Yugoslavia.

The Constitution of the Republic of Slovenia states that Slovenia is a legally and socially responsible State. By joining the International Labour Organisation and by the fulfilment of Conventions adopted by the International Labour Organisation, Slovenia will be putting this constitutional principle into practice as well.

In spite of its relatively high level of development, and the fact that our national labour legislation is already well adapted to European legislation, the Republic of Slovenia is facing major economic difficulties even after international recognition of its independence. This is another reason why Slovenia will greatly appreciate the expert assistance of the International Labour Organisation during the ratification of new Conventions and the further reconciliation of their content with our national legislation.

The Republic of Slovenia, as a member of the International Labour Organisation, accepts all obligations arising from the statutes of this Organisation and vows to continue to fulfil in the future all the obligations imposed on Slovenia by the Conventions ratified by the former Yugoslavia.

I would like to stress that the Republic of Slovenia will do its utmost to accomplish the goals of this important specialised agency of the United Nations.

This membership brings Slovenia new possibilities for cooperation as well as an opportunity to strengthen already existing ties.

Allow me to emphasise once again our great appreciation of the membership of my country in the International Labour Organisation and of the invitation to this 79th Session which covers many items we are dealing with at this very moment in Slovenia.

Original – Spanish: Mr CHAVEZ *(Workers' delegate, Ecuador)* – On behalf of the workers of Ecuador and their delegation attending this session of the Conference, and on my behalf, I should like first of all to express my heartfelt congratulations to Mr. Nascimento Rodrigues and his colleagues upon their election to preside over the debates of this 79th Session of the International Labour Conference and join previous speakers in believing that their skilful leadership will enable us to reach important conclusions.

Without any doubt, the subject of the Report of the Director-General this year, *Democratisation and the ILO*, is of singular importance, especially if we take into account the sweeping and unexpected economic, political and technological changes which have occured in the world. On the one hand, there is the collapse of the regimes of Eastern and Central Europe, whose peoples now are making major efforts to establish democratic systems and lay the bases for sustained development and conditions of freedom, equality and social justice. Then there are countries from Africa, Asia and Latin America which have been able to establish constitutional regimes and which are zealously seeking the path of democracy. The ever increasing globalisation of the economy and the dizzying technological pace are in turn requiring constant and dynamic changes in development strategies, both from the countries of the North and countries of the South, as well as in labour relations.

At the same time it seems obvious that some powers and transnational corporations which supported or promoted dictaatorships, particularly in Latin America, have decided to relinquish this infamous practice.

Many of these dictatorial regimes caused irreparable economic, social, political and cultural damage to our countries. In the field of human rights, thousands of assassinated, disappeared, tortured, exiled and imprisoned people are the result of these regimes which were imposed by arms and bloodshed. International conscience should not forget these facts, even though the regimes remain unpunished. It is indispensable to create the conditions and mechanisms precisely within the framework of democracy so as to prevent similar situations from occuring again.

The statement made by the Director-General that "in a break with the past, the international organisations have been establishing a direct link between human rights, democracy and development" is thus of great importance.

I should like to emphasise the reference made by the Director-General to the significant fact that the ILO has always struggled for the highest democratic values, defending freedom, equality and social justice. Indeed, its contribution on behalf of these objectives is immeasurable, and has merited full recognition and credibility and the pride of people throughout the world.

We share the opinion of the Director-General that democracy is not just a simple act of placing a ballot in a voting box at certain fixed times, since for the workers of my country the concept of political, economic and social justice to end poverty and promote the complete well-being of all citizens is the democracy that we want to achieve.

We are aware that in order to achieve these major objectives we will have to overcome innumerable difficulties. The responsible and serious participation of all sectors of society will be needed, in particular on the part of workers, employers and the Government.

However, this is a task and challenge that we should take up immediately. Otherwise, as Mr. Pérez de Cuéllar, the former Secretary-General of the United Nations, pointed out, "genuine political democracy has little chance to survive… without social justice".

Today, when structural adjustment programmes are being implemented in several developing countries, the immediate results of which have been an exacerbation of poverty, an increase in unemployment, and in general a constant worsening of living conditions and when other countries are making the transition from centrally planned economies to market economy development models with similar immediate results, the definition and application of coherent strategies for the establishment of democracies which will meet the needs of human being are of special importance. As the Report points out, such strategies must be based on the right to pursue material well-being and spiritual development in conditions of freedom of dignity, economic security and equal opportunities.

It is encouraging to note that the Director-General's Report emphasises the need for the participation of everyone in the life of society and the State and that tripartism is a fundamental element for the consolidation and development of democracy.

The concepts, criteria, opinions and recommendations on the values of democracy in the Director-General's Report, and their application and objectives will, if they are espoused by governments and employers, lead the workers of my country to hope that we are beginning to move on the right path towards the objectives of social justice for which we are constantly struggling.

It is to be hoped that some governments and certain employers, such as those in my country, who seem to have reached the conclusion that in order to impose structural adjustment policies it is absolutely necessary to destroy the fundamental rights of the workers, especially those concerning freedom of association, collective bargaining, and the right to strike, and to weaken trade union organisations, will, after reading this excellent report on democratisation and the ILO, mend their ways and realise that lasting democracy and economic and social progress will not be achieved without strong, independent and autonomous trade union organisations. In fact, in my country, Ecuador, the line of thought of the President of the Republic is that trade unionism in the public sector is the shortest path towards the dissolution of the State. The policy of the Government is reflected in the imposition of labour reforms that infringe international labour Conventions ratified by Ecuador, especially Conventions Nos 87 and 98, as well as several provisions of the Constitution of the Republic. Thus, the Ecuadorian Confederation of Free Trade Unions and the Confederation of Ecuadorian Workers have lodged a complaint with the competent bodies of the ILO in order to achieve the restitution of the fundamental rights of workers in Ecuador. There is also a constant and systematic campaign of disparagement and slander against the trade union movement and its leaders, designed to delegitimise the trade union organisations in society. The economic policies imposed by the Government have led to an increase in unemployment and underemployment, which now stand at 14 and 56 per cent, respectively, of the working population, according to the economic research institutes of several universities in the country. The minimum wage is equivalent to US$29 per month, and is probably the lowest in Latin America. The worsening of living conditions of the workers and of most the population has reached alarming and unprecedented levels.

We are fully satisfied with the Director-General's proposal that the ILO should contribute even more to the promotion of social reforms to the accompany necessary political and economic changes, and his call for specific programmes to fight poverty. We trust that this commitment refers not only to the countries of Central and Eastern Europe but also to developing countries which maintain elitist political and economic systems.

We share the opinion of the Director-General concerning the fact that we need greater synergy between standard setting activities and technical cooperation in order to proceed towards the objectives of the ILO, noting the cross-fertilisation of all our activities. The broad experience of the ILO may offer its member States, employers and workers important contributions in the following areas: to intensify its activities to promote the application of Conventions adopted by the ILO; to provide advisory services so that effective mechanisms be adopted through the full exercise of tripartism in the conceptual framework defined by the Director-General; to increase efforts to promote productive and well-remunerated employment; to assist member States to devise policies and programmes which avoid the negative social effects of structural adjustment policies; to lend support to member States in order to promote social security and social assistance programmes which, in conformity with the proposal of the Director-General, would cover the informal sector as well; to broaden cooperation and technical assistance for the preservation and defence of the working environment and the external environment; to contribute to the strengthening and training of trade unionists and workers, in general; to continue the campaign to eradicate discrimination in all its forms; to lend technical advice for the creation and promotion of small and micro-enterprises which promote employment, monitoring the full observance of the ILO Conventions.

Finally, we should like to reiterate our conviction that the ILO, in this stage of its history, must assume a major role in the establishment of genuine democracies, associated with sustainable development, the full respect for human rights, freedom and social justice.

Original – Spanish: The **PRESIDENT** (Mr. SOLORZANO MARTINEZ) – The last speaker is Mr. Solen, Government adviser of Turkey, who would like to avail himself of the right of reply to Mr. Aristidou, Minister of Labour and Social Insurance of Cyprus. I would like to remind you of what the President said yesterday concerning the right of reply: "The reply should refer only to the point under debate. It should be brief, not to exceed two or three minutes, and should not give rise to any further remarks. Lastly, it should be couched in correct and parliamentary language."

Furthermore, in order not to prolong debates unduly, it has been a practice of the Presidents to refuse to allow replies to a reply.

Mr. **SOLEN** *(Government adviser, Turkey)* – My intervention will be brief. I asked for the floor to exercise my right of reply to two speakers who addressed this Conference yesterday afternoon and this morning on an issue which was unfortunately perpetrated by themselves, but which has nothing to do with the agenda item under discussion. The speakers claimed to speak in the name of all Cypriot workers and the Cypriot Government. It is obvious, however, that they really do not represent Turkish Cypriot people and Turkish workers of the island since it was no one else but their own community, i.e. the Greek Cypriot community, where these speakers apparently come from, which has unilaterally abrogated the Constitution of the island and expelled the Turkish Cypriots from the island's institutions, starting in 1960. In the light of these developments, the rhetoric voiced by the Greek Cypriot representatives from this platform in the name of a self-styled democracy, which was indeed exploited to totally annihilate the other part of the community, is nothing but a mockery.

Turkey is in favour of a comprehensive and lasting solution in Cyprus through inter-communal negotiations within the framework of the good offices of the Secretary-General of the United Nations, a process which has been under way for a long time. Turkey is determined to support a bi-communal and bi-zonal solution based on the political equality between the two communities in accordance with United Nations Security Council resolution 750.

(The Conference adjourned at 5.30 p.m.)

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International Labour Conference
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Provisional Record

Seventy-ninth Session, Geneva, 1992

Report of the Standing Orders Committee

1. The Standing Orders Committee, set up by the Conference at its first sitting on 3 June 1992, held one sitting. It was composed of 43 members (26 Government members, 5 Employers' members and 12 Workers' members).

2. The Committee elected its officers as follows:

Chairman and Reporter: Mr. Milan Beranek (Government member, Czechoslovakia);

Vice-Chairmen: Miss Cornélie Hak (Employers' member, Netherlands); Mr. Khurshid Ahmed (Workers' member, Pakistan).

3. The Committee had before it the Note concerning Standing Orders questions placed by the Governing Body of the International Labour Office before the Conference at its 79th Session (Provisional Record No. 2) which proposed certain amendments to the Standing Orders of the International Labour Conference designed to improve the functioning of the Conference. These dealt with two different matters.

Shortening of time-limits for speeches in plenary sittings

4. The Chairman stated that the amendment to Article 14, paragraph 6 was designed to introduce into the Standing Orders a reform which had already been successfully applied on an experimental basis at the last session of the Conference, namely the reduction of the maximum permitted length of speeches from 15 to ten minutes. This amendment was unanimously supported by the members of the Committee.

5. The Committee accordingly proposes to the Conference that it amend the first sentence of Article 14, paragraph 6 of the Standing Orders as follows:[1]

> 6. Except with the special consent of the Conference no speech, whether by a delegate, a visiting minister or a representative of an international organisation, shall exceed [15] *10* minutes exclusive of the time for translation.

Constitution of Conference Committees

6. In introducing this subject, the representative of the Secretary-General stated it involved amendments to Articles 4, 9, 25, 72 and 75 which were designed to rationalise and simplify the procedure for the appointment of Conference committees so as to enable the Conference to start its substantive work on the afternoon of the first day of the session instead of only on the second day. This time-table was in fact already being tried out at the present session under the existing Standing Orders but this had led to a confused and complicated opening sitting, which would be avoided in the future if the proposed amendments were adopted.

7. The essence of the proposed change was that most of the Conference committees would be appointed directly by the Conference itself, without the intervention of the Selection Committee. This required the following amendments (taking them in the order in which business is transacted and not the numerical order of the Standing Orders). First, Articles 72 and 75 required amending to allow the groups to hold official meetings before the Conference had formally been opened, in order to draw up their proposals for membership of committees. Secondly, Article 25, paragraph 3 had to be amended to provide that at the first sitting the Conference itself would set up most of the committees and appoint their members on the basis of the proposals of the groups. Thirdly, Articles 4 and 9 required amending to delete the references to the role of the Selection Committee in the initial appointment of committees.

8. A further amendment proposed to Article 4, paragraph 2 was designed to eliminate the need for daily meetings of the Selection Committee by expressly empowering it to delegate in particular its routine functions to its officers.

9. The Employers' members supported all the proposed amendments, and emphasised that the experience of the opening sitting had shown how useful they would be. Two positive elements that they particularly welcomed were the delegation to the officers of the Selection Committee of its routine functions and the recognition of the group meetings on the day preceding the opening of the Conference as official meetings. This meant that the governments should bear the expenses of those meetings, and the Employers' members hoped that governments would respect this provision. Finally, the Employers' members stressed the importance of ensuring that the Credentials Committee was established as soon as possible so that objections and questions of quorum could be dealt with as soon as they arose.

10. The Workers' members supported all the points made by the Employers' members. They recalled that the proposed amendments had been carefully prepared by the Governing Body through its Working Party on Improvements in the Functioning of the International Labour Conference and its Committee on Standing Orders and the Application of Conventions and Recommendations.

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[1] Passages that it is proposed to delete are between square brackets whilst those to be inserted are in italics.

11. There being no opposition to any of the proposed amendments the Committee approved them without further discussion. It therefore proposes to the Conference that it adopt the following amendments to its Standing Orders:

Article 4, paragraph 2

It shall be the duty of the Selection Committee to arrange the programme of the Conference, to fix the time and agenda for the plenary sittings, [to make proposals relating to the setting up and composition of other committees,] and to report to the Conference on any other questions requiring a decision for the proper conduct of its business, *in accordance with the Conference Standing Orders. Where appropriate, the Committee may delegate any of these functions to its Officers.*

Article 9

[Procedure for the appointment of committees]

Adjustments to the membership of committees

The following rules shall apply to all committees appointed by the Conference with the exception of the Selection Committee, the Credentials Committee, the Finance Committee of Government Representatives and the Drafting Committee:

(a) [when it has been decided to appoint a committee to which these rules apply, the Selection Committee shall fix the size of such committee and shall ask each group to furnish a list setting out in order of preference a larger number of names than there are places allocated to the group on the committee;] *once the various committees have been established and their initial membership appointed by the Conference, it shall be for the Selection Committee to propose to the Conference, for its approval, subsequent changes in the composition of such committees;*

[(b) the Selection Committee shall examine the lists furnished by the three groups and, if it appears desirable that any adjustment should be made in the composition of the committee so as to secure representation more adequate for the subject with which the committee will deal or more satisfactory as regards the allocation of seats to the various nationalities, shall endeavour to secure such adjustment, subject to the approval of the representatives of the groups who are present;]

[(c) the lists agreed upon by the Selection Committee shall be reported to the Conference for its approval;]

(b) [(d)] if a delegate has not been nominated by his group to sit on any committee, he may bring the matter to the notice of the Selection Committee which shall have power to place him on one or more committees, enlarging the number of members of such committee or committees accordingly. Any such request shall be made to the Chairman of the Selection Committee [at the latest at the sitting following that at which it fixed the composition of the committee or committees in question]:

(c) [(e)] in accordance with article 18 of the Constitution of the Organisation, the Conference may add to any committee to which these rules apply technical experts who shall have the right to take part in the discussions but not to vote.

Article 25

1. The Conference shall be opened by the Chairman of the Governing Body of the International Labour Office, assisted by the other Officers of the Governing Body. These provisional Officers shall continue to act until the President of the Conference has assumed office.

2. In his opening address, the Chairman of the Governing Body shall present the report of the Governing Body on its work.

3. The first business of the Conference shall be the election of the President. *The Conference shall then receive the nominations made by the groups and shall proceed to elect the three Vice-Presidents and to set up the various committees and appoint their members on the basis of proposals from the groups.*

[4. The Government, Employers' and Workers' groups shall then meet separately to elect their own Officers and to decide on their nominations for the three Vice-Presidents of the Conference and for the members of the Selection Committee.]

4. [5.] (1) In order to facilitate the choice of Officers of the Conference who are all of different nationalities as required by article 3, paragraph 1, of the Standing Orders, the three groups share priority of nomination for the designation of Vice-Presidents of the Conference in the rotation indicated in the following table:

. . . .

(2) If a group nominates a Vice-President of the same nationality as the Vice-President nominated by a group possessing priority of nomination, such nomination shall be void.

5. [6.] In accordance with article 4, paragraph 1, of the Standing Orders, the Government group shall nominate 28 members for the Selection Committee and the Employers' and Workers' groups shall each nominate 14 members. In none of these groups shall any Member of the Organisation have more than one member.

[7. The Conference shall then meet again in plenary sitting to receive the nominations made by the groups and shall proceed to elect the three Vice-Presidents and to appoint the Selection Committee.]

[8. The Selection Committee shall then meet and, after electing its Officers, shall proceed to frame proposals for the number of committees to be appointed by the Conference and their composition.]

[9. The proposals made by the Committee shall be submitted to the Conference for approval.]

[10. The Government, Employers' and Workers' groups shall then meet to make their nominations for the membership of committees in accordance with the provisions of article 9.]

Article 72, paragraph 1(Correction of the English text only)

Each group shall hold official meetings for the transaction of the following business, *in accordance with the Conference Standing Orders: ...*

Article 72, paragraph 2

At the first official meeting of each group, [which shall be held as soon as possible after the Conference meets,] a representative of the Secretariat shall be present, if the group so desires, to inform the group as to procedure.

Article 75, paragraph 2

[As soon as the Selection Committee has come to a decision as to the number of committees to be set up,] *At the first official meeting of the group,* the delegates of each government shall inform the Secretary of the group, in writing, upon which committees their government desires representation and in what order of preference.

Geneva, 5 June 1992.

(Signed) Milan BERANEK,
Chairman and Reporter.

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No. 9 – Tuesday, 9 June 1992

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Provisional Record

Seventy-ninth Session, Geneva, 1992

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Fifth sitting

Friday, 5 June 1992, 10 a.m.

President: Mr. Nascimento Rodrigues

SECOND REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original – French: The PRESIDENT (Mr. NASCIMENTO RODRIGUES) – The first item on the agenda today is the second report of the Selection Committee which appears in *Provisional Record* No. 6A. This report includes some changes in the composition of the Committees. I put it to you for adoption.

If there are no objections, I will consider it as adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – Portuguese: The PRESIDENT (Mr. NASCIMENTO RODRIGUES) – We now continue with the discussion of the reports of the Governing Body and of the Director-General.

Mr. COLLIS *(Minister of Labour and Cooperatives, Trinidad and Tobago)* – On behalf of the Government, delegates and people of the Republic of Trinidad and Tobago, permit me to extend my warmest greetings to Mr. Nascimento Rodrigues and to add my voice to those who have gone before, in congratulating him on his election to the Presidency of this august body.

It is indeed an honour for me, as Minister of Labour and Cooperatives, representing the recently democratically elected Government of Trinidad and Tobago, to have the opportunity of delivering this my maiden address to the 79th Session of the International Labour Conference, which is discussing the Report of the Director-General, *Democratisation and the ILO.* Democracy is well entrenched in Trinidad and Tobago. We are keenly aware of the rights and obligations which a democratic society places on governments and citizens. In his Report to the Conference, the Director-General has correctly noted that regardless of the social and political system, a State must satisfy the basic needs of its population. This imperative is even more pressing, I would submit, for a democratically elected Government with a highly literate and politically conscious population to serve. Employment is clearly a primary means by which the basic need of our citizens are satisfied and I will comment later on how my country has responded to this challenge while in the midst of an internal adjustment programme.

My Government is pleased to see that the issue of the prevention of industrial disasters is being once again ventilated at this level. Domestically, we have employed extensive consultation techniques and procedures to update and broaden the nature and scope of existing occupational safety and health legislation; broadened to cover almost all workers more effectively by minimising health hazards resulting from exposure to chemical and physical pollutants.

Even the best legislation will not accomplish its aims without the active involvement of the social partners. We have, therefore, encouraged the partners to discuss the issue bilaterally and also at the tripartite level. We have advocated the establishment of joint worker/manager safety and health committees mandated to identify, oversee and review measures taken to ensure that safety and health standards are achieved and maintained in the workplace.

Further, since the working environment and the general environment are "two sides of the same coin" and consequently require a comprehensive and holistic policy in this area, my Government intends to establish an Environment Protection Agency (EPA) which will serve to establish and enforce environmental standards. It is intended that these measures will form the basis of a comprehensive and cohesive policy on the environment which will hereafter guide our nation along a path of sustained and sustainable growth and development.

I am sure that the report on the protection of workers' claims in the event of the insolvency of their employer is of special concern to many present here today.

In my own country, and in the context of internal adjustment measures, some 10,000 cases of retrenchment were reported to the Ministry of Labour and Cooperatives between 1986 and 1990.

Against this background, the Government introduced a Retrenchment and Severance Benefits Act, retroactive to 1985, which accorded legislative protection to workers retrenched on the basis of redundancy. Moreover, the Companies Ordinance was also amended to allow workers' claims to be given priority treatment on the insolvent companies' floating assets.

These measures have indeed afforded workers some degree of protection. However, of even greater value would be the implementation of programmes which could lead to the creation of permanent and productive jobs for our workers. This concern has been squarely placed on our national agenda.

Indeed, the recent conduct of general elections in Trinidad and Tobago provided the opportunity for the people of my country to reassess just where we are headed as a people.

One of the major concerns coming out of this national reassessment has been the issue of rising unemployment, especially among my country's youth – with all its attendant social ills.

Unemployment in Trinidad and Tobago at the end of 1991 was officially estimated to be at 18.5 per cent. In absolute terms, this represents some 91,200 persons over the age of 15. Were these statistics to include those discouraged persons who are no longer actively seeking employment and those who are underemployed, the national employment rate would have been significantly higher. More disquieting is the concentration of unemployment among the youth, particularly recent graduates of secondary and tertiary institutions, and among women.

Grim though this picture may be, it is none the less familiar to many of the countries represented here today. Solving this problem calls not only for critical academic research but also for innovative coping strategies. Employment and job creation can no longer be deemed to be solely the responsibility of the State, nor can it be left solely to the market mechanism. Employment – as job creation – is "everybody's business".

For its part, and using this theme, the Government of Trinidad and Tobago recently convened a Tripartite National Symposium on Employment and Job Creation. By taking this action we sought to: (i) sensitise the nation to the dangers of sustained unemployment with a view to employment generation over the short-term; (ii) alert participants and the wider community to the real dangers, the extent of suffering, the threat to safety and stability, as well as to the standard of living associated with current levels of unemployment; and finally, (iii) to devise strategies, with the cooperation and assistance of the partners and the national community, to relieve the social and economic pressures associated with structural adjustment.

Over four days, 21 working groups considered more than 200 written project proposals. A number of these projects were targeted for immediate implementation. Major sectoral emphasis was placed on agriculture (including horticulture), manufacturing, construction and the hydrocarbon industries. Of particular note was the appointment of a committee with responsibility for the setting up of a National Apprenticeship Scheme aimed at developing the talents of our youth.

A Tripartite Task Force was appointed to oversee the implementation of the projects. To further demonstrate its results-oriented approach to the challenge of employment and job creation, the Government recommended – and the Symposium agreed – that the body be reconvened in October 1992. At that time, progress made in the implementation of the decisions will be reviewed and alternative strategies developed where necessary.

It was a magnificent example of tripartism in action. What was most appreciatively visible during the Symposium was the social partners working enthusiastically together, united in the common cause of ensuring that the nation survive and prosper.

The recognition by the ILO that poverty anywhere in the world is a threat to prosperity everywhere deserves renewed attention; for the threat of unemployment in the Third World countries – such as my own – is as much a threat to us as it is to other countries of the developed world. Let us call it the "boomerang effect". It is evident therefore that the attention both of the developed countries and of international organisations such as the ILO must be directed towards the alleviation of this most serious problem.

The ILO has assisted Trinidad and Tobago in its efforts to meet its several challenges. This includes the preparation of a comprehensive technical report entitled "The challenge of employment promotion: Trinidad and Tobago in the 1990s"

Quite recently, ILO officials of the Caribbean Office met with my Ministry in an effort to identify priority areas in which there could be mutual cooperation. One such area for our urgent attention is the development of cooperatives in Trinidad and Tobago. These are community-based organisations with the potential for increasing self-employment and for the alleviation of the unemployment problem as a whole.

It is my hope that micro-states such as my own will not see the significance of their problems diminished in this period of political transformation and economic austerity. We are doing our part to maintain a thriving democracy. But the developed world also has its part to play, for democracy cannot be taken for granted – nor does it end at the polls. It needs nurturing and constant attention and only through steadfast vigilance and mutual support can we ensure its survival.

Original – Arabic: Mr. AL-KHALIFA *(Minister of Labour and Social Affairs, Bahrain)* – In the Name of God, the Merciful, the Compassionate! It is my pleasure to convey to Mr. Nascimento Rodrigues my congratulations on the confidence vested in him by the members of this Conference. I would also like to convey to the Director-General of the ILO my appreciation of the efforts he made in the preparation of his Report, *Democratisation and the ILO*, and also of his success in explaining this issue in a scientific and comprehensive manner.

In the Introduction to his Report, the Director-General asked two major questions: what contribution can the ILO make to the member States to help them attain democracy; and how can the ILO make an adjustment to remain faithful to its fundamental mission and to strive for greater democracy and greater social justice? In order to participate in this dialogue on these major questions I would like to emphasise the following.

First, the democratic changes which the world is witnessing today are threatened by various factors: the international economic crisis, the increasing number of people who do not wish to participate in public life, the emergence of ethnic and racial conflicts and the total divorce between democratic form and content which results in a lowering in living standards of populations and makes democracy an abstract concept unable to meet their basic needs. In this respect, I would like to add that experience has shown that any successful democratic change must go hand in hand with a move towards a market economy. This change must be compatible with social and cultural development – irrespective of any empty slogans. Populations should be allowed to shape their own identity and attain democracy in ways that are suitable to them – provided that these coincide with the general objectives of democracy.

Second, we fully support the Director-General's proposal that the ILO should mainly strive, in the coming years, to build a society that is both just and democratic and that this effort should be accompanied by democratic reforms and support for programmes attempting to establish social justice. In this context, we agree with the Director-General that in helping its member States achieve democracy, the ILO could make a number of contributions: it could help strengthen tripartite representation and could also increase assistance to member States wishing to revise their labour legislation – either entirely or in part – so that it might be in line with international labour standards; and the ILO might also help member States in their attempts to overcome all discrimination – by striving for equality of opportunity as regards employment, working conditions and equality between men and women. Finally, the ILO might also support efforts to create a market economy characterised by social justice providing social protection for the unemployed, women, young persons, older persons, the disabled and agricultural workers. It is vital that economic policies aimed at reducing budgetary deficits should contain a social dimension so as to make them acceptable to the general population. Only in this way can lasting economic growth be guaranteed. The ILO is also there to advise employers and workers who wish to set up occupational organisations and to provide assistance required by the member States.

Third, as regards the assistance the ILO might give member States to help them establish democracy, it should be pointed out that the discovery of democratic values is not a recent phenomenon for the ILO. Many of these values are enshrined in the ILO's Constitution which has always upheld these values thanks to its tripartite structure. The ILO's experience has also shown the value of this approach and its importance for development – without which there can be no democracy.

Original – Arabic: Mr. AL-DERHEM *(Minister of Labour, Social Affairs and Housing, Qatar)* – In the name of God, the Merciful, the Compassionate! I am very happy to be able to start my statement by addressing to the President on behalf of the delegation of the State of Qatar, our most sincere congratulations on his election as President of this Session of the International Labour Conference and I would like to wish him every success in this very difficult task and wish the Conference every success in its work.

The theme chosen by the Director-General in his Report to the Conference confirms, and rightly so, the fact that the International Labour Organisation is playing both a special and a significant role with regard to the events and developments occurring on the international scene. It is keeping abreast of the latest developments and is playing an important part in shaping them, based on the objectives of the Organisation, namely development, progress and justice for all.

Our special circumstances have perhaps made it possible for the State of Qatar to achieve very important progress in the area of economic and social development, and also to bring about a qualitative transformation in the State and in its public and private institutions in a very brief period of time.

We would simply like to say very briefly that during the last 20 years we have completed our infrastructure, and that institutions have been established in the areas of health, education, social issues and information. This has been accompanied by impressive urban and industrial recovery and on-going efforts to increase the amount of land available to agriculture. As a result of its infrastructure the State now provides free services in the areas of education and health. It has built free homes for the poor and has distributed plots of land to civil servants and other employees and granted them preferential interest-free loans to allow them to build their own homes.

A number of other projects and services have been set up to help people and to encourage them to develop their own potential, for it is people who constitute the true wealth of a state. The State tries to provide a dignified standard of living for its citizens throughout their lives. These achievements are the fruit of the wise and enlightened policy of their Highnesses the reigning Prince and the crown Prince, and they reflect the State's desire that all members of society should enjoy its wealth. Thus the State is the principal investor in the financing of projects and in the provision of services and employment opportunities.

This approach could, of course, have led to undesirable ideas and behaviour, changing citizens into dependants relying on State subsidies. However, the State intends to develop human resources and help all members of society to contribute to the development of the State because the State's resources are limited, whereas the wealth of human resources can be boundless if we give people the chance to work and achieve continuous progress in the areas of thought, culture and creativity.

On this point, we feel the ILO could play an important role in establishing the necessary framework in which to develop our own capacity fully and develop society in a coordinated manner in order to promote the efficiency of all sectors of our economy.

This does not mean that the State is being asked to stand aside or to shake off its responsibilities with regard to the need to achieve development and social well-being. In developing countries where economic sectors are generally weaker, people look to the State, which is the principal driving force behind the development process, to help those sectors to shoulder their full responsibilities and to carry out their plans and programmes. The State, for its part, turns to those sectors and expects them to shoulder their responsibilities as regards development and the improvement of the living and working conditions of society in order to relieve the burden on the State and public institutions.

All this leads us to conclude that there has to be a healthy balance between the obligations and duties of the State and its public institutions and the people in order to establish an atmosphere conducive to creative activities, for all must work together to achieve social justice in a constantly changing society.

With regard to dialogue, I would just like to mention the fact that our social customs and practices mean that we do not attach any importance to bureaucratic barriers. The doors of officials, however important they are, are always open. This has made it possible to establish direct relations and to respond to the needs, the wishes and the aspirations of all.

Finally we would like to emphasise the importance of the link between democratisation and development at the national level and also at the level of international cooperation. It is quite clear that a large number of developing countries are facing difficult circumstances which hinder the attainment of their objectives of progress and development. These peoples believe that international *détente* and the end of the cold war should result in the availability of enormous amounts of material and technical assistance which could be used to benefit needy countries. We hope that developed countries will adopt significant initiatives in this area, for this would give a true human dimension to international cooperation.

We do not forget the fact that some countries live in fear of foreign threats which are levelled at their material and human resources. They look to the international community to protect their rights and to ensure their safety. Freedom cannot flourish alongside poverty, or where development takes place in an atmosphere of fear. We must therefore give democracy an international dimension so that peoples can live in safety and peace and enjoy their share of the earth's wealth.

Mr. HILB *(Employers' delegate, Israel)* – It gives me pleasure to join other speakers in congratulating the President on his election. My congratulations also go to the Vice-Presidents.

In Israel, as you know, labour relations between the employers' and the workers' organisations are based on a system of collective agreements which have, for many years now, been signed by both parties. The collective agreements and labour laws determine the working conditions and social rights of the workers. Through the years, many collective agreements were signed concerning labour relations and working conditions such as salaries, vacations, vacation pay, pensions, cost-of-living adjustments, working arrangements, the manner of conducting negotiations, etc. The decent relations and good system of communication between the employers' organisations and workers' organisation (the Histadrut) have created, through the years, concepts and rules for conducting negotiations while maintaining industrial peace. Indeed, during the last few years the private sector has not suffered too many strikes and very few labour disputes, despite the state of our economy and the occasional necessity, deriving from the financial difficulties of companies, to dismiss workers. The economic state of Israel and the rest of the world has resulted in a large increase in unemployment rates, and it is highly important that all government bodies, employers and employees work together to reduce unemployment, and that this be their main goal of activities in the near future.

One of the major events that occurred in the last years is the immigration of hundreds of thousands of Soviet Jews to Israel. Absorbing these immigrants can contribute significantly to the advancement and stability of Israel in every aspect.

All the same, one of the most difficult problems is finding employment and work for hundred of thousands of immigrants. Vast efforts are made by all government bodies, employers' organisations, the Histadrut and the Government to create vacancies for the immigrants as well as for Israelis. For that purpose, large financial investments are required and the employers' organisations have submitted projects for the encouragement of Israeli and foreign investors to invest in Israel by setting up new enterprises in which immigrants and Israelis will be employed.

We are hopeful that new enterprises will be established and will bring about an improvement in the economy of Israel and a decrease in the rate of unemployment. Regarding the employment in Israel of workers from the territories, it should be pointed out that their employment is carried out in an organised manner, and they are entitled to all salary and social benefits equal to those of Israeli employees. The Israeli law prohibits the employment of workers from territories outside the National Employment Service, through which the employer is required to pay salaries to the workers and allocate the social benefits they are entitled to.

I refer now to the issue of workers' protection in the case of the insolvency of their employer which appears on this Conference agenda. In the framework of the National Insurance Fund, Israel provides protection that guarantees to the worker, in case of insolvency, payment of the salary which the employer failed to pay, plus a dismissal compensation payment. In this case, the employee is entitled to his salary and compensation from the National Insurance Fund, regardless of the employer's other debts, up to a certain ceiling established by law. Payments to the National Insurance Fund for securing these workers' rights are paid by employers alone, thereby posing a certain hardship on all employers.

It has also been established in Israeli law that sums deposited by the employer in the Pension Fund, and which are designated for payment of compensation, are not to be transferred, mortgaged or seized, and are not part of the employer's assets in the case of insolvency of the company and are designated solely for the payment of compensation to the employee. Undoubtedly, these protective measures are satisfactory and prevent a situation whereby the employee is left penniless in the event of his employer's insolvency.

Mr. MALLECK-AMODE *(Workers' delegate, Mauritius)* – I would like to express my appreciation and thanks for the opportunity given to me to address this important session of the Conference on behalf of the Mauritian workers, and to extend to the President my warmest congratulations on his election to the Chair and to his Vice-Presidents. The competence with which he has been directing the deliberations is yet another confirmation of his outstanding abilities and justifies the confidence placed in him. We are certain that his leadership will help ensure the proper course and successful conclusion of this session.

It is with interest that I have gone through the inventory of labour and social problems in which the ILO is involved and which forms the basis of the Director-General's Report. In a world full of dilemmas, complex as they are, there is certainly a vast gamut of unsolved problems – unemployment; inequality of income; inflation; social security; health and safety; democratisation; environment; industrial disasters; and structual adjustment – which are undeniably affected by industrialisation, investment, trade and new technology. A certain degree of adjustment is therefore necessary.

The stark realities of our time and changing needs and responsibilities demand that the ILO, with its vocation of universality and its dedication to freedom, play a more active role than ever in tackling these complex issues which are particularly acute and rampant in developing countries.

In this exercise, a reappraisal of the manner in which democratisation and the social objectives of economic policy can be achieved becomes inescapable. Democratisation, as the Report says, is but the action whereby a people assume responsibility for itself and all its component parts, exactly as individuals and their families shape their own destiny. Yet, many countries, though committed to the cause and ideals of democracy, are unfortunately not applying adequately the rules governing human rights, freedom of speech and a completely independent judicial service. They are vain words.

It is a matter of grave concern that the Sierra Leone National Provisional Ruling Council has not only confiscated the vehicles and typewriters of the Sierra Leone Labour Congress, but has also impounded the passport of Brother Kandeh Yilla, General Secretary of the Congress and Secretary of AFRO, thus preventing him from attending this important world gathering. Brother Yilla is also compelled to report to the police station daily at 9 a.m.

On the other hand, in Malawi, our distinguished Brother Chihana, who has been detained together with six employees of SATUUC, is also facing atrocity on the part of the Government in complete defiance of human rights.

On behalf of the Mauritian workers, I would like to express our solidarity with our two colleagues and through this Conference, to appeal publicly to the sense of justice and fairness of the two respective Heads of State concerned, so that they may, in the name of natural justice, human and trade union rights and industrial democracy, order the release of our colleague Chihana and the six employees of SATUUC; the lifting of the ban on trade union activities; and the return of all confiscated items belonging to the Sierra Leone Trade Union Congress.

As a member of AFRO, I move that this Conference strongly condemn such acts and that sanctions be imposed upon the countries concerned or any other government that refuses to comply with the demands of democracy which, inter alia, include: human rights; property rights; freedom of association and expression; the right to bargain collectively; the right to strike; the right to education; and the right to health care.

Although Mauritius enjoys an international reputation as regards democracy, and is seen a haven of peace and harmony, our Industrial Relations Act does not enable trade union activities to be carried out very smoothly and the right to strike cannot be executed properly. The existing machinery for arbitrating disputes, such as the permanent Arbitration Tribunal and the Industrial Relations Commission, is not giving satisfaction and doubts have been expressed as to its credibility.

Though strike actions expose the trade unions and their members to hardship, loss of jobs and loss of income, this does not obviate the fact that the possibility of ultimate recourse to industrial action should remain open to unions. Otherwise, the whole process of industrial relations is prejudiced to the disadvantage of working people. Consequently, the extremely widespread restrictions on the right to strike in many great developing countries are a source of deep concern and, if not attended to, will remain a major obstacle to the development, preservation and exercise of basic rights.

In Mauritius, though the right to strike is embodied in the Industrial Relations Act, the procedures that have to be followed render it impossible or impracticable to resort to strike action – legal as it is – the more so where compulsory arbitration is imposed on the unions. On the other hand, any strike action or lock-out which has commenced may be declared unlawful by regulation if, in the opinion of the Prime Minister, the continuance of the strike or lock-out will imperil the national economy.

Such laws if not amended are tantamount to an authoritative denial of the right to strike and muzzle trade union leaders.

Representations were made by the entire trade union movement to the Law Review Committee. I therefore hope that positive action will be taken by the Law Review Committee to render justice to the working class in the light of international labour Conventions, the rules governing industrial democracy and trade union and human rights.

We understand now from the Minister that the Law Review Committee has submitted its report to the Government and that it is now being examined by the Government. We hope that everything will be corrected in the light of the international labour Conventions.

With the changes taking place – the introduction of new technology, the liberalisation concept – it is my considered view that the ILO should pay special attention and help the workers of the Third World countries by providing them with the services of consultants to help them to participate positively in the formulation and implementation of economic and social development programmes, the more so because democratisation has been accompanied by a change in the economic system, whereby many countries have switched on to a liberal market economy. While we agree with the concept of liberalisation, we believe that the developing world should be cautious about liberalising the prices of necessities and basic commodities, as liberalisation opens up greater competition, and the forces of supply and demand, may, through concocted action among traders, lead to increased prices in commodities that take a substantial portion of a simple worker's budget, for example staple foodstuffs. For such goods, we believe that there should be a continuous control through a central body. It is therefore essential for governments to regulate the law of the market in order to provide a minimum protection to the working class in so far as prices are concerned because wages and prices are not unrelated and prices, as we know, include profits, dividends, interest, commission, advertising and other expenses. Traders would never hesitate to borrow money at high interest rates in a liberal economy and pass on the costs to the consumers and workers. Workers today remain at the mercy of most governments and suffer at the hands of unscrupulous traders in this world of cut-throat competition. Where is the protection?

Structural adjustment in Mautitius has, contrary to other developing countries, been successful and beneficial because of the establishment of social safety nets and social objectives and the enforcement of an economic structure that has taken care of technological change and competitiveness on the world market.

The package of incentives to foreign investors, coupled with an attractive fiscal policy, have indeed had far-reaching effects in that the Government has been able to bring unemployment into the control net although it is now compelled to import labour.

However, the inability of certain industries to adapt themselves to changes in technology has resulted in their closing down and job losses. The shortage of manpower has helped their absorption in other industries and firms employing new technologies. This mode of development based on cheap labour and mass production provides no security for workers who have to wander from place to place.

It should, however, be noted that, with a view to avoiding the taxpayer's net, certain unscrupulous industrialists either just close down their industries or leaves the country incognito, without paying their workers either remuneration or compensation.

I must here congratulate the Director-General for including on the agenda a subject such as protection of workers' claims in the event of the insolvency of their employer. I have gone through the proposed text of the Convention and I believe that, in order to guarantee workers their due, the idea of "priority" should be introduced into the text of article 8.

Until the appropriate mechanisms is introduced to control the abuses taking place at the expense of the workers, the trade union movement strongly recommends the setting up of a redundancy scheme to mitigate the hardship of the workers. Industries being wound up should be able to contribute part of the proceeds to a scheme in favour of workers made redundant as a result of their action. Education and training, as pointed out in the Report, are essential elements in any structural adjustment policy as they help to make better use of the labour force, improve efficiency and productivity. Human resources development improves the ability of poor population groups to use their assets more productively.

Since training and education contribute to economic growth and development, help individual personal development and provide workers with a means of changing careers, I believe that the ILO should be under a constitutional obligation to assist its member States in the promotion of human resources development because the degree of development of a country depends to a large extent on the degree to which its human resources are developed. Basically, therefore, a country's development is the result of human development and the enhancement of the quality of knowledge and skills.

A workers' education programme, financed by the ILO, is organised by the Workers' Education unit of the Ministry of Labour and Industrial Relations. A second educational programme, financed by the AFLCIO and the ICFTU is also organised by the Mauritius Labour Congress. Coupled with them is a programme organised by the Mauritius Employers' Federation.

In the related field of vocational training, an Industrial Vocational Training Board has been set up with a view to meeting the challenge of the changes taking place. It is a self-financing institution deriving its finance through a levy of 1 per cent of workers' remuneration. Courses in various fields, such as catering, jewellery, electronics, among others, are taught. Seminars at middle management level are also held and a Sea Training School is also in operation.

The role of workers and their organisations in discharging their responsibilities towards society becomes more important day by day. The skills which they need to acquire for successful labour/management dialogue for the democratic conduct of union business require further development.

The report of the Committee of Experts on the Application of Conventions and Recommendations is indeed a laudable one. We note with a certain degree of satisfaction that the Government of Mauritius has reported on a series of Conventions, yet we note with concern that our Government expressed its intention to amend the Dock Regulations, 1937. I cannot but hope that the Government will comply with the recommendation of the Committee. As pointed out earlier, in a country which is used as a model for the Third World and which is entering its second phase of the development, which will be capital intensive rather than labour intensive, the methods applied to review the laws are too slow.

With the coming into force of the Occupational Safety, Health and Welfare Act in Mauritius things have been put in their right perspective and there has been a decrease in accidents at work. However, we still have a long way to go to reach our objective. The answer would to our mind be training in first aid and disaster control. Environmental training would provision guidance in the proper handling of toxic materials.

Asbestos dumping is becoming a major problem. The ILO should therefore increase its budget in order to widen the scope of its educational programme to all sectors concerned, mainly trade union organisations, which will have a decisive role to play.

In conclusion I appeal to this Conference and the Governments represented here to accept our proposals, which aim at justice, human and trade union rights and harmonious industrial relations between unions, employers and governments based on mutual respect.

Original – Spanish: Mr. ROSALES ARGUELLO *(Minister of Labour, Nicaragua)* – I would like to congratulate Ibero-America for the election of Mr. Nascimento Rodrigues and Mr. Solózano Martínez to high office in this Conference.

It is an honour for me to address this great assembly to offer my comments on the Director-General's Report, *Democratisation and the ILO*. The Government of Nicaragua welcomes this subject and congratulates the Director-General for a very wise choice.

Since our Government took power on 25 April 1990, it has systematically been carrying out a transition from a totalitarian regime to a democratic regime. The Somoza and Sandinista dictatorships denied civilian society the exercise of basic freedoms like the freedom of expression, freedom of the press, freedom of association and the rights to strike, thereby reducing the economic, social and political space available to the social partners. That is why our President refers to her Government as a government of reconciliation and national reconstruction.

In the previous decade, political and trade union pluralism were weak. In fact, they existed merely for export purposes. With the State, the Army and the Party all bound up into one, there was no room for the free exercise of the basic human rights and freedoms. Strikes were considered a felony. Two days after the triumph of the Sandinista revolution, a state of emergency was decreed; it lasted until August 1987, when Nicaragua signed the so-called "Esquipulas II Treaty". In other words, tripartism could not function, since the employers and the workers were not autonomous and could not exercise their proper and specific functions. Freedom, pluralism, the participation of workers and employers in decisions which concerned them were very severely restricted.

Since 25 April 1990, the task of the Government has been to re-establish citizens' freedoms, to proclaim and guarantee political and trade union pluralism. It was in this context that on 6 May 1990, the Ministry of Labour reaffirmed the concept of trade union pluralism, making it possible for several trade unions to co-exist within a single enterprise, thus bringing monopoly in representation to an end. The Ministry also put an end to the mandatory withholding of trade union dues, thereby giving life to a series of democratic trade unions which had previously been unable to organise and operate.

These measures ended trade union monopoly in collective bargaining. The exclusionary clauses of existing collective agreements were declared null and void, and all agreements were revised in 1990.

The previous Government's practice of State intervention in the negotiation and approval of contracts was abolished. The role of the State now is merely to serve as a mediator, and to act as a conciliator between the parties. In 1991, 172 new trade unions were registered. The CAUS, CUS, CGT(i), CTN and CTN(a) Confederations now represent 53 per cent of unionised workers. The Sandinista Workers' Confederation (CST) represents 30 per cent of trade unionists, and the remaining 17 per cent includes workers belonging to autonomous unions which are not associated with any trade union confederation.

There is an explanation for this. When the Somoza regime fell, the Sandinista National Liberation Front (FSLN) co-opted all trade unions. Everyone in Nicaragua was a Sandinista. Because the revolution represented a national ideal, it was normal in those circumstances for the unions at that time to seek to come together in one single movement, the aim of which was to build a single confederation. However, the vertical and authoritarian management style which characterised the revolution, as well as the dependency of trade union organisations on the revolution's ideology, led democratic trade unions to follow their own path.

Consequently, the problem today is that some organisations are not representive enough, and the agreements which they sign are challenged by their membership. The national agreement of 12 July 1990, which ended the Sandinista mutiny was severely challenged by the membership of the Sandinista trade unions, since the agreement was negotiated directly with the national leadership of the FSLN and endorsed by the Sandinista trade unions.

The challenges are greatest for countries like ours which are emerging from totalitarian regimes and which must give up a centralised economy and move towards an unregulated market economy by privatising the so-called people's or state property, undertaking very substantial political changes and, in addition, taking a series of economic policy measures to stabilise and restructure the economy. The trade unions which were sympathetic to the previous regime as well as rank and file Sandinistas obviously wish to avoid at all costs any change which will undermine the so-called rights and benefits acquired during the revolution, which the new regime's proposed political and economic reforms appear to jeopardise.

The task facing the Government is to design a policy which provides the most vulnerable sectors, the unemployed and the destitute, sufficient social protection so that they can accept the sacrifices which the new economic policy entails.

We are fully aware that privatisation is a slow process, that structural adjustment and stabilisation measures, in their initial phases, worsen poverty and increase unemployment, but we are also aware of the fact that these measures must be taken. It is better to accept a small evil now rather than having to have to accept a greater evil later. An aggregate annual inflation of 36,000 per cent in Nicaragua is sufficient justification to take these kinds of measures and, furthermore, we can now state proudly that inflation has been reduced to zero as from May 1991.

The Government, in its search for peace, has relied on dialogue and negotiation, thus responding to the concern which the peoples demonstrated in all surveys carried out before the elections. Peace was what our population wanted most. Ten years of war had exhausted the population. Secondly, there was the economic problem – hyperinflation. The first task of the Government was therefore to negotiate peace and end the civil war, which it did on 30 May 1990. On 27 June of the same year, it began the process of disarmament, a process which is still continuing on a negotiated basis because there are still armed groups in the country.

As regards the economy, on 3 March 1991 the Government launched the economic stabilisation plan, with remarkable results. For example, there was negative inflation in May and June of 1991.

What mechanisms were used by the Government in both cases? Dialogue and concertation. Concertation has been the Government's strategy and not just a tactic.

The Government invested five weeks in the first phase of concertation and 87 days in the second.

However, the Government has encountered many difficulties in providing proper protection for the most vulnerable groups of the population – children, women, the aged, the unskilled, war invalids and long-term unemployed. Fourteen per cent of the working population is jobless, and 53 per cent is underemployed.

The reasons for this are fully known to our population: war, the deterioration of the productive structure, lack of maintenance, managerial incapacity and the corruption of the previous regime. There is no doubt that this helped the population to understand what we are up against. The new Government's democratic approch to solving problems without the use of force is evidenced by its systematic use of dialogue and negotiation. Thanks to this approach, there has been no social uprising. I do not pretend that we have not had political problems. Such problems do exist with the so-called revolutionary sectors who are now demanding financing and land. The problem can be traced to the reduction of the armed forces and the demobilisation of the resistance. Following negotiations, the Government has delivered more than 800,000 plots of land and is now looking for additional land to find a satisfactory solution to the whole problem. The former Nicaraguan resistance alone has received 423,000 plots of land, distributed among 14,000 families.

The drop in international coffee have brought conflicts to region I and II of our country. The problem is compounded by a lack of security and problems in land ownership.

The Government has made every effort to avoid the use of force, and to avoided triggering another civil war. It has sought a strictly political, negotiated solution.

I believe that the ILO can contribute by helping Nicaragua to set up a market economy with a human face, through three forms of cooperation: dealing with the problem of the informal sector, implementing a pilot project in Nicaragua to bring this sector into the formal economy; developing a pilot project for small rural companies, which will combine the development of the rural cooperative movement and the general development of cooperativism, properly speaking, as a social and productive system, to eliminate the middleman and bring the producer closer to the consumer; and implementing a programme for small and micro-enterprises.

These measures would improve the productive potential of Nicaragua, the welfare of the poorest groups, and the social organisation of producers in the informal and rural sectors.

This co-operation should be part of a consistent programme of vocational training, which is fundamental in any process of industrial conversion. We can no longer attract investment on the basis of cheap labour. The multinational corporations today want skilled labour. In other words, technological changes mean that we have to enhance the skills of our workers.

We agree with the Director-General and are convinced that states will not achieve lasting peaceful and democratic development if they cannot create productive and useful jobs.

In the light of this, we think that we should make every effort to ensure that our social development policy will give the market economy a human face, and minimise the social impact of stabilisation and structural adjustment measures. We believe that the IMF and the World Bank, together with the IADB and the ILO, should help us to apply a social policy with institutional support and finance. Political democracy cannot survive without genuine economic and social democracy and social justice. The exercise of democracy does not end at the polling booth.

In conclusion, I would like to express our agreement with the UNDP statement quoted in the Director-General's Report. "The basic objective of human development is to enlarge the range of people's choices to make development more democratic and participatory. These choices should include access to income and employment opportunities, education and health, and a clean and safe physical environment. Each individual should also have the opportunity to participate fully in community decisions and to enjoy human, economic and political freedoms."

Original – Russian: Mr. KASKEVITCH *(Minister of Labour, Ukraine)* – Permit me to begin by congratulating the President on his election to this high post and by wishing him and all the participants in this session success in their work. I should also like to express our gratitude to the Director-General, who has chosen the subject of democratisation and the ILO for his Report. This is a theme of great importance for all the countries of the world, including my own, Ukraine.

Slightly more than half a year ago, on 1 December 1991, the people of Ukraine confirmed a previously adopted parliamentary Act proclaiming the country's independence, by means of a referendum with over 90 per cent participation. An overwhelming majority voted in favour. By so doing, the Ukrainian people have expressed their aspiration to create a sovereign state based on the rule of law and principles of democracy and social justice, giving high priority to universal human values and respect for and the constant and scrupulous observance of the highest international standards of human rights and freedoms.

Now that it is independent, Ukraine has undertaken a comprehensive restructuring of its economy, dismantling the old command-from-above structure.

In a short space of time, we have created a basis for new legislation, aimed at introducing market relations, ensuring fair protection of all forms of property and implementing an independent economic policy and active participation in the international division of labour. Of course we understand very well that the implementation of radical economic reforms is a very lengthy and complicated process, requiring great efforts from all parts of our society. We therefor fully agree with the Director-General's statement that "the past cannot be wiped out by the wave of a magic wand". We understand, of course, that serious difficulties lie ahead (indeed some have already been encountered) but we are fully resolved to building a new society based on market relations and the strict observance of human rights.

In the legislative package already adopted or currently under consideration by our Parliament, high priority has been given to laws designed to guarantee the functioning of the labour market, to create an effective system of labour relations and to afford social protection to those who need it most.

A little over a year ago, the Ukrainian Employment Act was adopted. It is for me a source of satisfaction to speak from this rostrum to express our deep gratitude to the International Labour Office for its assistance in drafting this law and for its expert assessment both of it and of other drafts relating to collective agreements and to the settlement of collective labour disputes. In the future we will continue to turn to the Office for help in bringing our social and labour legislation in line with international standards.

We have recently developed a new conception of Ukrainian labour legislation which calls for radical changes in the structure and nature of our labour laws. These changes redirect the law towards the interests of the worker, bolstering the protection afforded by labour legislation and guaranteeing generally accepted basic human rights in the social and labour field. The Government will cease direct interference in the activities of employers, and will guarantee the worker's right to establish trade union associations according to their own choice.

The interests of workers will be protected by guaranteed minimum wages established by the State, and also by wage rates set by agreements at the national and sectoral levels, as well as at enterprises.

Special attention will be given to providing social guarantees to the most vulnerable population groups.

Guaranteeing cooperation between the executive branch of the government on the one hand and workers' and employers' organisations on the other will be an extremely important task. We will also extend the right of workers and employers to organise and hold collective bargaining and to conclude agreements on all questions relating to the regulation of work and rest schedules, occupational safety and other labour-related matters.

We understand full well that, as the Report emphasises, stable development cannot be attained if it is not based on the participation of all the interested parties. We now face the task of ensuring in the near future conscientious, genuinely representative and independent participation aimed at meeting the requirements of society as a whole. The process has already begun. Even before the adoption of the normative Acts I referred to earlier, tripartite employment commissions were created. In addition, employer training facilities have been set up, new trade union associations have been created and the old ones revamped, and relations have been established between them and government bodies.

In these conditions, Ukraine, like other countries undergoing profound social and economic changes, attaches special importance to the opportunity for technical cooperation with the ILO in order to set up a tripartite dialogue at all levels and to develop and strengthen our employers' and workers' organisations. They should be, as the Director-General says, capable of "listening to the other side and honestly seeking solutions that do justice to the interests of all".

To implement radical social and economic reforms in Ukraine and to overcome the economic crisis will require a tremendous moral effort and the combined and effective work of government, employers, workers and all the 52 million citizens of the country.

We will not repeat the errors of the past, and will not neglect the great opportunities to solve social and labour problems which the International Labour Organisation's rich experience has to offer. We will undoubtedly make use of this invaluable asset in our standard-setting and practical activities.

In concluding I should like to reaffirm the Ukrainian Government's desire to continue and further to develop its cooperation with the International Labour Office and its bodies as well as with all its interested member States.

Original – Russian: Mr. SHOKIN *(Minister of Labour and Employment, Russian Federation)* – Please allow me to congratulate the President on his election to this important and responsible post and wish him every success in carrying out his task in directing the work of this Session of the Conference.

The Director-General's Report *Democratisation and the ILO* submitted to us for discussion is extremely topical and shows the realism and the objectivity of the ILO's approach to this question.

The authors of this Report quite rightly point out that we are living in a time of "high hopes and also of great risks but we must take these risks and bet on success... nothing can be achieved... without effort".

We all know of the positive contribution of the International Labour Organisation to the attempts by the international community to assist the processes of democratisation which are going on in many countries, to promote social reforms and economic transformations, to protect workers' basic rights.

Now, more than ever before, international cooperation is required and we can all actively participate. Of course, it is precisely the ILO which could make a significant contribution to national programmes for social stabilisation where the painful transition to a market economy, is underway.

In Russia, at its present stage of development, international labour standards are becoming as one with the interests and tasks of democratic transformation of our country. We will all try to make sure that they will be used as a basis for the newly-emerging system of state and social democratic institutions. We also hope that these widely accepted standards will be observed by other countries including the newly independent States and we support the corresponding activities of the ILO to supervise the implementation of these standards.

In the Report it is quite rightly pointed out that democratisation is almost always accompanied by a change in the economic system without which it is impossible to improve the standard of living of our peoples.

Russia is not an exception to this rule. At the present time in Russia, we have come to the end of the interminable period of waiting for transformations, fruitless searches for a "third way". Today reforms have become a reality, reforms are taking place. They are beginning now to bear their first fruits. Obviously some inevitable negative aspects have emerged, linked with the heritage from the past and our own mistakes and errors. Step by step we are implementing a policy of radical economic reforms.

For the first time for many years, we have forced the economy to obey economic laws, we have brought to the fore financial and fiscal levers to regulate the economy, we are continuing the difficult but necessary process of liberalisation – of prices, foreign economic links and the mechanisms for the distribution of resources.

Our monetary and credit policy, all be it with great difficulty, is becoming the most important factor in business activities and motivating the labour force.

The Government is also carrying out an active industrial policy and is working out measures concerning structural reorganisation of the national economy.

We have put paid to the senseless expenditure on arms, although conversion also requires enormous investment and a great deal of time, and are making further efforts in order to maintain employment.

We have adopted a programme of privatisation; and are also going through the very complicated process of institutional change, freeing the economy from monopolistic control, and forming a competitive market environment.

International support for the policy of economic reforms being carried out by the Russian Government has become a reality.

We are currently shifting emphasis away from short-term targets to the implementation of a long-term strategy for the renewal of the Russian economy and its integration into the world economy.

The Government is just completing its programme for the next stages of economic reform for the remainder of this year and the next two years. We are now dealing with the problem of the social costs of the reforms we are carrying out. The Government is carrying out a dual task: on the one hand trying in the shortest possible period of time to achieve the final aim of our economic reform which is to provide for the functioning of a fully-fledged market, on the other hand, where possible trying to minimise the social costs incurred during the transitional period. To this end, we are implementing an incomes policy and a policy of social protection, labour relations and employment.

In general terms this policy boils down to the targeted support of the most vulnerable strata of the population, but we are trying to minimise the cost or the burden that this will have on the budget. This implies trying to reform the system of social security, including family and unemployment benefits, and trying to move to new insurance-based health care provision. We have taken decisions on support to be given to large families, military personnel and within the limits of our budget, we are trying to raise minimum pensions and wages.

The Government is also making every effort to compensate, as far as it can, for the inevitable drop in the standard of living, by simultaneously raising the level of wages and trying to prevent any spiralling hyper-inflation. The most important problem which we have begun to solve is that of employment. The main aim of Russian policy is to help ensure full, productive and freely chosen employment by creating a flexible labour market, raising labour motivation and expanding opportunities for all who are looking for work. The employment fund will be used not only in order to pay unemployment benefits but also to finance an active labour market policy including retraining programmes for the unemployed and encouraging enterprise.

In the very near future it is proposed that most powers to regulate labour relations be delegated to those directly involved, the workers and the employers, to encourage joint settlements through collective bargaining and the conclusion of agreements.

The Government is in favour of dialogue between workers and employers and is trying to provide for a system of social partnership. We are looking at the possibility of ratifying the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

In Russia we have also set up a tripartite commission to regulate social and labour relations. We have concluded a general agreement between the Government, trade unions and employers. On the basis of this agreement we have introduced sectoral agreements. I think, without exaggeration, that I can say that many social and labour conflicts have been defused because of the fact that compromises have been reached around a negotiating table in the context of these tripartite consultations.

These are only some of the problems which are facing our country which is on its way towards radical social and economic transformation.

Russia intends to continue actively to cooperate with the ILO and to draw upon its wealth of experience in solving problems of democratisation and developing the social sphere. We would like to thank the International Labour Office for the help they have already given us and we intend to develop our cooperation with the ILO in the area of standard setting, employment and training, labour inspection, the development of employers' and workers' organisations, and many other areas.

We also hope that the restructuring of the activities of the ILO and the reorganisation of the Secretariat, which we, in principle, support will be accompanied by suitable measures to staff the secretariat with highly skilled officials from all countries.

In conclusion, I would like to express my confidence that the Organisation is entering a new non-confrontational stage in its development and will be able to find worthy responses to the challenges of the age.

Mr. BHUIYAN *(Minister for Labour and Manpower, Bangladesh)* – I should like to offer my sincere congratulations to the President on his election. We are confident that under his able guidance the 79th Session of the International Labour Conference will be a success.

The Director-General deserves thanks and appreciation for his excellent Report. I also wish to thank the secretariat for producing very good documents on the agenda items.

The renewed awareness of democracy has created a sense of political reawakening around the world. The adoption of "Democratisation and the ILO" as the main theme of our deliberations is both appropriate and timely.

As we are all aware, democracy is not just a system of organising governmental activities, it is indeed a philosophy of life. It is the most viable philosophy of social organisation. It is a way of life. In fact, the concept of democracy has to permeate all aspects of society if democracy is expected to succeed as a system of government.

The concept of democracy is all the more relevant in the context of ILO activities. The tripartite partners of the ILO need to do some soul-searching. Political democratisation of the system of government alone cannot be a full cure for all the participatory and transparency problems of a society. Economic democracy, industrial democracy and, more importantly, proper democratisation of the trade union movement would be some of the major steps towards the road to democracy.

The trade union movement, or at least a significant part of it, has for long been under the shadow of ideological confrontation and non-democratic leadership. The time has come for all trade unionists around the world to look forward to a genuine democratic process within the trade union movement itself. Being a trade unionist myself, during the best part of my political career, I can talk about the Bangladesh trade union movement with a degree of confidence. Our trade union leadership is now becoming increasingly democratically transparent.

Industrial management needs to be more democratic and participatory in nature. Harmony, balance and mutual respect between labour and management can be better secured under a more transparent and democratic management. Participation of workers in industrial management could be one way of democratising the management process. A sense of sharing and participation may bring about a better informed and more responsible partnership by the labour force. These ideas need to be further examined and refined to suit the needs of a particular society.

Democracy is not a static system for solving the problems of all societies. The concept of democracy has to grow with the political evolution of a society. But the fundamentals of democracy, like elected government and participatory management of industrial units or trade unions, are recognised and accepted universally. It is the form and not the substance of democracy that may be shaped by the historic experience of a given society. This dynamic concept of democracy deserves more attention and understanding.

We, in Bangladesh, have made significant steps towards the democratisation of our society. Since the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Government of Bangladesh, under the leadership of the late President Zia-Ur-Rahman in the seventies, and currently under the leadership of Begum Khaleda Zia, has institutionalised tripartite management of industrial relations in the country. Democratic values and practices are taking root in our trade union movement and industrial management. The tripartite approach itself is a significant development towards democratisation of industrial relations.

Democracy does not come easy and cheap. The people of Bangladesh had to wage a relentless struggle for nine long years against an autocratic dictator. After many sacrifices, including that of precious lives, the people of Bangladesh have established democracy in the country. The Government of Begum Khaleda Zia has been voted to power in a free and fair election. Democracy is establishing institutional roots in Bangladesh.

The fragile sapling of democracy cannot survive, far less grow, in an environment of extreme poverty, hunger, illiteracy and disease. Social order and political stability are the first casualties in a situation of extreme deprivation and large-scale unemployment, even in a developed country with a long tradition of democracy.

I would like to invite the attention of our development partners and trading partners to this matter. To a hungry and desperate person, democracy is just another empty word. We must work together to combat hunger, the root cause of social anarchy. We need the continued support and cooperation of our development partners and trading partners in securing democratic traditions in our society.

Bangladeshi workers are working all over the world. Our workers have earned a good reputation for their discipline and hard work. Their basic interests, while they remain employed abroad, need to be defended by both the ILO and the respective host government. The phenomenon of migrant workers is securing special significance as the demand for migrant workers continues to increase around the world. We hope this area will attract more active attention from the ILO in the coming years.

Original – Arabic: Mr. AL-JARWAN *(Minister of Labour and Social Affairs, United Arab Emirates)* – In the name of God, the Merciful, the Compassionate! Allow me to start by congratulating sincerely Mr. Nascimento Rodrigues on his election to the presidency of this 79th Session of the International Labour Conference. We are convinced that under his able leadership the work of our Conference will be crowned with success.

I am also very pleased on behalf of the delegation of the United Arab Emirates – and also on my own behalf – to welcome all the countries which recently joined the International Labour Organisation and are attending this Conference for the first time. We sincerely believe that their participation strengthens the universality of the Organisation and highlights the importance of joint international action.

This year the Director-General has chosen for the theme of his Report, *Democratisation and the ILO*. This choice is no doubt linked to the changes that have recently occurred throughout the world. We appreciate and understand the reasons for this choice. However, we feel that the concept of democracy requires a clear-cut definition and calls for a codified and straightforward practice. Indeed, human experience has proved the significance of democratic principles at all levels. None the less this experience has also brought home that there are many differences – and sometimes contradictions – in the interpretation of the principle of democracy and its application. It is therefore vital to go more deeply into and define this very important concept.

As regards the role of the International Labour Organisation, we are pleased to see the democratic approach outlined by the Director-General in his Report and hope that the concepts contained therein will be realised in all the fields of action and bodies of the Organisation – in accordance with the standards and principles enshrined in the ILO Constitution.

If democracy is an end itself – one of the objectives of our modern world, the realisation of noble values and principles and the expression of the respect of human dignity and human rights – then my country has an historic and noble past, stretching back over 14 centuries: its development has been based on equality, justice and tolerance which are the very principles of the teaching of our religion, Islam.

The values underpinning our democracy are those upon which, in this century, the concept of human rights has been based. But our experience has gone beyond the theoretical stage. We have established binding rules for the protection of animals, the preservation of forests and plants and the protection of the environment.

The constitution of the United Arab Emirates is based on these very concepts – the cornerstone of our faith, heritage and civilisation – and reflects the principles of one of the most democratic systems in the world.

Allow me briefly to take up a number of these principles as they are contained in our Constitution and in our national law and practice, under the aegus of His Royal Highness Sheik Zayed Ben Sultan Al-Nahyan, Head of State and Government, and his Royal Highness Sheik Maktoum Ben Rached Al-Maktoun, Vice-President and Prime Minister.

First, the Constitution upholds the principles of equality and justice for all, of equality and opportunity of equality of opportunity and of safety and well-being. It considers that solidarity and compassion are the very bases of human relations.

Second, as democracy is not a monopoly of the powerful, our Constitution affords particular protection to special social categories, such as children, mothers, young persons and those unable to fend for themselves because of sickness, old-age or unemployment. Indeed, society cares for these categories, provides them with training and helps them both materially and morally; a number of social laws have been promulgated in these areas.

Third, society considers work to be the main pillar of development and it is committed to providing work to its citizens by training them and establishing the necessary prerequisites; to this end, it has adopted legislation guaranteeing the rights of workers and interests of employers on the lines of the most sophisticated international labour legislation. Our Labour Code was also established on the basis of these principles.

Fourth, the Constitution enshrines the principle of the freedom of individuals to choose their job, occupation and employment. Work should not be imposed on anybody; and nobody should be reduced to slavery. My country has ratified the ILO Forced Labour Convention, 1930 (No. 29).

Fifth, the Constitution stresses the importance of education as the cornerstone of progress in society. Primary education is compulsory and free at all levels in my country.

Sixth, society provides all citizens with health protection and means of medical prevention and treatment.

Seventh, the Constitution guarantees freedom of movement, residence and opinion and freedom of the press and speech. These freedoms may be witnessed in the mass media, in parliament, in private enterprises and social institutions. The Constitution also guarantees total freedom of correspondence in all forms without any restrictions.

The reason I wanted to mention these provisions in our Constitution is to demonstrate to you our commitment to make a contribution to human civilisation and world peace.

In the second part of his Report, the Director-General discusses the activities of the ILO in 1991. This Report describes many programmes and activities and we can only express our appreciation for the services provided by the ILO to its member States and to its commendable efforts in this area. I would also like to express our appreciation for the work carried out by the Regional Office for Arab States. We trust that it will continue its efforts within the framework of the ILO activities to consolidate the projects intended for the Arab countries. In this context, we should like to ask for an increase in funds earmarked for the Arab countries for technical cooperation projects under the Regular Budget of the Organisation and those financed by other sources of available funding. We stress the importance we attach to the transfer of the Office's activities to the Arab region.

Our International Labour Conference is taking place at a time when the world is faced with many problems and challences. It is undergoing radical change and we have grounds for hope that the many problems may be settled through dialogue. We should like in particular to stress once again our solidarity with the people of South Africa and trust that they will succeed in dismantling any form of racial discrimination and apartheid. We stand by them in their heroic struggle to establish a democratic society and attain independance.

We hoppe that the International Labour Organisation will be able to participate effectively, within its terms of reference, in all efforts made at the international level to establish peace based on justice throughout the world.

Since I am speaking of peace, allow me to add that this peace is being threatened in the Middle-East region. The national independence of our Lebanese brothers is being threatened by continuous Israeli raids.

Original – French: Mrs. CELESTIN SAUREL (*Minister of Social Affairs, Haiti*) – On behalf of the Haitian delegation of the legitimate Government of my country and on my own behalf, I should like to congratulate the President most sincerely on his election to the Chair of the 79th Session of the International Labour Conference. I also bring you the sincere greetings from Jean-Bertrand Aristide, President of the Republic of Haiti. He sincerely hopes that this meeting will be crowned with success.

The Government which was elected after the first free election on 16 December 1990 made a number of basic choices; namely, justice, transparence and participation. These were the three basic elements of the project for our new society. The construction of participative democracy is the main challenge for us. The various inefficient structures had to be re-examined some would disappear completely and give way to new more appropriate structures while others would be revised and improved.

Our concerns are in line with issues which will be discussed here during the 79th Session of the International Labour Conference. How can individuals become fulfilled if they do not carry out work which encourages them and enables them to improve and participate in their community? At the same time, how can a society be balanced if it does not offer the best and the same chances to all members on the basis of appropriate structures and appropriate organisations and just laws?

After his investiture on 7 February 1991, President Aristide called on the national and international communities. It was necessary to create the political and social conditions which would enable the economy to be relaunched through work in order to fight against underemployment, which is one of the crucial problems facing our country. To produce, and to produce better, is one of the chief aspirations of our Government. Investment and technical aid must be made available to all the various production sectors, and in particular farmers, factory workers and craftsmen and to the informal sector, which guarantees the survival of the masses.

Between January and September 1991 the Minister of Social Affairs and Labour held talks with Haitian workers whose aspirations are the same as those of all other enlightened workers throughout the world. We also listened to the employers' associations and became convinced that stability in production and the growth in wealth depend on the quality of labour relations and the application of just laws. We were sure of this fact and therefore we undertook the revision of the Labour Code which will be submitted for ratification by Parliament. The Act respecting minimum wages of daily workers, the subject of lively discussion in Parliament, and by employers' associations and different categories of workers has illustrated the passion with which social justice is being sought in Haitian society at present. But it has also demonstrated how this search can be in vain if certain basic conditions are not fulfilled and when the social services are virtually non-existent for the majority of citizens in a greedy State.

For the Government elected in December 1990, social security welfare is guided by the following basic principles: the coverage of all the different sectors of the population; the integration of social security measures in a national development programme; and the improvement of the standard of living of the population and overall economic growth.

Contacts were made for drawing up and implementing a social security policy which would respond to our needs and the multiple requirements of development.

Efforts were also made by the Haitian Government to deal with the injustice to which children, young people in difficulties, the handicapped, women, the unemployed and small farmers are subjected. The programme for job creation should enable us to meet some of the requirements of these different social categories. In addition, it was necessary to make room for the 20,000 Haitians and the children of Haitians all ages who had been expelled from the Dominican Republic by a Decree of 13 June 1991. The arbitration of the ILO was demanded and obtained by our Government in order to avoid a confrontation between these two peoples and to arrive at a just solution for both countries. On this occasion we would like once again to renew our thanks to the ILO.

A number of other projects concerning the labour sector were about to start up when the break took place. On 30 September 1991 we suffered the military coup d'état. The President, who had been democratically elected for five years was exiled; his Government was dismissed; and the people were massacred. For eight long months the Haitian people have been living through one of the most bloody and repressive periods of its history. Without mentioning the serious political consequences, I would emphasise the economic and social consequences such as: the disappearance or murder of 3,000 people, the muzzling of the independent press; the systematic repression of popular organisations; the dismantling of the trade unions and the closing down of the most subcontracting factories; the increase in the rate of unemployment; the degradation of the environment; the increase in the cost of living; the pillage of State coffers and the massive exodus of Haitians – 40,000 boat people in eight months; and, of course, the increase in poverty throughout the country.

The legitimate Government of Haiti would like political stability to be re-established in our country and be guaranteed by the return to constitutional order and, therefore, by the return to power of President Jean-Bertrand Aristide. This would enable Haiti to re-establish its links with the ILO.

I would like to stress here the importance for developing countries and thus for Haiti, to consider the social aspects of the policies of structural adjustment which are almost unavoidable today. We are particularly sensitive to the price which has to be paid in human terms for these policies. We are also concerned with the *form* of such adjustment and the *way* in which it can be managed in order to reduce budgetary deficits and correct the great social inequalities that exist.

Technical aid from the ILO has always been readily available and will certainly be requested by the Government once the democratic process has been re-established in Haiti. In particular we would wish for a strengthening of the available ILO structures in the Caribbean and in Haiti. With your co-operation and our determination to get our country out of the rut of poverty, our workers will be protected, small – and medium-size enterprises will flourish, human resources in trade and industry will be guaranteed, vocational training will be consiolidaded for workers' organisations and for trade unions, the problems of the deterioration of our environment will be reduced and women, "the other half of development", and their participation will be recognised in productivity, economic growth and the balance of the Haitian society.

I sincerely hope that the work of the 79th Session of the International Labour Conference will advance the cause of democracy in our world and particularly in countries which have an authoritarian tradition. That thanks to the action undertaken by the ILO, the planet Earth will one day be inhabited by happy men and women who are fulfilled by their work, freed from exploitation and under the banner of justice.

Original – Chinese: Mr. RUAN *(Minister of Labour, China)* – First of all, please allow me to extend my warm congratulations to the President of this session of the Conference. I would also like to congratulate the three Vice-Presidents on their election. I am confident that under their guidance, this session of the Conference will achieve fruitful results.

The present day world is in a period of transition from the old structure to a new one. The situation is ever more turbulent and volatile. It is a time of high hopes and also of great risks. Against such a background, the International Labour Organisation has an important task of work in areas where workers' interests are directly involved, areas such as employment promotion, income expansion, working conditions and social security.

The ultimate goal of democracy is to bring tangible results and benefits to the people. As is quoted from the UNDP *Human Development Report 1991* by the Director-General in his Report, "the basic objective of human development is to enlarge the range of people's choices to make development more democratic and participatory. These choices should include access to income and employment opportunities, education and health, and a clean and safe physical environment." These observations are especially important for developing countries and those in the process of transition. China is a developing country in the process of reform. It attaches great importance to developing the economy and improving the living standards of its people and their conditions of social stability, while steadily promoting democracy on that basis. Since the founding of the new China in 1949, the Chinese Government has always taken as its most important and urgent task to provide its people with sufficent food and clothing. Since 1979 in particular, we have taken economic construction as the central task and carried out reforms which have further promoted the expansion of the social productive forces. Calculated in comparable prices, from 1952 to 1990, our national income had increased by 10.9 fold and our per capita consumption by 2.7

fold. We now support 22 per cent of the world's population with 7 per cent of the world's cultivated land. At the same time our achievements in education and medical care have also won the recognition of the world. By 1990 the number of our university, secondary and primary school students was 17.6, 40.3 and five times higher than in 1949. In the same period of time, the number of health institutions nationwide increased by 60 times. Now our people enjoy the right to subsistence with sufficient food and clothing. This is for China, a country with a huge population which used to suffer immensely under imperialist aggression and oppression, a historic achievement in its fight for independence, democracy and human rights.

The right to work is also a basic democratic right for citizens. China's Constitution provides that citizens have the right and obligation to work and that the Government should actively take measures to create employment. Soon after the founding of the new China, we succeeded in resettling 4.74 million people in cities and towns who had lost their jobs in the old China. Since the inception of reform we have tried to create employment in cities and towns by encouraging people to organise themselves in collective enterprises or seek self-employment, over and above the efforts made by the Government. For the surplus labour in rural areas, we have encouraged the development of township and village enterprises, so that farmers can find jobs near their homes. Since 1985, our unemployment rate has been kept at about 2.5 per cent, which is quite low compared with other countries.

I do not wish to dwell any longer on statistics to show China's achievements. What I want to point out is that in promoting democratisation, the ILO should emphasise that the process should not bring poverty or turmoil to its Members, nor should it impair the fundamental rights and interests of workers. As is pointed out by the Director-General in his Report, "there would be little point in introducing or restoring democratic values if doing so did not offer a cure for poverty, inequality and exploitation".

With regard to the ongoing democratisation process in the world, the consistent position of the Chinese Government is to respect the choices of the people of different countries. I agree with the Report of the Director-General that democracy is not a rigid ideology. Whether in developed or developing countries, democracy has never marked time at any stage. The concept of democracy is constantly enriched by various countries as time goes by. For over 150 years, the Chinese people have fought long and hard in pursuit of well-being and democratic rights. It was only under the Communist Party leadership that they found at long last the road of development suited to China's realities.

As we look back over Chinese history, and indeed that of all countries, it is not difficult to come to the conclusion that democracy develops from the evolving civilisation of all countries and cannot be monopolised by any single mode. If we take into account and make allowance for different perceptions of democracy under various political, economic and social systems as well as in countries of different historical, religious and cultural backgrounds, then it is likely that we can usher in a new international situation of mutual respect, mutual accommodation, harmony, cooperation and common progress towards democracy. If on the contrary, anyone should attempt to judge other countries against the criteria of a particular mode formed in given historical, social and economic conditions, or to impose its own mode on others, then conflicts may arise among countries with different social systems and cultural backgrounds, or the world may be taken to the brink of disaster. Clearly, we should opt for the first formula.

The Report of the Director-General suggests that in working for democracy and social justice, the ILO should play its role in encouraging tripartite cooperation within its member States, so that the market economy can be more effective. I believe that both planning and the market are means of distributing resources rather than criteria for distinguishing between social systems. In its economic development, China came to realise the drawbacks of the highly centralised command economy. So from 1979, it has strengthened the market mechanism. Over the past ten years or so, it has made great efforts to set up markets for consumer goods and for the means of production, as well as financial, technical and labour markets, which together comprise a complete socialist market system. At the same time, we have not given up planning as a means of macroeconomic control and regulation.

I want to point out in particular that the three major institutional reforms of labour, wage and social security, are important not only to developing the economy but to protecting the democratic rights of workers as well. For instance, by instituting a contract system for all employees of an enterprise, we can protect the legitimate rights of both employees and enterprise, on the basis of contract law; by adopting the distribution system of "to each according to his work", we allow some people to get rich first, and those who get rich should help those who have not done so that all will prosper. Finally, with the unemployment and pension system we can create conditions for fair competition among enterprises while effectively protecting the interests of workers.

These reforms in the field of labour call for closer cooperation between the Government, enterprises and trade unions in order to address the labour-related issues together. For example, under the 1987 Provisional Regulations on Labour Disputes in State-run Enterprises, both trade unions and enterprise leaders should participate in the labour dispute mediation committee of the enterprises, and local labour dispute arbitration organisations should involve the representatives of labour departments, enterprises and trade unions. China has already ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

In this respect, we hope to step up exchanges with the ILO and friendly countries, and learn from market economies all the good experience conducive to economic development.

Mr. NKOMO *(Government delegate, Zimbabwe)* – Allow me on behalf of the Zimbabwean delegation to congratulate the President and Vice-Presidents on their being elected unanimously to preside over this Conference. I wish to express our confidence in them as well as assure them of our optimum cooperation as they guide the proceedings of this Session of the Conference.

Turning to the business of the Conference, let me at the outset congratulate the Director-General and his staff for producing analytical, comprehensive and informative reports and other working documents which will no doubt greatly facilitate the work of this Session.

My delegation has examined the Director-General's Report focusing on ILO activities, with particular interest in those activities in Africa, including Zimbabwe. It is clear from the Report that the International Labour Office should be commended once again for embarking on very important programmes of action aimed at ameliorating the socio-economic conditions of our people. Zimbabwe has benefited immensely from ILO assistance, and I would like to express our deep appreciation of the ILO's efforts in accelerating our economic development, particularly through the provision of technical expertise for various programmes in training, labour administration, social security, rehabilitation and employment promotion.

At the regional level, ILO assistance has been greatly significant. The role of the African Regional Labour Administration Centre in developing expertise required by member States in the fields of labour relations, labour administration and factory inspection is also greatly appreciated. ARLAC has, for example, been able to offer useful courses on employment services and counselling, tripartitism and structural adjustment, factory inspection, labour standards, labour relations, labour administration and conciliation. Furthermore, in anticipation of a new political dispensation in South Africa, ARLAC has been providing training to labour experts from South African liberation movements and trade unionists. Through the years ARLAC and the ILO have developed a structured and positive partnership which has benefited English-speaking Africa. It is a superb and live relationship which we have to consolidate for mutual cooperation and advantage.

In the field of rehabilitation, the ILO has played a very significant role in the establishment of the African Rehabilitation Institute (ARI) in collaboration with the OAU. The ARI is therefore a monument of great hope to the handicapped, who have been hitherto regarded as second-class citizens. I am happy to announce that, having formally acceded to the ARI in 1986, and having agreed to host the ARI headquarters, Zimbabwe has subsequently signed the host agreement establishing ARI headquarters, which were officially inaugurated on 11 May 1988. The ARI has, therefore, an enormous task ahead, not only in southern Africa, but also in the whole of Africa, where an estimated 55 million people have a disability of one kind or another.

In the light of this, I wish to appeal to the ILO to consider reinstituting its contribution to the ARI budget.

I wish to commend the ILO for the excellent work it has done for disabled women – for the ILO's special project of disabled women. Through this programme, disabled women have acquired valuable skills in the development of cooperatives and industrial training to help them achieve self-sustenance.

The Southern African Team for Employment Promotion (SATEP) is yet another project in which the ILO has been providing us with technical assistance and advisory services. Since SATEP's establishment, the Team's activities have been centred on issues of income policy and employment creation, particularly in the non-formal sectors of our economy. With the ILO's tripartite structure, SATEP is able to cooperate with employers' and workers' organisations as well as government institutions in dealing with economic development issues, employment creation and human resources development in our region. My country also appreciates the ILO's extended role in training workers and employers in industrial relations.

The other ILO project based in Zimbabwe, Improve Your Business (IYB), has been providing technical assistance and training to small business people on how to start small businesses and on bookkeeping.

Let me now turn to the Director-General's Report, dealing with previous Sessions of the Conference at which most of the topics dealing with humanitarian issues featured prominently. Zimbabwe fully identifies itself with the substance and observations of the Report.

It is clear from the Special Report of the Director-General on the application of the Declaration concerning action against apartheid that the negotiations currently taking place in South Africa should be encouraged in order to bring peace to South Africa and to the region as a whole. Zimbabwe's position reflects that of the Front-line States and the OAU Ad Hoc Committee on Southern Africa.

The steps taken so far by the South African authorities, whilst commendable, fall short of the full expectations of the majority of South Africans and the international community. Zimbabwe will therefore continue to give the necessary support to the unfolding political process.

In this regard, we hope that the decisions of the Tripartite Conference on Southern Africa, held in Harare from 5 to 8 May 1992, will be adopted at this 79th Session of the International Labour Conference without reservations.

The 79th Session of the International Labour Conference has brought into sharp focus the ideals we strive for in terms of the protection of workers' claims in the event of the insolvency of their employer, the prevention of industrial disasters and adjustment and human resources development.

My delegation fully supports the principles behind the proposed instrument on the protection of workers' claims in the event of the insolvency of their employer. Therefore, any guidelines from the Conference on the measures that have the potential to protect our workers from the result of their employers' insolvency would enjoy our full support.

I note that the Conference is addressing, for the first time, the question of the prevention of industrial disasters, in the hope of coming up with an instrument. Industrial disasters worldwide are claiming many lives and causing environmental destruction. It is therefore my delegation's expectation that the proposed instrument on the prevention of industrial-disasters will give us further guidance in promoting occupational safety and health an environmental protection.

I now turn to the aspect of adjustment and human resources development, which no doubt is a major area of interest to most developing countries, where sweeping economic changes and wide-scale restructuring are taking place. A major priority here is the need to arrest the trend towards a reduction in expenditure on human resources development. We feel adequate education and training are essential elements in any structural adjustment policy.

There is no doubt that future failure to invest in the development of skills to underpin structural adjustment programmes could endanger chances of recovery and development prospects. It is therefore necessary that political decisions in the allocation of training resources are supportive of the reform programmes.

The daunting tasks that we face in the area of labour in my country cannot be viewed in isolation from the general economic environment. It is now common knowledge that the subregion as a whole is going through the ravages of an unprecedented drought. Nevertheless, I can assure you, Mr. President, that we remain committed to the democratisation of the labour scene. In this regard, I wish to express our appreciation for the continued support that the ILO has given us. We recently received a labour law expert in Zimbabwe to help us to harmonise our various labour laws. It is our hope that Zimbabwe will respond adequately to the imperatives that go with the process of democratisation and economic restructuring.

Finally, Mr. President, you can count on our full support and cooperation as you preside over the 79th Session of the International Labour Conference.

Original – French: Mr. GAYAMA *(representative of the Organisation of African Unity)* – The course of world history has suddenly gathered momentum recently and it is therefore offering us a considerable choice of subjects for discussion at this session of the Conference.

On its own, Africa could put forward a completely integrated agenda focusing on nearly all the major preoccupations of society today, such as those concerning employment and the physical, moral and material security of workers and their families, the conservation of the environment and sustainable development.

We would be right to ask ourselves about the present state of economic or political relations between peoples and nations because of a need for a climate of peace and justice, which would be able to sustain reforms that have been launched at the level of enterprises and national institutions.

Moreover, how could we fail to react to the ravages caused by so many natural disasters, drought in particular which is affecting whole regions in the Sahel, the Horn of Africa, and, more recently and in a fairly unexpected way, a large part of southern Africa?

The Organisation of African Unity welcomes the fact that such preoccupations are being taken into account here to highlight the common destiny of our planet and its inhabitants, at the same time as in Rio de Janeiro this destiny is being subjected to the most serious scrutiny.

In such circumstances, the task before the President in heading this 79th Session of the International Labour Conference is of particular importance. He is a personage whose political standing and competence are commensurate with the challenge. As he is assisted by other eminent Officers of the Conference I think we can conclude that all the necessary prerequisites exist for the success of this session of the Conference.

We appreciate very much the personality and the competence of Mr. Michel Hansenne, the Director-General of the ILO, who recently visited us in Addis Ababa. We would once again like to state our confidence in him and pass on to him friendly greetings from Mr. Salim Ahmed Salim, the Secretary-General of the OAU.

During the course of the 27th Assembly of Heads of State and Government of the Organisation for African Unity, held in Abuja, Nigeria last year, one of the most important decisions adopted by the Heads of State was the Declaration on the Employment Crisis in Africa. This demonstrated an acute awareness of the seriousness of the problem. Now, the problems of employment and unemployment, are to receive the priority worthy of them, all the more so since the economic integration of African envisaged by the Treaty Establishing the African Economic Community, signed on 3 June 1991, will probably be organised on the basis of a rational use of our human resources in conformity with the principle of popular participation in development, which was adopted in 1990 by African countries in Arusha.

The most vulnerable categories, such as women and young people, in urban as well as rural areas are paid particular attention here. In cooperation with UNICEF, for example, OAU is to organise (next November in Dakar) an international conference on assistance for African children, to enable them to have access to the benefits laid down in the African Charter on the Rights and Welfare of Children.

The OAU Labour Commission has confirmed these arrangements by setting up a tripartite structure (State, employers and trade unions), which will promote a dynamic African policy in areas of labour and social affairs which bears witness to Africa's determination to promote the emergence, in society, of workers' organisations and other associations, whose contribution will be welcome in consolidating a democratic culture.

In a few days' time, in Dakar, Heads of State and Government of the OAU will look at these matters again when they proceed, during their next summit, to assessing the progress which has been made in African integration, in implementing the Declaration on the Employment Crisis in Africa, and when they finally adopt the conclusions of the last session of the OAU Labour Commission.

By emphasising this global approach and dealing with a number of situations which require urgent commitment, African countries see that it is necessary to depend, above all, on their own resources. The freeing of individual initiative, accompanied by an increased effort to promote regional cooperation, are, we cfeel, the minimum prerequisites for the success of democratic experiments since no democracy can be guaranteed in sharing poverty and the eradication of poverty constitutes a priority democratic duty.

From this point of view the exercise in structural adjustment does not guarantee a rosy future, given its prohibitive social cost in an international environment which tends to generate debt and is little inclined to give priority to the human dimension of development.

Since there are common interests and a common destiny due to the growing interdependence of the world there is surely no more appropriate parameter than that concerning the lives and the destinies of human beings.

This concern, quite naturally, led the OAU to focus in particular on the question of migrant African workers in Europe. These today are confronted by a wave of xenophobia and attitudes which impinge on their dignity. Students, trainees or workers of all categories sometimes suffer from a climate of hostility, be it latent or otherwise, which is also reflected in certain legal provisions which have been recently linked with the adoption of the Single European Act.

It is unfortunate to note that the liberation of countries of the former Eastern European communist bloc has only extended the network of anti-African discrimination as if it were felt urgent for some people in those countries to fall into step with those in the West who promote their nationalism by directing it basically against nationals of countries in the south.

Can we really believe that the construction of the common European home is based on exclusion and retrenchment. We hope that dialogue and concertation will prevail over chauvinism and a tendency to take unilateral decisions.

The situation in South Africa continues to concern us, even if the OAU has sympathy for the process of change which is taking place. However, this process has not yet reached its point of no return. To put it clearly, apartheid and racial discrimination cannot in any way be the basis of a legitimate policy, above all in the world of labour, where there should not be any subjective criterion linked to race.

Now southern Africa is forced to redirect its energy towards another unexpected battle – it is now being hit by a severe drought which is threatening more than 20 million people.

The Conference which was held here on 1 and 2 June under the aegis of the United Nations and SADCC has reassured the OAU in its efforts to mobilise and make the world aware of the seriousness of this problem. We feel that the drama which is taking place in these countries will soon be mitigated so that that subregion, which is usually self-sufficient, will be able to find its balance and harmony again.

When we know to what extent such calamities increase the flow of refugees and displaced persons, and Africa has the greatest number of these people in the world at the moment, we can see the scale of the tragedy.

The transformation of the world, which is taking place at present requires all our energy and our goodwill. International cooperation of the most active kind is required now, more than ever in the past.

We must put an end to certain paradoxes which justify hunger and malnutrition in a world which is capable of producing whatever is needed and which could satisfy the needs of the greatest number of people. Let us agree that one of the tasks of the tripartite bodies in the world of labour should be to propose innovative solutions which will be of benefit to all.

As it has been accepted that one of the most important challenges facing the United Nations Conference on Environment and Development is to assimilate all factors connected with the conservation of resources and their rational use. We are fully convinced that this session of the International Labour Conference will prepare, for its part, people's minds for the dawning of a new age where the human being will be the focal point of human activities.

I hope that this 79th Session will produce a plethora of proposals for meeting the expectations of Africa and the world, above all concerning the promotion of the essential values of peace, labour, justice and democracy.

Original – French: Mr. NDASINGWA *(Minister of Labour and Social Affairs, Rwanda)* – It is a great honour for me to take the floor at this 79th Session of the International Labour Conference so as to offer to the International Labour Organisation and all its Members the warmest greetings of the Rwandese people and to share with all present our respective societies' current experience in the field of labour.

But before I continue I would like to express to the President, and to the Conference Officers, my warmest congratulations on their election. Your skill and human qualities are, I believe, a guarantee of the full success of our work. I assure you that the Rwandese delegation will cooperate fully with you in the accomplishment of your task.

The subject chosen this year by the Director-General of the International Labour Office is of the greatest relevancy. Democratisation and the ILO is a subject which concerns all of us since, as the Director-General indicates in his Report, the values of democracy are indeed universal; they prevail in the north, south, east and west. Rwanda fully endorses the very thorough and valuable analysis made by the Director-General in his Report to the 79th Session of the International Labour Conference. The Report demonstrates quite clearly the challenges facing genuine democratisation in our societies, and describes the main thrust of the ILO's contribution in dealing with these challenges.

Rwanda is no stranger to the surge of democracy. Together with the rest of the international community, the country is committed resolutely to building a society in which the Rwandan people's aspiration for freedom, justice and welfare is given the highest priority. In concrete terms, this has been reflected in sustained and remarkable efforts to reform our political, social and economic systems.

Politically, Rwanda has taken an important and promising step forward towards democratisation. The Constitution which was adopted in June 1991 ended the single-party system and endorsed political pluralism. Since then, several political parties have been registered and they are now conducting activities throughout the country. The current Government, in which I serve, includes ministers from the country's five largest political formations, and it is responsible for managing a transition leading to general, free and democratic elections. The Government is determined quickly to promote the principles of pluralist democracy and have them take root so as to create a political, economic and social environment conducive to a strong surge of development.

In the field of trade unions and trade union freedoms, independent depoliticised unions are now thriving.

However, economically speaking the picture is not so bright. Rwanda is plunged in an extremely serious economic crisis at the present time.

Rwanda is a small country – 26,338 square kilometres – located in the centre of Africa. At the time of its independence in 1962 it was among the three poorest countries in the world.

Since then, however, much effort has been made and the Rwandese economy made considerable progress until the beginning of the 1980s.

The economy expanded quickly, with an annual growth rate of the GDP of 6 per cent, or about double the average rate for sub-Saharan Africa.

Rwanda very rapidly developed its basic infrastructures, particularly in both domestic and foreign transport. The main roads were paved and airport and telecommunications infrastructures were set up. The welfare of the population was improved by enhancing health, education, water and energy services.

Budget deficits were relatively low and the relative level of exchange reserves was among the highest in Africa. The debt service ratio was less than a third of the average for sub-Saharan Africa.

The strong performance of the Rwandese economy, however, did not last. The economy still now faces serious constraints both owing to structural and temporary economic factors. I am not going to mention them all, but among the most important elements is the fact that our economy was concentrated on the export of one single basic commodity, coffee. It represented 75 per cent of exports. Other factors included a large population with high density and demographic growth, which consequently exerted excessive pressure on agricultural lands and the environment, worsening soil fertility and deterioration of the environment in general, deterioration of terms of trade (principally because of a collapse in world prices of our export commodities, coffee and tea), the collapse of the mining industry in 1985 (which represented 2 per cent of GDP, 14 per cent of regularly employed labourers and 37 per cent of total export income).

The combined negative effect of all these factors lowered economic growth to 1.4 per cent per year from 1982 to 1988. It impoverished the population, particularly the rural population, and led to financial imbalances both internally and externally, in spite of corrective action undertaken since 1982 by the Rwandese Government in the hope of restoring these balances and repriming growth.

In the light of this situation, the Rwandese Government, in cooperation with the IMF and the World Bank, adopted in October 1990 a structural adjustment programme so as to reprime economic growth, improve the external balances, tidy up and improve public finance.

Within this first programme then we are also envisaging a reform of the labour legislation in force after having studied all main questions pertaining to the labour market in Rwanda and after having proposed more reforms which will protect and promote the creation of jobs.

But all these efforts to reform, courageously undertaken in the areas of politics and economics, are compromised most seriously by a fratricidal and costly war which has been waged along the frontier with Uganda for the last two years. It is fratricidal because it was started by Rwandese refugees living in Uganda who are fighting against members of their own country. It is costly in terms of human lives, material goods, and the displacement of thousands of people who are living in conditions of great suffering and in desolation. It is costly above all because it bleeds our country dry and is now forced to invest a considerable portion of its limited resources in military expenditure to the detriment of vital investment in education and health.

The multi-party transitional Government set up last April has set itself the priority of negotiating a peace settlement, which is the prerequisite for the establishment of any proper democracy and a new economic upsurge. It has undertaken direct and frank negotiations with the Rwanda patriotic front, and the fist phase of these negotiations is under way as we speak, in Paris, and should lead to an effective cease-fire. The approach envisaged by the Government to solve this problem is to find an effective solution to the refugee problem. This problem can only be solved by guaranteeing all civil rights to refugees, in cooperation with neighbouring countries sheltering them, and offering them a free choice between voluntary repatriation, residence with full diplomatic protection in the country of exile, or naturalisation.

Rwanda hopes more than ever to be able to continue enjoying the support of the international community, in particular the ILO, in the process leading to a solution of these problems which are such a handicap for our development. Repatriation of refugees and demobilisation at the end of the war, which we sincerely hope for, will have a considerable impact upon infrastructure and on the management of human resources from all points of view, particularly in terms of job creation and vocational training. Through this international support, Rwanda will be able to reinforce its own efforts in the three areas stressed by the Director-General – to wit, respect for human rights, the implementation of a market economy with a human face, and tripartism as the model for participation.

Mr. JOHN *(Workers' delegate, Trinidad and Tobago)* – Let me join with the rest of my colleagues and the delegation from Trinidad and Tobago and the rest of the Caribbean in congratulating the President on being elected to the distinguished office of President of this session of the Conference. He knows that he has our support and that we wish him the best, not only in this position but to continue in the future.

First let me say that it is a great honour for me to be in a position to address the 79th Session of the International Labour Conference. Coming from a small country of just over 1 million, as I do, it is very easy to yield to the suggestion that the world does not really care about what happens to us. Yet it is the 79th Session of the International Labour Conference that serves to remind countries like my own that, for as long as concepts like peace and justice continue to have meaning, men like us will be drawn together from countries of all sizes in brotherhood and solidarity and in the effort to make our world a better place in which to live.

For small countries like ours in the West Indies, conferences like these mean a lot because we are reminded that economic and social problems do not discriminate between countries. All our countries, big and small, are faced with one kind of problem or another. Problems of unemployment and poverty, problems of fiscal and external imbalance, problems of overwhelming debt burdens, these are all now a feature of life in nearly every country in the world.

For us in the Caribbean, we have had the painful experience of seeing our economic system shrink to dangerously low levels. We have seen uneemployment rise to double in the last ten years. We have seen employment levels fall drastically while income levels were being similarly reduced. The result has been an increase in crime and social tensions that threaten to destroy the very quality of life that we have always striven to obtain.

Moreover, we are seeing this at a time when conditions in the international economy are becoming more and more challenging with reduced capital flows to our part of the world, with world trade still steeped in extensive protectionism and with the conditions for obtaining finance becoming more and more demanding. We are witnessing unbelievable political changes taking place in Eastern Europe and in the former Soviet Union. Permit me to extend to the delegates of these countries a very special welcome to this year's session of the Conference. However, side by side with these progressive political changes, we continue to witness and experience an intense deterioration in the system of world trade and world finance. In this context of trade and finance, it would seem that there is something extremely illogical about the present set-up of international trade and financial arrangements, where it is daily becoming more difficult for countries to obtain foreign exchange through trade, while at the same time we are being asked to find more and more of this very foreign exchange to service the debts we owe.

The brutal fact is that, if most of the developing countries continue to be forced to pay the debts that have been accumulated, this will be the virtual end of any development, at least for this decade. What is more, if these countries are forced to adopt the stringent measures which the creditors regularly demand of us, in many cases we will see social upheavals on a scale never contemplated before. Yet we know that the international trading and financial system must be characterised by order, predictability and a high sense of responsibility on the part of all participants.

What then do we suggest? What would we like to see happen in the course of the next year or so? For our part we have no intention of asking for charity or even sympathy from the richer countries or from creditor institutions. However, if we allow the present protectionist trend and the mounting debt burden to continue to strangle middle and lower income countries of the world, these countries will soon lose the capacity to generate any surplus and therefore to repay the increasing debt.

Since such a development cannot be in the interest of the trade and financial system, we at this Conference want to send a clear message to the leaders of the countries and institutions involved that: (1) The Uruguay Round of trade negotiations aimed at lowering protectionist barriers should be concluded as soon as possible and, and (2) the time has come for meaningful debt relief to be afforded to the middle and lower income countries of the world. In the case of the debt problem, our Conference should make a strident call for the multilateral financial groups, together with the leading private lending groups, for example the Paris Club, to sit down with different groups of debtors and to arrive at a workable programme of debt write-off. Since the debtor countries will not expect to get this relief at no cost to themselves, the opportunity for a different type of conditions would be created. These would not be conditions that amounted to blackmail, or ones that threatened to destroy the fabric of our respective societies, but ones that would genuinely induce debtors to make productive use of any relief granted to them.

Let us not underestimate the significance of a conference of this nature. We literally represent the population of the world. We cannot meet here and simply exchange pleasantries as if life is bliss in our different countries. If we are to be honest with ourselves and with each other we would all admit to the threat now posed to our very existence by the present system of international trade and finance. A properly working economic system, or a properly working financial system is one that gives those who participate in it the opportunity to improve their quality of life by engaging in production, exchange and consumption. A properly working system would therefore lubricate the mechanisms of wealth creation and incorporate mechanism for an equitable distribution of income. Yet what do we find in the present system of international, economic and financial relations? We find a system dominated by the IMF and the World Bank – a system that has been making the vast majority of countries that participate in it poorer, a system that has become very good at generating more and more unemployment. In other words, the present international system is working in quite the opposite direction from what we know it should be doing.

I strongly believe that the time has come when the Director-General of the ILO should make his own inquiries into the terrible effects that the operations of institutions such as the IMF and the World Bank have been having on the countries of the world. I believe that the time has come when we must put a halt to the madness of increasing poverty and unemployment. Let us not have any doubt that the ILO possesses the moral authority to point our world in a new direction. For the ILO has always been in the forefront of finding ways of adjusting the problems of poverty, unemployment and income distribution in every corner of the world. To close our eyes to the present challenge would be to abdicate the responsibility of this great Organisation, the International Labour Organisation. To do less than meet the challenge head on would be to condemn ourselves and our children to chaos and confusion for decades to come.

Original – Portuguese: Mr. OLIVEIRA *(Workers' delegate, Brazil)* – I should first like to say here how extremely pleased I am at the election of Mr. Nascimento Rodrigues to preside over this 79th Session of the Conference,. He is a representative of Portugal which is our brother country in Europe and this means that our language will be spoken during this plenary. Soon perhaps our language will be spoken by more than 250 million people throughout the planet and perhaps even used in ILO pulications.

I should also like to say that this is the first time that Brazilian workers have freely been able to choose their representative for this annual meeting of the Conference. Thus, we have a union representative from the Workers' Central Organisation (CUT) which has existed since 1983 and he is here representing Brazilian workers following an agreement with the two other unions that exist – the Força Sindical and the General Confederation of Workers (CGT).

I would like to call the attention of the workers of all the world to the importance of the issues that will be dealt with in this meeting, and which include the prevention of industrial disasters – we all know very well what happened in Bhopal – the question of workers' claims in the case of insolvency of the employer and the question of human resources vis-à-vis the processes of structural readjustiment which are taking place throughout the world and in very different economic situations.

These are very important issues and I would not like to relegate any of them to second place. However, I would like to base my discussion chiefly on the consequences on the workers of the processes of structural readjustment, and the question of human resources and the disastrous effects of these processes for the population, particularly in such developing countries as Brazil.

We are paying an extremely high price for these readjustment processes which have favoured the interests of investment capital to the detriment of the standard of living of our population. These policies have been guided chiefly by monetarist policies of an ultra-liberal nature, and inspired by what is known as neo-liberalism the chief exponents of which were Ronald Reagan and Margaret Thatcher. These policies have been applied indiscriminately throughout Third World countries when the developed world itself is already questioning their application. We see this frequently in the case of automobile quotas which are being constantly discussed between the United States and Japan.

The recent disturbances in Los Angeles have proved the effects of the social difficulties that exist in the most developed nation of the world, while the increase in misery, in hunger and criminality in urban centres shows that there is a very cruel side to this policy in the Third World. The attempts at coups d'état in Latin American countries which have unanimously been condemned by all workers throughout the world, bring us back once again to the Latin American situation and the military dictatorships which over the last years we have been trying to remove.

Our main concern is that the whole process of economic reform, the trend towards the free market that is taking place in Eastern European countries should not be merely a pretext or a justification for implementing savage capitalism. It is essential to give full weight to social questions in this whole process of economic and structural readjustment.

In this context, the training and retraining of workers to enable them to cope with these structural adjustments must be associated with the creation of new jobs. Otherwise, in spite of all our efforts, in spite of all the Ministries of Labour that exist, what we will have as a final result will merely be a very large number of qualified, skilled, unemployed people and this is of no interest to the workers and to the population of the world as a whole.

Along the same lines, it is also important to remember that workers and their organisations must participate actively and on an equal footing with governments and with employers' organisations in this process because only in this way will we be able to make qualitative steps forward towards true democracy which requires the representation and participation of all of us.

Original – Spanish: Mr. SOLORZANO MARTINEZ *(Minister of Labour and Social Welfare, Guatemala)* – May I first express my congratulations to the President on his election. It is a great honour to be able to work with him as Vice-President in the management of this Conference.

Speaking for myself and on behalf of the Government of Guatemala, may I thank you for the honour you have conferred upon me by electing me to this office. For my country this honour is highly significant because of the fact that the people of Guatemala are engaged in a historical struggle to put behind us years of authoritarianism as we move towards democracy. To achieve our objective, we must conclude the domestic warfare which has plagued our country for the last 30 years, and rally international public opinion behind our efforts to secure peace.

I am therefore doubly satisfied to have been elected to the Vice-Presidency of this Conference, at which we are discussing the subject of democratisation and the role of the International Labour Organisation in that process.

For Guatemala, as for many of the countries in the developing world, the subject is current indeed since we have to deal with a heritage of violence, poverty and injustice. At the same time the world around us is living through the most transcendental changes of the century, with the conclusion of world polarisation, the globalisation of the economy, the emergence of new economic blocs in a context of free competition. We are therefore forced to undertake thorough changes in our own political thinking, in our economies and in our labour relations.

The Report presented by the Director-General gives us the opportunity to get into a very substantial discussion; in particular, it raises the issue of the steps which the Organisation must take as it moves towards the future. The first thing that I would like to stress is how timely this subject is. This reflects the ILO's concern for current problems, and the direction in which the Director-General would have the Organisation move.

In Latin America, as noted in the Report, we are dealing with a difficult contradiction. The process of democratisation has moved forward, peace is becoming a reality, and the spectre of authoritarianism and war is receding. However, the region has been very seriously buffeted, both economically and socially. Poverty rates are truly alarming. The informal sector of the economy is growing at suffocating pace and social indicators show a situation of despair.

The crisis means that we have to take specific adjustment measures to stabilise the economic and financial situation, but this leads to recession and strikes hardest at the poorest social groups, creating anxiety, despair and a feeling of ungovernability. This contradiction between the dream of democracy and economic realities has to be solved if really we wish to advance towards the achievement of freedom and social justice.

This is the challenge. We are pinning our hopes on the model of a global economy, free markets and free competition. However, we are weighed down by poverty, the need to overhaul the productive apparatus and labour relations, and to secure a more active participation of our citizens in the solution of existing problems. We also require an understanding of the developed world, a more productive dialogue between North and South, and technical and financial cooperation to jump-start our economic development.

It is very encouraging to see that the ILO has decided to "intensify its positive collaboration with the International Monetary Fund and the World Bank, so that the policies suggested to the member States should, as from the design stage, take into account the concerns of the Organisation, the government leaders responsible for social policy and the employers' and workers' organisations in the countries concerned."

This effort by the ILO is welcomed by all of us with great satisfaction; but at the same time, governments must be committed to buttress and support this policy.

This support must be expressed in the design and management of national economic and financial policies, in the sense that it is not possible to divorce economic policy from social policy.

May I expand on this idea by referring to a point I raised in Chile at the invitation of the Director-General.

Over the last few years, economic and financial activities have been implemented which have been at odds in many cases with the opinions of those who are responsible for social policies. The international financial organisations have been concerned with the problem of the fiscal deficit, with the need to drive down inflation, to ensure stable exchange rates, to improve currency reserves, and to ensure the payment of our external debts. But they have paid scant attention to the social situation, which demonstrates quite clearly that there is a lack of communication in these organisations with the ministries responsible for social affairs.

Further, the lack of participation and coordination between those who are responsible for the economy and those who are responsible for the implementation of social policies has generated serious problems in the implementation of structural ajustment policies.

I consider it very important that this Conference should look at the necessity of improving communication between these branches of government, to ensure consistency between economic and social policies.

My colleagues will agree that to be a good ministery of labour, economic and financial policies must be consistent with current realities.

But we must also recall the importance of social dialogue and the application of tripartism as the proper apparatus for building social consensus between the fundamental sectors of the economy and the State.

The practice of tripartism has made it possible to advance not only in terms of economic and social agreements, but, particularly in countries which have or have had to deal with domestic conflicts, in terms of the formulation of policies for social peace. This has helped to bolster dialogue and the search for consensus.

Our experience in Guatemala has demonstrated the advantages of this approach and we have been implementing it since last year in the so-called "Social Pact". We have continued this year with tripartite committees, composed of representatives of the private sector, labour and the State, to discuss improvement of labour relations and better relations within enterprises and within the country.

The success of this approach has led us to undertake a national consultation regarding on the Indigenous and Tribal Peoples Convention, No. 169 (1989), which, for the first time, has brought together the legitimate representatives of Mayan groups in the country to discuss openly whether to ratify this convention when it comes before the Congress.

In fact, tripartism has been promoted since the last meeting of Ministers of Labour for Central America and Panama. In all the meetings which we have had in the region, which are now attended also by the Governments of Belize and the Dominican Republic, we have invited employers and workers, as well as the international financial organisations, for a frank discussion of the problems facing us and of possible solutions.

Finally, I express my satisfaction on the ideas presented by the Director-General regarding the need to adapt to new situations. I would like to stress the importance of working with the Organisation to develop systematic activities in respect of democratisation, and the need to monitor the process throughout the next year, particularly in the field of tripartism.

This work requires a great effort in education for the three sectors, by means of courses, seminars and discussions, so as to raise awareness of how important and necessary it is. Only we put an end to confrontations and lay down the conditions for trust, will we be able to move towards our democratic destiny, the respect of human rights, and the necessary joining of forces to overcome our shortcomings in economic and social development.

May I express my own satisfaction and that of my Government for the topic and conduct of this 79th Session of the Conference. It marks a step forward in the development of our Organisation.

(The Conference adjourned at 1.15 p.m.)

Sixth sitting

Friday, 5 June 1991, 3.15. p.m.

President: Mr. Mugalla

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT (Mr. MUGALLA) – We continue our discussion of the reports of the Governing Body and of the Director-General.

Mr. STOCKDILL *(Government delegate, New Zealand)* – The New Zealand delegation at this 79th Session of the International Labour Conference welcomes the President's election. Our Minister regrets that he is unable this year to maintain the tradition of ministerial attendance from our country, but he wishes the Conference well in its deliberations.

We also welcome the Director-General's analysis of the democratisation movement and of the ILO's place in that process. In the short time available here we wish to give our brief reaction to his questions: "What do we expect from the ILO in the coming years? How can be we all strive together for greater democracy and greater social justice?"

New Zealand does not pretend to have the instant solutions to achieving greater democracy and greater social justice. Nor can the ILO pretend to have all the answers.

But the ILO is particularly well placed, because of its tripartite nature and its extensive coverage, linked with its founding mandate, to contribute to those goals. The Director-General recognises that member and potential member States should be quick to support his efforts in more ways than simply by membership of the Organisation.

New Zealand believes that the answers to the Director-General's two questions are to be found within his Report.

What do we expect from the Organisation? We expect an Organisation that is able, through good management and structural positioning, to respond to the necessities of the moment. We expect flexibility and responsiveness. We expect efficiency and value for money. We expect an emphasis on action and achievement. We expect an Organisation that will not be daunted by the many challenges ahead.

The Director-General tells us – correctly, we believe – that "in order to discharge its functions correctly, the State must put its own house in order and prove itself a good administrator of public affairs". That assessment can, we believe, readily be applied to this Organisation as well as to its member States.

We believe that the Director-General is already facing that challenge in appropriate ways in a managerial sense, as he demonstrated in his paper to the February Session of the Governing Body as a basis for preliminary discussion of the 1994-95 budget. In particular, the importance he attaches to regional activities and the changes he proposes in order to emphasise those activities are welcomed by my Government. That concentration on regional activity will facilitate his suggested "active partnership" with member States and can only lead to a pratical contribution to social justice in those States.

A word of caution, however, and a word of exhortation. We cannot blithely expect the Director-General to achieve the goals we set for him unless we try to smooth his path.

The Governing Body has already established a working party to look at the annual Conference. Indications are that, subsequently, working parties will also look at the Governing Body itself and at our standard setting and monitoring apparatus.

New Zealand calls upon all member States, but in particular members of the Governing Body, to take a positive approach to those issues. If the Director-General is supported by the underlying and fundamental structures of our Organisation, rather than hampered by them, then he is better able to ensure that the ILO contributes positively and efficiently to the process of democratisation and to greater social justice.

The Organisation is happily placed in time in the sense that our efforts are not distracted to the same extent by political issues unrelated to our fundamental mission as an Organisation. That presents an opportunity for us to concentrate on doing what the Director-General describes as making our action "effective to the fullest possible extent".

Accordingly, New Zealand believes that if the ILO places emphasis on putting its own house in order then the benefits will flow in terms of an enhanced contribution to achieving the Organisation's objectives, in particular greater social justice.

We in New Zealand have no little experience of putting our own house in order in recent times. Our most recent efforts have been in reforming our labour market. The Government passed the Employment Contracts Act just over a year ago. Its purpose was to free the labour market by emphasising the freedom of choice both in relation to union membership and bargaining structures.

The Act relies on the contract law model ensuring that employment contracts are freely negotiated and cover only those employees and employers to agree to the contract. This contrasts with the previous system of documents negotiated by unions to cover whole occupations on a national basis. This is an unduly rigid system.

The Act has already stimulated considerable change – most significantly a change in bargaining structures. Although some industries have developed or maintained multi-employer contracts, most new contracts are enterprise-based. One effect has been the development of better direct employer-employee relationships as a result of the need to discuss new contracts directly with employees.

Many individual employers and employees have used enterprise agreements to address seriously the conditions of work in their own workplaces, free from the dictates of the old award system.

While the new legislative environment has opened the door to a wide range of possible arrangements, including arrangements in relation to the choise of bargaining agent, it is clear that unions are still playing a very active role on behalf of employees. A recent analysis shows, for example, that 79 per cent of employees covered by recently negotiated collective contracts were represented by trade unions.

The primary area of change in working conditions has been in the span of hours worked. This has been achieved in two ways: in general, while the 40-hour week has been maintained, core hours during which these hours may be worked have been extended. In addition, penal rates have sometimes been absorbed into higher weekly wage rates or have been reduced by agreement. Such changes have been particularly important in the retail and leisure sectors to enable firms to meet the demands of the increased Saturday and Sunday activity which has developed over recent years in New Zealand.

In some industries, wider flexibility changes have been made, such as the breakdown of demarcation lines which have bedevilled New Zealand manufacturers for years as a result of exclusive union coverage of occupational groups. Employees can now do a wider range of work, with benefits both in terms of efficiency and of job satisfaction and employee commitment.

Employees also now have greater and wider protection against unjustifiable employer actions. All New Zealand employees, regardless of whether they belong to a union and regardless of their level of job, can have access to a personnal grievance and dispute prodecure through specialist employment institutions.

With the abolition of exclusive union coverage, the Government has seen no logical role for the State-funded trade union education authority. It will be replaced, however, with an employment-related education fund which will disburse funds to provide the information and skills needed to develop effective workplace relationships.

In the equal employment opportunities area, the Government has established a joint private/public sector trust and a separate contestable fund to develop, promote and research equal employment opportunity policies and practices in the private sector.

Overall, the Government is pleased with the results of the reform programme.

The Employment Contracts Act is part of the Government's overall economic policy, which is aimed at creating the right environment for economic growth. The Act has provided a framework within which employers and workers can develop a direct and more cooperative relationship, allowing them to make ongoing adjustments to work conditions and organisation to meet ongoing changes, rather than addressing such needs in an annual round of claims and trade-offs. The kind of enterprise-based changes now being negotiated in many workplaces, which lead to more efficient and productive work practices, are encouraging examples of what can be achieved under the Act. The Act is already contributing significantly to the emerging economic recovery in New Zealand.

Original – Arabic: Mr. MATOUG *(Secretary, People's General Committee for Vocational Training and Formation, Libyan Arab Jamahiriya)* – Allow me, at the outset to congratulate Mr. Nascimento Rodrigues on his election to the presidency of the 79th Session of the International Labour Conference. I am absolutely confident that he will fulfil this task that has been entrusted in him to the best of his ability.

The Director-General's Report this year deals with a very important and sensitive issue which concerns the peoples of the world – an issue that is still the subject of regional and international conflicts and disputes. It is the question of democratisation in the world and the role of the International Labour Organisation. The Director-General wanted to raise this issue to be able to participate in the establishment of a real and direct democracy that will establish freedom, both for individuals and society – free from hegemony and colonialism.

The International Labour Organisation has always devoted its activity to far-reaching reforms which have occurred in the world. It has tried to find formulas to guarantee the respect of basic human rights and social justice.

This being so, the ILO must adjust to the changes in the world today and try to set right the adverse effects these changes have had on the fulfilment of his duties. We call upon it to attach greater importance to the principles of equality and justice within its own structure.

The people in the Libyan Arab Jamahiriya enjoy true democracy through congresses and people's committees. They hold the reins of their destiny in their hands; they have thrown off the yoke of oppression, tyranny and deprivation imposed during years of hegemony and colonialism. They do not need to be governed in their everyday life. They already look forward to the day when all other peoples, following their example, manage to free themselves from the grips of their oppressors and outmoded political systems – when systems only have to answer to the wishes and aspirations of their people.

The Great Revolution of 1 September is doing all it can to lay the foundations of freedom and democracy. The people's congresses promulgated the Great Charter of human rights in this era of mass culture. In order to fulfil the glorious principles of this historic Charter, the basic People's Congress adopted Act No. 20 of 1991 which reinforces the cause of freedom, particularly in the areas of labour and employment and freedom of association. Its provisions stipulate that all citizens have the right to express their opinions and voice them freely in the basic Peoples' Congress and the press. Furthermore, citizens may set up trade unions, federations and occupational associations without restrictions and join them to protect their interests. Workers also have a right to choose their own work which is best suited to their capabilities, either alone or in cooperation with others – and to benefit from the fruits of their labour.

Under this law, women also have the right to do work that best suits them and must not be asked to undertake any work that does not correspond to their nature.

The role of the International Organisation today is clearer than ever before. It has to reinforce just social values, establish the bases of social dialogue, consolidate equality and the rights of producers, attempt to involve individuals in collective decisions, provide basic and essential services for the most vulnerable groups of the population, strive for collective bargaining, promote more far-reaching social reform, protect workers from all types of oppression and arbitrary measures to which they are subjected throughout the world – and, I regret to say, at the hands of international organisations which should be just and democratic.

Within the framework of the ceaseless efforts it is undertaking to raise the efficiency of national manpower, the Revolution of the 1st September has already set up a people's secretariat to formulate plans and intensive vocational training programmes in accordance with regulations in this sector. It is also being asked to do everything it can to promote vocational training establishments. In this way, it will contribute towards creating a skilled national manpower and persons – both inventive and productive – capable of adjusting to developments in the field of science and technology.

Training centres have been established for this purpose, distributed as follows: 106 centres provide basic training and should receive 18,677 trainees in 1992; 114 intermediate training centres with 45,096 trainees in 1992; and 11 advanced training centres with 5,000 trainees in 1992.

These centres provide training in various trades and occupations. There is also an annual training programme ro raise the skills of all workers. Forty thousand trainees have already benefited from this programme in 1992, and this has helped increase national manpower, from a total of 38,305 in 1990 to 90,107 in 1992, i.e. an increase of 40.1 per cent.

The great Libyan Arab Jamahiriya has adopted a very wise policy in the field of occupational safety in all plants to prevent industrial disasters and to limit the consequences of such disasters.

The people's councils of the Jamahiriya promulgated Act No. 93 of 1976 concerning workers' safety. This legislation, one of the most recent in this sphere, emphasises the importance of industrial safety at the workplace and establishes measures which employers must take to protect their workers. The Act requires employers to pay the cost of the training of workers in occupational safety and health and provides for the establishment of a workers' safety council responsible for preparing a general policy to guarantee the safety and health of workers employed in industry.

This Act clearly defines the role of the inspectors responsible for guaranteeing occupational safety and health and establishes sanctions in the event of infractions. The People's General Committee responsible for vocational training has set up a centre which provides advanced training in the sphere of occupational safety and includes various sections the role of which is to train executive staff specialised in all spheres of occupational safety and health and without which there would be no production, progress or prosperity.

The air embargo against the Libyan Arab Jamahiriya has caused much prejudice to all persons who work with the Libyan airline, as well as hotels, tourism, the public transport system and the airports. The embargo has also proved harmful to non-Libyan workers, who total more than a million and a half, and who must use their savings to go to the nearest country to be able to continue the journey home by air. Mention should also be made of those who are sick who must travel abroad for treatment and who die before reaching one of the airports in the neighbouring countries, as well as the thousands of Arab children who suffer from the difficulties we have in obtaining certain kinds of medicines and vaccines imported by air.

In the Libyan Arab Jamahiriya, we hope that the international community will take a stand against this air embargo and that it will support the workers in our country, whether they be Arab Libyans, Arab non-Libyans or foreigners in general. The Libyan people and workers condemn without reservation terrorism in all its forms and demand the application of law, and not the law of the strongest, to resolve the problems and difficulties which affect countries. The settlement of these differences should be achieved without jeopardising national sovereignty and without interference in the internal affairs of countries, two aspects which are fundamental to the establishment of peace and fraternity between peoples.

Mr. WHANG *(Employers' delegate, Republic of Korea)* – It is a great honour and a pleasure for me to have this opportunity to comment, on behalf of Korean employers, on the Director-General's Report.

Before making my observations on the Report, I would like to extend my heartfelt congratulations to the President on his unanimous election to the presidency of this session. We are all convinced that under his distinguished leadership this Conference will be very productive and will bear fruitful results.

When the East-West confrontation was at its climax, the ILO was, for that period of time, a place where different ideologies confronted one another.

Fortunately the ILO is no longer the scene of ideological clashes, thanks to the recent rapprochment between East and West and the universal movement towards democracy.

Thus, the ILO is now able to organise and utilise the wisdom of the people of the world in order to materialise permanent world peace as found in the Constitution of the ILO and the Declaration of Philadelphia.

At this historic moment of transition, we Koreans believe that it is very significant that the Republic of Korea has been admitted as a full Member of the ILO. The members of the Korean delegation now have the opportunity to discuss common issues and share mutual experiences with you. This gives every one of us the chance to find solutions that are acceptable to all.

Now, with just a few years remaining in this century, the world is rapidly tending towards democratisation in the political aspect, a borderless economy from the economic point of view, and the overall deregulation of administrative matters. In this context, it is timely and appropriate that the Director-General submitted to this session his Report on *Demo-*

cratisation and the ILO. In that excellent and closely reasoned Report, the Director-General asks us what would be the most useful role that the ILO could play in fostering this democratisation process, in order to better help those countries that are undergoing changes away from an authoritarian system of government.

The ILO, long before submitting its Report *Democratisation and the ILO* to this session of the International Labour Conference, paid great attention to the process of democratisation, and generally led the way. Its unstinting efforts have indeed borne ample fruit.

We can all recognise and appreciate the fact that the ILO has made monumental efforts for the protection of fundamental human rights, including freedom of association, the elimination of poverty, and the safeguarding of mankind from the scourge of unemployment. For this, I would like to felicitate the ILO on these very noteworthy accomplishments.

It goes without saying that democracy, as properly pointed out in the Director-General's Report, needs political institutions such as parliaments that have been freely and directly elected by the people, and also needs guarantees of freedom of opinion and expression, social justice, fairness in the application and execution of the law, and the people's participation in the political decision-making process.

In addition, many other important conditions are needed for the implementation of the democratisation process. I would like to place emphasis on the fact that though the above conditions are indispensable for democratisation, they alone are not sufficient.

It is now common knowledge that even the authoritarian regimes in fact included statutes in the constitutions of their countries that, on paper, would appear to satisfy fundamental human rights. These provisions have often seemed to guarantee the basic principles of democracy and appear to acknowledge parliamentary institutions as the primary policy-making apparatus.

However, notwithstanding the above legal framework, the authoritarian regimes did not embody true democracy and the people living under those regimes did not in fact enjoy the liberties and freedoms stipulated in their constitutions and laws. In other words, the real situation is that although the liberties and freedoms stipulated in the legal framework may appear to be splendid, the body of law would be no more than an empty shell if the people were not actually able to exercise their given rights.

There is another facet to this situation. If the people have not been able to benefit from an appropriate level of education, and if they do not have a sufficient amount of economic power as best shown by their level of income, they cannot in effect actually exercise the liberties and the freedoms guaranteed by the constitution and laws of their country.

If this analysis is correct, it leads us to believe that the best way for the ILO to help its member States undertake the process of democratisation is to assist them elevate their capacity to acually allow the people to exercise their guaranteed liberties, rather than to press them to formulate additional measures within the existing legal framework.

Following on from this conclusion, I would like to suggest that the ILO give high priority to carrying out the following projects: first, the ILO should make every effort to see that advanced technology is introduced into the countries that are in need of it; second, the ILO should assist the activities of its member States in their quest for productivity improvements; third, the ILO should offer assistance in helping to develop human resources capital as well as occupational training in developing countries.

It is certain that the ILO, through fostering these kinds of technical assistance projects, will be able to provide tremendous amounts of help to the countries in the democratisation process which are virtually waging a war against poverty and unemployment.

I firmly believe that the ILO has the moral obligation to promote these kinds of activities. By adopting these measures and by accelerating the democratisation process the ILO will best be able to help the developing countries win the war on poverty.

I would like to conclude my comments by paraphrasing, the Director-General: genuine political democracy has little chance to survive unless the problems of unemployment and poverty are tackled and solved. Indeed, a prerequisite for democracy is a decent income and education for the people. And once established, democracy must not be taken for granted.

Original – Farsi: Mr. KAMALI *(Minister of Labour and Social Affairs, Islamic Republic of Iran)* – In the name of God, the Merciful, the Compassionate!

At the outset, I wish to congratulate Mr. Nascimento Rodrigues upon his election to the presidency of the 79th Session of the International Labour Conference. I am also pleased to welcome the newly independent countries as members of the ILO, and I hope that our ranks wich continue to grow as other republics join our Organisation.

Turning to the Director-General's Report, I shall speak of democratisation, employment, structural adjustment, tripartism and technical cooperation.

In our view, which is rootted in Islamic values, all human beings are created free and equal, and remain so in their work and life.

Democracy, in its general sense, can be explained in its individual, social and universal dimensions from the same point of view. But democracy cannot be achieved without social justice, both at the national and the international levels.

Given the interrelationship between national development and international development, action in the latter field can be effective only if the international system, and the programmes of action of the international organisations, in general, and those of the ILO, in particular, truly take into account the culture and beliefs of peoples.

Democracy, within the context of international relations, is possible, provided that the fruit of the labour of the millions of workers in the developing and Third World countries is shared equitably with these people, and provided that they are allowed to enjoy the benefits of the progress achieved in the industrialised North, whose development has been made possible by the unjust exploitation of the resources of other countries, to the detriment of their wealth and natural resources, and at the cost of the destruction of their environment. The only alternative is the law of the jungle to which the Director-General has refered.

It is a must, indeed, for international organisations such as the ILO to move continuously to enhance their dynamism. I agree that there is reason, in the light of existing conditions and worldwide developments, to reassess the International Labour Organisation and its advantages and disadvantages. This, in itself, indicates that the Organisation has not been able to meet fully the new needs resulting from recent economic, political and social developments in its member States. Hence, the need to review its structures and those of its constituents.

If the international organisations, and the ILO in particular, are to review their internal structures, the process must aim at justice and equity if we are to reach the objective of democracy.

Success in structural adjustment and the curtailment of its inflationary side-effects can only be guaranteed through a realistic assessment of all socio-economic aspects and the issue of manpower development, particularly as regards the promotion of technical and managerial skills in the developing countries.

In this connection, the role of the ILO can be highly effective. Therefore, the ILO should focus its attention all the more on the promotion of technical and vocational training, and on the expansion of technical cooperation. In the meantime, it is necessary to prevent the negative repercussions of structural adjustment by ensuring that technical and vocational training are geared towards the mobility of labour so that workers who are unemployed can easily find jobs in similar occupations.

Obviously, the level of development in the member States must be taken into consideration. In our opinion, investing in the promotion of small enterprises, where the basic needs of society are usually met, can help to create employment.

As regards tripartism it can provide a mechanism for the promotion of constructive dialogue among the social partners in the fight against the negative effects of economic and social adjustments. In this connection, our country has always heeded and applied this principle in the areas of occupational safety and health, social security and industrial relations, not to mention the settlement of disputes between workers and employers. In addition, the social partners have played effective roles in a tripartite framework in the proposal and formulation stages of the new Labour Code, which has recently come into force.

In our view this policy has helped to promote economic and social policies in the area of working conditions and labour relations.

The Government of the Islamic Republic of Iran has vast experience in the restructuring of its economy and has created considerable employment, and significantly boosted national production to the benefit of its citizens, despite heavy damages inflicted upon the country as a result of eight years of war. For example, the unemployment rate has been reduced by 3 per cent during the past three years; in addition to effective measures that have been taken towards the realisation of social justice through the implementation of the new Labour Code, the Government has adopted the Unemployment Insurance Act and the Early Retirement Act.

In conclusion, I deem it appropriate to draw the attention of the distinguished delegates to the fate of the defenceless Muslin populations in occupied Palestine, Bosnia-Hercegovina and elsewhere. I also wish to mention the recent bombardment of southern Lebanon by the regime of occupation. I hope that today, when the question of democracy is on the agenda of international forums, the conscience of humanity will awaken and rise against those outright breaches of human rights and attacks an democracy.

Hoping for the victory of the oppressed over the oppressors, I wish you peace.

Original – Russian: Mr. KOLMOGOROV *(Employers' delegate, Russian Federation)* – I would like to congratulate the President on his election and wish him every success in his work, and greet the delegates to the 79th Session of the International Labour Conference, on behalf of the Russian Alliance of Industrialists and Entrepreneurs and the employers' organisations represented in the Russian tripartite Commission for regulating social and labour relations.

The theme of this session, *Democratisation and the ILO*, is extremely topical for Russia because of the radical reorganisation of the economic system and the system of labour relations.

I would particularly like to emphasise the part of the Director-General's Report where he mentions the help given by the ILO to the democratic transformations in countries undergoing reform, to help create the necessary conditions for the processes of democratic development to become irreversible.

In this connection, I think it is necessary to point out that one should take account, not only of the specificities of social, political and economic development, but also the social and psychological characteristics and mentality of a nation and its basic social forces. If this is overlooked, many constructive initiatives may never get off the ground.

I should point out that entrepreneurship in Russia (as a phenomenon) is being revived and, in terms of a social strata, is just beginning to take shape. The state sector prevails. However, the so-called free sector of the economy – the private sector, is taking off especially with regard to small businesses.

Sociological research has shown that 20-30 per cent of the active population of Russia, would like to have their own business. Among young people, under 25, the percentage was even higher, standing at almost 50 per cent. Overall, those in the free sector account for about 20 million people.

The economic ideology of most of our entrepreneurs aims primarily at achieving productive efficiency, developing private initiative, the possibility of further social differentitation, and an electoral system of social guarantees. This is all proof of the profoundly radical nature of Russian entrepreneurs.

In Russia, political events have gone far beyond economic developments leaving the solution of social problems far behind.

It is necessary to solve simultaneously a wide range of problems, including those of social partnership during the prolonged slump in production, a fall in standards of living and growing unemployment. In addition the process of setting up employers' and workers' organisations in which they can work together as partners is still not complete – the State has not let go of all the functions that they must have in a free economy. The privatisation of enterprises is proceeding slowly. Entrepreneurs, as a group have still not received legislative backing for their rights and powers or guarantees of their group activity.

Therefore, it is extremely necessary to balance the interests of both employers and employees and guarantee social partnership, which is so necessary at the moment in the interests of social peace.

In a system of social partnership we see both guarantees of democratisation at all levels of social and labour relations, and guarantees that the rights of property owners, producers and employers will be observed. In Russia, for the first time ever, a tripartite commission has been set up and a general agreement has been concluded for 1992 between the Government of the Russian Federation, Russian entrepreneurs (employers) and trade union organisations.

It has been agreed that the Government will take into account the opinion of the tripartite commission when drafting price and fiscal policy, and economic policy in general.

In this connection the help of the ILO and consultations are extremely valuable. Here I would like to express our gratitude to the International Labour Office for holding a seminar in Moscow for organisations of industrialists and entrepreneurs of Russia in April of this year. It included the participation of representatives from Ukraine and Belarus, and adressed the topic of the activities of employers' organistions in a market economy. A most active part was played in organising and running this seminar by Mr. Hammar and Mr. Karpatis and a number of leading experts of the ILO.

This Moscow seminar reached the conclusion that the ILO's activities require some adjustments which are also mentioned in the Reports of the Governing Body and the Director-General, Mr. Hansenne. First of all, standard-setting work should be combined actively with technical assistance. But in our view, of no less importance is the practical work of selecting, compiling and distributing the most valuable experience of employers' organisations regarding solutions to the problems of social partnership not only at the macro-level, but also at the micro-level, that is, in enterprises and also in their regional context.

For example, there is not a single model automatically appropriate to Russia because of its sheer size and the specific way in which it has developed.

However, the diversity of experience in solving various problems in labour relations will play a priceless role in selecting correct solutions. I think this applies not just to Russia.

The closer the ILO's activities are to the processes of transition taking place in many of the States which were formerly republics of the USSR, the greater its influence will be. However, one should bear in mind the possibility of working not only with each of them separately as Members of the ILO, but also through a regional structure such as the International Congress of Industrialists and Employers. This organisation was set up in February of this year as a unified symbol of the inevitability of integration, bringing together organisations of industrialists and entrepreneurs not only of the member States of the CIS but of all the former republics of the USSR.

Direct participation in the Russian economy by foreign employers is extremely important for the development of democracy in Russia and for the acquisition of experience in worldwide market relations. Among Russian entrepreneurs, more than half (51 per cent) think that the best possible conditions for attracting foreign capital should be provided, notwithstanding their fear of strong competition.

The degree to which investment is protected, including foreign investment, is one of the main concerns of the employers' organisations. Russia is attempting to join the world community using generally accepted civilised methods of work and procedures to come to agreements. The development of worldwide business links is in practice the main method of transmitting the wealth of experience. In order to achieve its aims, the Russian Alliance of Industrialists and Entrepreneurs is depending on constant contacts, frank consultations, and broad interaction with the ILO, the International Organisation of Employers, and all interested organisations of any country.

For our part, we will participate actively in all ILO meetings and will do what is necessary to increase the Organisation's prestige and influence, in accordance with its high vocation for the betterment of manking.

Original – French: Mr. ZIARI *(Minister of Labour, Algeria)* – First of all, I would like to congratulate the President and the other officers on their election to high office at the 79th Session of the International Labour Conference. I am convinced that under their enlightened leadership our work will be crowned with success.

My congratulations are also addressed to Mr. Michel Hansenne, Director-General of the International Labour Office, for the quality of the Report which he has devoted to democratisation and the role which the ILO is called upon to play in linking this process to economic development and social justice.

Although it is true that democracy fulfils the aspirations of peoples for liberty and constitutes a strong rampart against all forms of political totalitarianism, it is still a fact that it cannot be achieved in all its fullness if it is not rooted in the culture of peoples, if it is reduced to its purely political and parliamentary dimensions, and if it does not bring hope, economic progress and social benefits to the population at large.

As the Report rightly stresses, the concept of democracy would be distorted if it were not indissolubly linked with equality and social justice. And it is true that "the aspiration for a free society has not eclipsed the desire for a just society."

This ideal of freedom and justice which democracy represents for nations should not, however, be restricted within the frontiers of States.

In a world which has today been freed from the antagonism of the Superpowers, the same ideal of democracy should also be the basis of relations between States, and particularly between industrialised States and those of the Third World, who today are still plagued by injustice and inequality.

To maintain the rules of an international order whose only objective is to perpetuate the dependence of the developing countries on the wealthier countries is to perpetuate the fragility of the very concept of democracy for that part of humanity which, on the eve of the twenty-first century, looks to the future and sees nothing but bleakness.

In this sense the International Labour Organisation must make an even effort than in the past to raise awareness of the need for a reform of rules which govern relations between North and South, so that democracy will have the same meaning for all peoples.

In Algeria political pluralism, freedom of association and the right to organise, the freedom of the press, as well as all other individual and collective freedoms, are guaranteed by the Constitution, which organises the institutional system within the framework of a separation of legislative, executive and judicial powers and provides full independence to justice.

This constitutional reform was accompanied by an economic reform aimed at a restructuring of the economy within the framework of a transition towards a market economy.

The economic difficulties which Algeria faces do not in any way diminish the will of its Government to continue to base its action on the respect of democratic rules combining the respect of fundamental human rights, economic development and social justice.

Thus, freedom of association, which is enshrined in the Constitution, is reflected in trade union pluralism in accordance with the will of workers and employers, in the recongnition of the right to strike, as well as in the implementation of tripartism to discuss the orientation of the Government's economic and social policies, with the participation of workers and employers from the public and private sectors.

As the Director-General has stressed in his Report, "no political regime and no economic system can expect to endure unless it is capable of satisfying the basic needs of its population".

Therefore, democracy can only have a mobilising effect if efforts are undertaken at the same time to respond to the aspirations of the population for greater well-being.

The roots of democracy in national culture are only weakened by the economic difficulties which the countries of the South, including Algeria, face and which make it impossible for them to restart their economies.

The fragility of the rules of democracy is all the more real in that their introduction is sometimes revolutionary with respect to the earlier socio-political system, and in that the aggravation of economic difficulties can be used by forces whose interests are threatened by the prospects of greater democracy.

This fragility will continue to exist so long as democracy is not achieved in all its dimensions and is not anchored in the daily lives of men and women in every country, especially since democratic freedoms can be used by reactionary forces to advocate a return to authoritarianism and a single party.

Such a situation, which is aided by the difficulties which the population confronts as a consequence of the economic crisis, is a reality which has to be taken into account.

In Algeria the suspension of the electoral process and the installation of the state of emergency, which will expire at the end of the year, were motivated by a desire to safeguard the future of democracy and, furthermore, to ensure the security of persons and property in a situation characterised by the need to restore the authority of the State and enable it to face destabilising actions which targeted republican institutions.

This motivation explains why, in spite of the exceptional situation which exists in Algeria, individual and collective freedoms have been fully preserved, including the activities of political parties, freedom of the press, freedom of association and the right to strike.

Faithful to its traditions, the ILO has not failed to place on the agenda of the present session of the International Labour Conference questions which are all fully in line with the noble concerns of our Organisation, on subjects which are directly related with the problems raised by the profound and rapid changes in the economies of all countries.

The adoption of Conventions and Recommendations aimed at protecting the rights of the workers in the event of the insolvability of their employer, as well as the need to safeguard employment during times of economic restructuring and the prevention of industrial disasters, reflects the ideals of the ILO, namely, to promote man and his fundamental rights.

On this last point, and because policies transcend the frontiers of States, the prevention of industrial disasters is of interest today to all countries, including of the Third World, many of whose problems result from the policy of industrialised countries of relocating their polluting industries.

The fact that this question is on the agenda of our Conference, as well as the holding of the United Nations Conference on Environment and Development, are important steps in raising the awareness of States as to the imperious need of working together to check industrial pollution which, whether in the short, medium or long term, threatens humanity with catastrophe.

The Algerian delegation will certainly contribute to this question, and to the other items on the agenda.

The advance of democracy in all parts of the world must not hide the suffering endured by people who, on the eve of the third millenium, are still fighting for their right to a free and decent life, particularly in South Africa and in occupied Palestine. It is also through its contribution to the success of the fight for fundamental human rights, the respect of the will of the people and equality among States that the ILO will attain the noble ideals laid down in its Constitution.

Original – French: Mr. OYONO ABA'A *(Minister of Labour, Human Resources and Vocational Training, Gabon)* – On behalf of the Republic of Gabon and the delegation that it is my honour to head at this 79th Session of the International Labour Conference, may I associate myself with those who have spoken before me and congratulate Mr. Nascimento Rodigues sincerely on his election as President of this session.

I am convinced that under his guidance the work of the Conference will be successful thanks to his experience and deep knowledge of the International Labour Organisation. My congratulations also go to the other Officers of the Conference. You may all count upon the full cooperation of the Gabonese delegation.

The theme developed by the Director-General in his Report this year, which is of great relevance, corresponds perfectly to the concerns of the present time of most – if not all – of the member States of the ILO.

In fact the democratisation movement constitutes today the sign of a profound change taking place in many countries, both in the North and in the South. For the ILO and for other international organisations, whose principles of peace, freedom and social justice have always prevailed, this movement gives, I am sure, real grounds for satisfaction.

The present situation in Gabon, like that in other African countries affected by movements of democratisation, demands the introduction of new rules and institutions in the world of work in general and in the enterprise in particular.

It requires not only political leaders but also employers and workers to make an effort to change their mentalities and adapt to democracy.

To achieve this, the State of Gabon has already set up structures which underpin democracy: the National Assembly, the Constitutional Court and the National Council of Communication.

As regards the world of work, our Constitution also protects trade union rights and freedoms. This is borne out by the fact that there are two trade union confederations, the Gabonese Confederation of Labour and the Gabon Confederation of Free Trade Unions, representing the workers of Gabon at this 79th Session of the International Labour Conference. In addition, our draft Labour Code is awaiting discussion at this very moment in the National Assembly.

This apprenticeship of democracy, as you will realise, has its ups and downs, especially as the world economic crisis has not spared Gabon. We are in the difficult and complex sistuation where, on the one hand, needs are growing, calls to improve living standards are becoming more pressing, demands for jobs more acute and, on the other hand, financial possibilities are decreasing and employment is becoming scarce.

Democracy is therefore potentially threatened.

We would like to express our wish to see the solidarity of the international community become a reality. The industrialised countries, if they are moved by the love of their neighbour, should come to the assistance of the developing countries which are struggling at the moment with incredible difficulties. Their multifaceted assistance should become manifest at several levels – otherwise we shall see our young democracies collapse.

It is for this reason we should first alleviate the burden of their debts and help them to improve their economies. In this respect I should like to ask the ILO to help us come to grips with the informal structure, because it does indeed create jobs. For the same reasons, I think it is important that the ILO should also provide us with assistance in the area of cooperatives because they help towards improving the standards of living of people in the countryside.

Experience has shown that no economic development can be lasting unless it aims at social progress; but also that no social progress can take place without the decisive contribution of the living resources of a nation. However, the human resources of our African countries are far from being able to meet all the imperatives of economic recovery on which the fate of democratisation depends.

I would like at this point to encourage the ILO in the work it is carrying out in cooperation with UNESCO and in its programmes of assistance to member States to help them draw up and implement human resources development policies – policies particularly aimed at reforming the teaching system, restructuring vocational training, finding jobs for newly qualified people and for the unemployed, training trainers and employing women. I trust that this session of the Conference will identify the ways and means that will make it possible in the short-and medium-term to start the process of the recovery of our economies.

Any assistance to help strengthen democracy implies – as I have said – the restructuring of our economies. It should also involve the restructuring of public administration which owes it to itself to be effective as the regulator of economic activities.

It is my wish that the ILO should intensify its assistance to our employment services and labour inspectorates and that it should continue its programme of decentralisation of technical cooperation services by giving increased support to subregional training centres for specialists such as the CRADAT.

I will not conclude without expressing my optimism that the advance of democracy throughout the world will finally see the end of the policy of apartheid, which has so long created victims of our brothers in South Africa; and I hope as well that our Arab brothers will recover all their territories and that there may be fairer conditions of work for the workers employed there. It is with these words that I shall conclude, by wishing this 79th Session of the Conference every success; I renew my congratulations to the Officers of the Conference, to the International Labour Office and to its Director-General, Mr. Hansenne, for the excellent Report that he has submitted to the Conference.

Original – Spanish: Mr. CUSTER *(representative of the World Confederation of Labour)* – On behalf of the World Confederation of Labour (WCL), I would like to congratulate the President on his election and to drawn attention to the importance of the topic of the Director-General's Report. Without any doubt *Democratisation and the ILO* is a fundamental aspect and a major challenge to our Organisation and its constituents.

The WCL during its 72 years of existence has worked to achieve the claims of workers. Working together with all democratic trade unionism we have fought intensely against any type of totalitarianism on behalf of democracy and freedom. However, we are witnessing an attack against trade union action and labour legislation and we are not prepared to see the progress and democracy confiscated at the expense of workers, depriving democracy of its social content.

The Director-General quite correctly points to the foundations of democracy: political freedom, individual rights of citizens, equality of opportunity and justice, the participation of everybody in power and economic responsibilities. We would like to stress that these personal rights have a logical corollary in social rights: the right to work, freedom of association and trade unionism and equal participation in the distribution of wealth. True democracy is not merely a matter of political and individual rights; a truly democratic society is also democratic in the economic, social and cultural fields.

The workers' representative who is the President of our international Conference has submitted a resolution to this effect. Today we are witnessing a major liberal and capitalist offensive based on individualism, a lack of social solidarity, a vision of immediate profit, deregulation and the lack of protection for workers. And although we recognise the fundamental rules of the economy, real democracy must be based on a broader vision than a "market economy", because the market is just one more instrument of the economic process and cannot be an exclusive factor. Indeed, on the contrary, the market itself can worsen inequality and produce a greater concentration of wealth. The ILO should be very careful in its use of language because to assimilate the advance of democratisation to the development of the "market economy" could give rise to ambiguity and a certain confusion with the principles of the Organisation itself, the fundamental objective of which is to promote the rights of workers and social justice.

Therefore we find it preferable to speak of a human economy in the service of mankind and development, which would take into account instrumental aspects such as market efficiency and transparency, creativity and free initiative, legitimate and ordered competition, but which would never set aside such fundamental conditions as human dignity, the higher value of work, the universal destiny of goods, the preservation of the economy, the rationalisation of technological progress, the distribution of wealth, social development and an ethical and moral vision of society in the economy. This development must not ignore the role of an efficient democratic State which will promote the common good and social solidarity. Only if progress in freedom and democracy include the universality and the interdependence of all these factors, and if these are expressed fot the benefits of all in the new international order that is more just and responsible can we avoid the creation of growing injustices and the risks of major social explosions.

Furthermore, the view concerning the disappearance of the ideological differences is not really accurate because these differences exist as a free expression of democratic pluralism and many times also express the contradictions of the social conflict. Of course, the recognition of social conflict and ideological differences will not vanish with the disappearance of the East-West tension – which we welcome of course – nor exclude the possibilities of cooperation and mutual assistance which is a primary task of the ILO.

Another serious aspect of the process of democratisation is that it cannot be divorced from the internationalisation of the economy, which is a real and natural phenomenon, but one which also has negative and dangerous aspects. Democracy of course depends on the action of peoples themselves but also to a large extent on external conditions of a monetary, political, economic, technological and social nature, which for the most part are in the hands of the major powers, all of them industrialiaed countries. For that reason we are convinced that there can never be peace nor greater freedom and democracy as long as there is poverty and other socio-economic injustices, whose tragic consequences are more than ever visible today with the advance of a liberal and mercantilist conception of the economy and a deepening North-South gap.

The Third World countries, which represent almost 75 per cent of the world's population, above all as a result of trade and protectionism, the burden of the external debt and the international economic and financial mechanisms, are ever more poor, marginalised and dependent. This is the fate of the majority of the inhabitants of our planet.

The recent UNDP report gives us concrete facts and figures to this effect. It is hypocritical for the international financial agencies to impose conditions on developing countries that the industrialised countries do not themselves observe and it is regrettable that the GATT negotiations have been reduced to a trade war between the major economic blocks without account being taken of the serious consequences for the underdeveloped countries.

In brief, we would like to denounce and reiterate our concern at the worsening of trade union repression in many countries and we would like the Committee on the Application of Conventions and Recommendations and the Committee on Freedom of Association to continue their very important work which is a fundamental pillar of the ILO's action. Given the serious conflicts and war that tragically persist, we reiterate ou hope for peace, our desire for political negotiations and the reconversion of the military industry which is to a great extent responsible for the tragic events which are devastating humanity. We repeat once again that the respect for self-determination of peoples, such as those of Palestine, Kurdistan, South Africa, Bosnia and Cyprus, is an essential element in developing democracy and peaceful coexistence among nations. Nor can we fail to denounce new forms of racism which are inflicted upon immigrant workers and the tragic and inhumane repression of refugees which totally violate UN standards.

Finally, as a concrete contribution to our work, I should like to make the following proposals. First, that the ILO, in order to strengthen responsible tripartism, should give priority to workers' training and eduction; second, the ILO and the industrialised countries should play a part in the changes taking place and devote themselves to the promotion and implementation of standards, the strengthening of labour relations, the promotion of equal opportunities and the strengthening of social protection system; third, for the ILO, employment should be the priority objective in the countries of Eastern and Central Europe and the Third World because this is the most decisive avenue by which individuals and groups can progress autonomously and meet their most urgent needs; fourth, the ILO, to be effective in today's world, should also respond to the complexity of problems, to their interdependence and internationalisation. In this respect the North-South gap and the social consequences of international trade should be given greater attention by the ILO. Finally, the ratification by member States of the amendments to the Constitution of the ILO would also provide our Organisation with a broader and more democratic representation.

Mr. YARIKOV *(representative of the World Federation of Trade Unions)* – I would like to congratulate the President on his election to such an important and honourable post.

Allow me to congratulate Mr. Michel Hansenne, Director-General of the ILO, for choosing democratisation as the subject of his Report to this Conference. We feel that this expression correctly describes the main trends in today's world. The Report gives us an overview of the world's main development, and outlines the roles, tasks and responsibilities of the ILO and its constituents at this turning point in the world's history.

Yes, the individuals, the peoples, the nations the States all want to decide their destinies themselves and genuine democracy guaranteeing individual and collective rights, the supremacy of the law, which should protect everyone equally, the application of ILO standards which provide opportunities for employment and social protection, these are the only values and preconditions that can guarantee peace in the world, efficient development and quality of life.

Achieving these aims means facing up to tremendous challenges. The presidential council meeting of the WFTU, recently held in Prague, came to the conclusion that the main challenge facing us today in all parts of the world is the deterioration of the economic and social conditions of the workers. Employment, wages, social guarantees, welfare and trade union rights, all of which constitute the basic needs for the life of each and every individual, are under serious threat. This is a result of the profound political, economic and social crisis that the world is now experiencing.

Their second conclusion was that the efforts being made to help the world out of this crisis are mainly directed towards shifting the burden onto the workers' shoulders. The rich countries are trying to place it on the shoulders of the poor, limiting their choice to one single alternative – redistribution of poverty.

To achieve this in the easiest possible way, the forces which advocate only financial profits are trying to deprive the workers of any opportunities to resist this trend effectively, thus decreasing the power and possibilities of the workers' organisations.

In some cases they are trying to advocate the law of the market economy as the law of the jungle, applying so-called "shock therapy" which does not even allow many people to survive biologically. In other cases, they are pushing for structural adjustments, accompanied by the elimination of all remaining social protection.

In yet other cases, they simply use anti-union laws, confiscating their property, introducing union-busting practices and even trying by force to suppress democratic rights and to deprive the workers of any kind of participation in the development of society. Hostility and rivalry among trade unions themselves, at the national and international levels, unfortunately contribute to this negative situation.

In many parts of the world ethnic quarrels and armed conflicts have been aggravated, resulting in numerous victims and widespread destruction which dramatically affects workers' lives particularly in some parts of Africa, Europe, Asia and the Middle East.

On the various continents and in numerous countries workers and trade unions are resisting the situation imposed on them. Many have undertaken actions of all kinds, including long and difficult strike actions. The recent wave of strikes and large protest actions in Germany, the Russian Federation, India, California, etc., are notable examples. And resistance grows. The WFTU expresses its solidarity with all workers and trade union organisations engaged in this difficult but legitimate fight for employment, a better life, social security, trade union rights and numerous other social and democratic demands. It repeats its ardent appeal for unity, cooperation and more effective solidarity among workers' organisation.

In a world full of aspirations for democracy and a better life, the ILO has an outstanding role to play in the creation of opportunities and the minimising of threats. In this respect, the WFTU supports ILO demands addressed to governments and employers to guarantee equal cooperation and participation from trade unions as permanent partners. It also supports the ILO's attempts to create and guarantee a social dimension to satisfy workers' needs in the new world after the Cold War. The WFTU welcomes the Office's suggestion that the ILO should make determined efforts to develop a policy of active partnership with all the constituents of the Organisation, particularly with workers' organisations, so as to involve them more closely in the development of the Organisation's activities, namely focusing on the social dimension of world developments, bringing the constituents closer together, and helping them to overcome the difficulties of the present transitional period. We also support the suggestion of giving priority in the ILO's forthcoming programme of action to democratisation, to the war on poverty, to the promotion of workers and the protection of their basic rights.

I think that the resolution on employment submitted by the WFTU-affiliated organisations could, once it has been merged with the other drafts on the same subject, serve as the basis for new developments in this field, and improvements to the World Employment Programme. We also hope tht the resolution concerning the rights of migrant workers will help the member States to orient their national policies towards this growing sector of the labour force.

I would like take this opportunity to express my appreciation of the efforts made so far by the Freedom of Association Committee and the IIO Governing Body to defend the legitimate rights of the WFTU as far as the WFTU headquarters in Prague are concerned. We share the view of the Freedom of Association Committee, approved last Friday by the Governing Body, which expressed regrets that the Government of Czechoslovakia has not yet been able to explain the reasons justifying the decision to expel the WFTU from Czechoslovakia. We advocate the rights of our organisation and its members, as of any other trade union, to exercice their activities freely, in all countries, without being subjected to harassment, attempts to gain political control, prohibition or administrative dissolution.

The WFTU finally stresses that trade union rights, which are an integral part of human rights, should be guaranteed in practice, in accordance with the principles of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the ILO Constitution and respective ILO Conventions. The real value of democratic freedom, as was correctly stressed in the Report of the Director-General, is finally determined by their contribution to the fight against poverty, inequality and exploitation.

Original – Portuguese: Mr. FERREIRA MONTOYA *(Employers' delegate, Portugal)* – For the Portuguese employers it is a source of great satisfaction that this 79th Session of the International Labour Conference has as its President a Portuguese who is well-known in economic, social and labour fields. I should like therefore to congratulate the President on his election and wish him every success in carrying out his high functions.

The Report of the Director-General submitted to this session of the International Labour Conference, like other earlier reports, has dealt with an important subject for the ILO, in this case: "Democratisation and the ILO." The major political changes which have taken place in recent years, and in the last two or three years in particular, and which in certain cases in some countries have resulted in the emergence of new sovereign States, have brought the question of democracy to the forefront in terms of its merits and its difficulties. But always, as the Director-General's Reports have correctly said, as an instrument of freedom.

The most recent developments in this worldwide trend towards democratic regimes are referred to in the Director-General's Report. Of these most significant events, I should like to point to the dismantling of the Berlin Wall in November 1989, and to the fact, also mentioned in the Director-General's Report that some 20 African countries have adopted pluralist constitutions and have organised elections, as well as to the fact that in several countries in Asia democracy has made a comeback.

These signs of the vitality of democratic ideals naturally give rise on the part of those who love liberty and individual initiative to strengthened hope of more open political and economic relations among States which will gain new impetus with the growth of international trade and the globalisation of the economy.

Moreover, the adoption of democratic regimes allows the autonomy of the social partners to develop, thus favouring social dialogue, a reduction of interventionism by public administrations and the growth of international cooperation.

I will now refer very briefly to three major themes, all inseparable from the global issues of democracy which is a prerequisite for the implementation of a more intense international cooperation and franker dialogue.

I will begin by stessing the advantages of international cooperation on the environment, then I will refer to the link that we need to bear in mind, in the context of more intense international trade, between standards and bureaucratic requirements imposed by States and international organisations, e.g. the ILO and the EEC, on enterprises in the areas of health, hygiene and safety at work, and the compatibility of these legislative and administrative measure with the need to be competitive. Thirdly and finally, I will make a number of comments regarding the very topical subject of strikes. This very serious reality of strikes which have recently occurred in Portugal mean that once again there is a real need for a realistic and balanced regulation of the legitimate use of strikes.

As we know, the question of the environment is becoming crucially important throughout the world not only because of the growing volume of ecological problems related to it but also because of the seriousness of some of these problems.

We can see a growing awareness, particularly in the most technologically advanced countries, as to the need to promote the maintenance, recovery and improvement of environmental factors.

In this specific area, we can see a certain number of possibilities which, from the standpoint of correcting existing environmental imbalances, could result from closer international cooperation for the exchange of information among States on ecological data as well as for the assessment of policies and measures taken with regard to the environment.

It is also important to stress that, while recognising the merits of close international cooperation aimed at resolving environment-linked problems, we should always bear in mind that cooperation must be adapted to the needs of each country or region, so that environmental policies and actions put into practice will not hinder industrial development and economic progress in each individual country.

Like the question of environment, issues relating to conditions of health, hygiene and safety at work have become increasingly important, particularly in the most developed countries, and in particular in the member States of the European Economic Community.

In fact, in those countries the trend of legal development has been towards the adoption of numerous standards imposing tight constraints on enterprises in terms of the protection of workers' safety and health.

The effect of these new standards has been that employers have had to make major changes in plant facilities and adopt new methods of work organisation and production. Naturally, this has meant considerable financial commitment for the purchase of new equipment and to intensify training programmes. This financial commitment has, of course, caused in its turn higher production costs for European enterprises and particularly for those operating in Portugal.

At the same time, in other regions of the world, it is evident that standards of health, hygiene and safety at work are less strict.

This, of course, has an effect on competitiveness to the detriment of those enterprises that are subject to much stricter protective regulations which often do not take into consideration the negative effects to which I have referred.

Recognition of these negative factors with their impact on the social arena means that employers sometimes feel that some of the requirements are unreasonable and ask the State for financial and tax relief which would enable them to implement the standards and maintain a healthy enterprise while at the same time preserving their productivity and creating jobs.

Finally, as I said at the outset, I want to make a number of comments on the whole question of strikes the unsatisfactory legal settlement of which in a world which is increasingly open to international trade, can create serious problems for competitiveness and have an unacceptable effect on the life of citizens.

The Portuguese case is a good example of strike legislation which is out of step with the economic, social and political reality.

Indeed, the law in force is deficient and inadequate so that in Portugal there is every type of stoppage including those due to reasons unrelated to the workplace, such as political objectives.

The fact is that the existing laws do not really define strike action nor do they present the use of strikes as a final recourse by workers when they have exhausted all other possibilities of peaceful resolution of work disputes, in particular, negotiation between the parties direct concerned.

In Portugal, the recent series of long transport strikes which meant serious losses for the national economy has emphasised that we need to rewrite our laws on strikes.

But this is obviously not an exclusively Portuguese problem. More and more, in the EEC as a whole and in other political geographic areas, strikes are affecting strategic and vital areas of national life such as transport, water, gas, electricity with a magnitude and frequency that affects seriously not only the economy but also the whole quality of national life.

We feel that this is an item that should be put on the agenda of a future International Labour Conference. The right to strike should always be based on the balance between the negative effects of a strike and the interests of the workers and citizens.

This is an urgent matter which, without prejudice to the right to strike, must be brought within balanced and reasonable limits to prevent the specific interests of some classes of workers, who often enjoy privileged conditions, causing serious harm to and often imparing for lengthy periods the conditions of life of other citizens.

Original – Russian: Mr. GONCHARIK *(Workers' delegate, Belarus)* – I would like to congratulate the President on his election to this very lofty post and wish him every success in this far from easy yet extremely important task.

The subject under consideration in the detailed Report of the Director-General is undoubtedly very topical both from the theoretical and practical point of view.

The development of democracy, observance of basic human rights and principles of social justice are indispensable prerequisites for the establishment of a free society. We support the Report's assertion that "the law of the market should point the way to prosperity for all".

Our federation of trade unions is trying to maximise its effort to ensure that Belarus is a free, independent, democratic State, unconditionally respecting human rights, a State where there is no room for racial or national differences, discrimination regarding social status and political opinions. So, we must turn our attention to resolving a multitude of interrelated problems. Trade unions must remain true to their cause and defend the social and economic rights and interests of the workers. Whilst standing firm at a time when production is falling and we are switching to a market economy, we are basing our actions on the need to create a social partnership as a way of maintaining consensus in the country and a balance of power in society. It is our objective to conclude, this year, a tripartite agreement between employers, the Government and trade unions. Despite the fact that the process of setting up employers' organisations has not been completed and the State has not yet given them the functions they need under market conditions, we have managed to reach an understanding and provide for guarantees with regard to employment, how to avoid mass unemployment whilst raising wages in line with price increases, and ensuring social protection for workers including pensioners and students.

This is extremely important as the economic situation is deteriorating. We can see the need for putting increasing pressure on the Government. It has to promote the development of business activity, the growth of entrepreneurship, job creation and retraining for workers who have been made redundant. Although for the time being we do not have a large number of unemployed (aroud 5,000 persons, whilst there are 4.5 million in work), hidden unemployment lurks beneath the surface, with job losses due to plants closing, half-time work, short working weeks and involuntary unpaid leave.

We also see a need to coordinate the activities of trade unions in the CIS, since our economies are so closely linked and are suffering due to the disruption of economic relations.

The situation in Belarus has also been complicated by the catastrophic consequences of the Chernobyl accident. Vast numbers of people are still living in irradiated areas while awaiting resettlement to unaffected regions. The number of diseases has been increasing, particularly among children. It is now clear that the consequences will be felt for many generations in Belarus.

We are counting on the ILO to coodinate assistance for people living in areas affected by the Chernobyl explosion. In our opinion, the Radiation Protection Convention, 1962 (No. 115), requires substantial revision in the light of the accident at the Chernobyl nuclear power station and accidents in other countries as well.

We also feel that the ILO's participation in the implementation of training and retraining projects for supervisory personnel and of workers' education programmes should be increased. In this connection, we share the views and conclusion of the ICFTU employers' organisations held in Brussels in April of this year.

We feel that it would be useful to hold a meeting of the Ministers of Labour and the leaders of the employers' and workers' organisation of the central and eastern European countries under the aegis of the ILO, with the participation of the IMF and the World Bank, so as to discuss the situation in the field of employment and questions such as the growth of wages and migration. The main point is to make the transitional period as painless as possible. Recommendations on economic and social adjustments would be very useful.

We also support the proposal to revise the World Employment Programme in view of the fact that many countries have moved towards a market economy and the introduction of new technologies. We feel that such a draft should be put before a session of the International Labour Conference.

One of the main tasks before us is the restoration of workers' confidence in trade unions. We are reforming existing unions, and creating new ones and adapting them to the new conditions. The trade unions are being renewed as new people are elected. In our opinion, it is also important that the State should provide guarantees for the reorganisation of the trade union movement. There have been attempts by the State to restrict the influence of the unions, and that is why we pressed for the adoption of the Republic of Belarus Trade Union Act. It was passed, and now provides guarantees for freedom of association, the right to strike, and the right for trade unions to own property and to conduct activities.

We also have on the agenda the adoption of a new Labour Code, and of laws concerning collective agreements, the settlement of collective and individual labour disputes, occupational safety and other matters. Our federation is directly involved in the preparation of these laws. We consider the adoption of such laws as an important condition for the development of a constructive and effective trade union movement, and the conduct of industrial relations on a just and democratic basis, as the preceding speaker has said.

Finally, I am convinced that the activities and influence of the International Labour Organisation with regard to the process of democratisation and social and economic process in the interest of workers must be strengthened. Our federation will work toward this objective.

Mr. KAMBO *(Minister of Labour, Energy and Power, Sierra Leone)* – On behalf of the people and Government of Sierra Leone and on my behalf, please allow me to congratulate the President warmly on his election to the most important office of President of the 79th Session of the International Labour Conference. His unanimous election clearly shows the amount of confidence and esteem this body has for him. We believe that with the experience at his behest he will bring this Session to a successful close. I would also like to congratulate all the other Officers of the Conference.

The Director-General has done a thorough job as we can see from his Report submitted to the Conference. Please allow me to register our profound gratitude for an excellent Report. The theme of the Director-General's Report to this year's session – *Democratisation and the ILO* – could not have come at a more opportune time. The wind of change which is blowing across the globe is not confined to continents, subregions or States. We in Sierra Leone are not unaffected by such a change.

Sierra Leone had been under the rule of a one-party system of government for over a decade. Under pressure from both within and without, however, the then Government of the All People's Congress Party was forced to accede to certain political reforms. A National Constitutional Review Commission was set up in 1990 to look into the 1978 one-party Constitution and to make a number of recommendations, including the introduction of multi-party rule. The Commission, which was broadly based in its composition, did an excellent job and presented its report to the Government in May 1991. The report was immediately referred to Cabinet for consideration and then to Parliament for ratification. In a referendum held in August 1991 the people of Sierra Leone overwhelmingly approved the 1991 multi-party Constitution. The referendum was followed by the registration of political parties. A new Electoral Commissioner was appointed and a review of the voters' list was embarked upon.

With all these developments taking place, people might wonder why the military removed the civilian administration from office. The reasons for this are the following: whilst these developments were taking place, the then Government was busy undermining the very basis of such institutions and processes behind the scenes. The then APC Government was operating under two Constitutions simultaneously: the 1978 one-party Constitution and the 1991 multi-party Constitution. But for our timely intervention in April 1992 our country could have headed for a constitutional crisis. The electoral system was manipulated by the former Government and this resulted in the removal from office as Electoral Commissioner of a man well respected by all the opposition parties, and replaced by someone of the former Government's choice against the wishes of the other political parties. The partial review of the voters' list was challenged by opposition parties and the public but the then APC Government would not listen. Offers by international election monitoring teams to help ensure free and fair elections were turned down.

Whilst these fraudulent activities were taking place in the political arena, politicians and other well-placed individuals were busy plundering the resources of the country. Corruption, tribalism and nepotism became the order of the day. Whilst our gallant soldiers and other patriotic citizens were engaged in pushing back the rebels in the eastern and southern regions of the country, the little extra ressources generated to fight the war were being pocketed by the deposed President and his corrupt cohorts. The plundering became so intense over the years that Sierra Leone, which can boast of immense resources, went down in the annals of the United Nations as the poorest country in the world. Social infrastructure was allowed to degenerate to an all-times low. At a press conference following the military take-over, our new Head of State, Captain Valentine Strasser, noted that the infant mortality rate in Sierra Leone was now the highest in the world; and that health services and social infrastructure had been in a serious state of decay for a prolonged period. Surely, these are not records one should be proud of. These and many more examples of mismanagement prompted the military to act swiftly and decisively before the very bad people responsible for those crimes against our people positioned themselves to sustain power.

We want to assure our friends, supporters and well-wishers all over the world that the new military administration has no ambition to remain in power indefinitely.

Our Government has set itself a number of goals, the main ones being: the conclusion of the war in the shortest possible time; the rehabilitation of the war-torn areas and the repatriation of refugees and displaced people; the introduciton of discipline and accountability to the business of government, and the return to multi-party democracy.

Our Government fully respects fundamental human and trade union rights and the continued respect for such basic human and trade union rights will remain to be the preoccupation of my Government. All law-abiding people and groups, including trade unions, have no reason to be afraid. My Government will continue to respect all ratified Conventions and protocols and we are fully committed to the economic recovery programme already approved by the IMF and above all, the Government is fully determined to exercise maximum fiscal discipline.

Having given a profile of the events that necessitated the ousting of the former civilian regime, please allow me at this stage to register our country's appreciation of the role which the ILO has been playing and continues to play in the democratic process. The promotion of tripartism at the workplace is not only a useful exercise in ensuring that democratic principles are observed in the industrial arena, but has also provided a training ground for the practice and promotion of democratic principles in the political field. We wish to note the particular role played by the ILO in providing training to trade unionists in the form of seminars, workshops, etc. We all share the view that if the process of democracy is to be sustained, it is a prerequisite that groups, such as trade unions, should know what the process is, how it works and what its contextual constraints are.

While many developing countries have today accepted the inevitability of structural adjustment programmes as the way of providing remedial measures to the ailing economies of such countries, not every country is convinced of the merits of such programmes. However, what we all are convinced of is the fact that there is a human and social cost involved in the implementation of such programmes. Workers, women and young persons become most vulnerable and bear the brunt of the reform measures. Such groups have been known to respond to such measures of structural adjustments by resorting to strike action and riots. Fragile democracies can hardly survive in an atmosphere of strikes and riots. The pioneering role of the ILO (together with the UNDP and the African Development Bank) in ensuring that vulnerable groups bearing the brunt of the structural reform measures are provided with safety nets under the social dimension of adjustment programmes, is invaluable. My delegation joins the rest of the interntional community in calling on the ILO to play a more active role in the adjustment programmes established by the IMF and the World Bank. Unless the international community is prepared to allocate more resources in order to cushion the effects of structural reform, the future of democracy in many developing countries in Africa in particular may well be compromised.

Before concluding this address, let me on behalf of my Government and the people of Sierra Leone register my profound appreciation and gratitude to the ILO for sponsoring a number of useful programmes and projects in Sierra Leone, including the Employment Promotion Programme, the labour law review and the labour-intensive public works projects, all of which have contributed to the enhancement of employment promotion, the alleviation of poverty and the improvement of human resources in my country.

As we understand it, democracy is not simply about giving people the right to vote. It is mostly about satisfying people's basic rights to education and healthy work in an environment conducive to development. By removing the former Government from power my Government removed the main obstacle to such rights in Sierra Leone. But democracy is also more than that: it is about participating in decisions that affects our lives.

I have the pleasure to inform you that my Government intends a to start making a real contribution to the Organisation so that we can regain our rights and our rightful place within the ILO.

Finally, on behalf of my delegation and on my own personal behalf I wish to thank you for permitting me to address the 79th Session of the International Labour Conference.

Mr. BOATENG *(Secretary for Mobilisation and Social Welfare, Ghana)* – Allow me to join previous speakers in congratulating the President and the other Officers on their election to preside over the deliberations of this session. It is my hope and that of my delegation that under their wise and able leadership the 79th Session of the International Labour Conference will be both successful and fruitful.

Permit me also to commend the Director-General of the ILO for both his foresight and tireless efforts in responding promptly to the major challenges that workers in various parts of the world are encountering as a result of the current socio-political and economic changes. Until this turbulent situation stabilises, workers in the countries concerned will continue to look up to the leadership of the ILO for both moral and material support as well as guidance. We have no doubt that the Director-General and his staff will rise to the occasion as they have always done when they receive such requests for assistance.

The theme for the 79th Session of the International Labour Conference could not have been more appropriate. The choice of the theme of *Democratisation and the ILO*, for this year's session amply demonstrates that the Director-General is abreast with current developments the world over. It also underscores the importance the Director-General attaches to democracy, and the ILO's commitment to the processes of change that are taking place in several parts of the world today. It is our hope that the Director-General's efforts in support of these changes will be endorsed by the older democracies and indeed the whole international community for we believe that they would lead eventually to an improvement in the working and living conditions of our peoples and the promotion of their civil and political rights.

It is in this connection that my delegation would like to applaud the Director-General for the timely and wise call, contained in his Report, to the international community to respond positively to recent political, economic and social changes in the world. We are particularly impressed by the sections of the Report which draw the attention of the developing world to the catastrophic consequences of civil strife and the abuse of political power.

Thanks to the foresight and the initial commitment of the Government of the Provisional National Defence Council to build participatory democracy in Ghana, and to this end the systematic pursuit of its programmes, we have been able to avert some of the unfortunate experiences others are going through in view of the radical transformation of the political and economic structures in some parts of the world. With the adoption of a new Constitution through a referendum in April this year, the march towards a democratic form of government in Ghana is now far advanced. According to the political programme for the rest of the year, presidential and parliamentary elections are due to follow in November and December respectively, while the Fourth Republic will be ushered in in January 1993. In this important national exercise, we cherish the hope that the people of Ghana can count on the goodwill and support of not only the Director-General and the staff of the ILO, but of all friendly countries and the international community as a whole.

The leadership in Ghana realised the need to restructure the economy about a decade ago and accordingly adopted an economic recovery programme following consultations with the world's financial institutions in 1982. A decade later, we continue to follow the programme because we recognise the need to build a strong and viable economy that will serve as the foundation for the democratic structures we are in the process of erecting.

Our economic recovery programme was designed to look beyond growth and was targeted at the reduction of poverty, the enjoyment of greater equity, easy access to education, health and balanced diet as well as the protection of the environment. We have never relented in the pursuit of these objectives, in spite of the serious constraints we have experienced from the unfair terms of world trade.

Our commitment to restructure the economy stems from our strong belief that providing the individual citizen with the opportunity not only to participate fully in decision-making at all levels, but also to enjoy human, economic and political freedoms, is the best way to ensure our national unity and protect its integrity.

My delegation is gratified to note the ILO's condinued interest in the promotion of democracy, the alleviation of poverty and its untiring efforts to improve the lot of workers. We believe, however, that in line with the democratisation process currently sweeping several parts of the world, the ILO should intensify its assistance programmes with a view to strengthening employers' and workers' organisations as well as promoting tripartite cooperation as a solid basis for building and sustaining democratic culture among the social partners. The thrust of such technical assistance, we believe, should be directed towards building the institutional capacity of States to enable them to respond to our people's aspirations for a greater material well-being and security, freedom and dignity.

One of the major preoccupations of the Government of Ghana and its social partners in their efforts to promote labour-related programmes has been the strenthening of the principles and practice of tripartite consultations. Through institutional arrangements such as the Tripartite Committee on Wages and Salaries, the National Advisory Committee on Labour and Joint Negotiation Machinery, we have built a strong culture of tripartite cooperation among the social partners. These arrangements have contributed to a better understanding, tolerance and respect for each other's rights and has thus served as an effective basis for the maintenance of industrial peace which, in turn, has led to stability and progress in my country.

The Director-General, in Part II of his Report, has enumerated several programmes undertaken by the ILO in 1991. Ghana has been both an active participant in and a direct beneficiary of some of these programmes and activities, for which we are most grateful to the Director-General and his staff. We are particularly grateful to ARLAC for the important role it is playing in the area of training in labour administration. The benefits Ghana has derived from this form of assistance have been tremendous.

My delegation is also pleased to note that the Director-General's Report places due emphasis on employment and development. We subscribe to the view that employment promotion in the rural and informal sector is crucial to any economic development.

In Ghana, as in other developing countries, the economy subsists in the main on agriculture. There is therefore a need to promote this sector by improving efficiency in the production of cash crops, food crops and livestock. Furthermore, the traditional agricultural sector, which has remained the largest employer of labour in our economies, should be given every encouragment and the means to expand. A boost in agricultural production would lead not only to self-sufficiency in food production. It would also pave the way for the establishment of agro-based industries which, in turn, would provide new job opportunities for the unemployed and create new occupations and professions.

The important role of the informal sector in our economic recovery process cannot be over-emphasised. The industrial development policies which Ghana has pursued over the past couple of years have been accompanied by the develoment of small-scale, labour-intensive enterprises, all of which have spread rapidly through the economy, both in urban and rural areas. The informal sector has expanded to the extent of absorbing a satisfactory number of potential jobseekers and has contributed to the develoment of skills through non-formal apprenticeships. The achievement of these goals would not have been possible without external assistance. It is in this regard that my delegation would like to use this forum – and the opportunity it offers – to commend the ILO, other international organisations, as well as donor organisations and all friendly countries, for the various forms of technical assistance extended to us. We hope that the ILO will sustain such activities and expand them to areas that remain yet uncovered.

In conclusion, I wish to observe that by committing itself to the improvement of the lot of workers the ILO is rendering a great service not only to individuals but to whole families and societies the world over. By additionally committing itself to the promotion of the principles and practice of democracy and the alleviation of poverty, the ILO is addressing those basic issues that, hopefully, will help usher in the ideal society we all aspire. In this endeavour, the Director-General can count on the fullest cooperation of the Government and people of Ghana.

Mr. WITBOOI *(Minister of Labour and Manpower Development, Namibia)* – I want to start by congratulating the President and the other officers on their elections . I am quite confident that the very qualities which made their election possible will ensure that this Conference, in terms of the quality of its deliberations and its subsequent resolutions, will be a success.

I thank the Govening Body for having made it possible for me to address this august body.

In the same breath I hasten to thank the Director-General for his magnanimous Report to the 79th Session of the International Labour Conference. My delegation made an in-depth and systematic study of this comprehensive Report, and I can proudly inform you that in terms of relevance and validity, the contents and thrust of the Report are admirably in line with the national priorities and concerns of the Republic of Namibia.

On 31 July 1990 the Government of the Republic of Namibia adopted a national Policy on Labour and Manpower Development. This policy is squarely based on the increasingly crystalising thesis that human resources are the most valuable single national asset. To this end the Government of the Republic of Namibia has undertaken to protect, develop and utilise human resources to their fullest potential. A need was felt to make the human resources development policy an integral part of our national economic development plan. In doing so, it is hoped that a viable matching of the demand and supply of labour will be achieved. Optimal cooperation and consultation between the Government, employees and employers is to be encouraged.

Acknowledging the limitations of the formal education system efficiently and sufficiently to prepare prospective jobseekers for the labour market, the Governement of the Republic of Namibia felt the need to establish a national vocational training and testing system. This system covers any vocational training activity by both private and public institutions in all economic sectors.

Recognising the inherited heavily skewed distribution of skills on grounds of race and gender that characterises our labour force, article 23 of the Constitution of the Republic of Namibia provides for the application of affirmative action to redress socio-economic imbalances caused by past colonial practices and outmoded traditional outlooks.

A national development plan and the commitment to enhance the optimal utilisation of human resources imply a fundamental restructuring and reordering of the organisation and running of our labour-relations system. In this connection, our Labour Code (Act 6, 1992) was promulgated on 8 April 1992. It covers all aspects of the employment relationship, that is, basic conditions and terms of employment, termination of employment contracts, health, safety and welfare at work, discrimination, harassment and victimisation.

As part of the implementation of the new Labour Code, my Ministry (assisted by ILO experts) is currently running seminars across the length and breadth of the country to familiarise the public with the content of the new Labour Code. The requisite institutional infrastructure is being set up.

However, our national effort towards development, equity and social justice is being hampered by a number of obstacles. There are budgetary constraints and fiscal limitations which present Namibia with serious financial problems. We inherited a foreign debt of about 700 million rand. Economic stagnation nationally and a prolonged recession globally, combine to make the Namibian economic landscape look all the more gloomy. The rate of unemployment is currently estimated at 40 per cent; the rate of inflation stands at 20.4 per cent; the economic growth rate is estimated at 2.3 per cent, whilst the population grows at a rate of 3 per cent per year. Recent survey of the population, with regard to its composition in terms of age, indicated that about 55 per cent of the Namibian population is under the age of 40 years. This means that there are many new entrants into the labour market. All this has been exacerbated by the drought, haunting the whole of southern Africa.

Having said that, it is fitting and appropriate to note that our development effort is being attempted against a backdrop of a "whirlwind of democratisation", sweeping across the globe in general, and Africa in particular. Being sensitive to the issue of human rights (chapter 3 of the Constitution of the Republic of Namibia), our Gouvernment espouses a participatory approach to development. Among other things, serious attention is given to the active participation of women in decision-making and development projects.

Moreover, I must stress that the democratisation process presupposes social justice and equity. In a subregional context, with apartheid in place and intact, democratisation and effective development would remain all but elusive objectives.

Part of the territory of Namibia, that is the Port of Walvis Bay, is still occupied illegally by South Africa, thus hampering the extension of social justice and economic development to that part of the country.

In regard to efforts being made to alleviate the scourge of unemployment, the Government of the Republic of Namibia encourages the emergence, development and extension of the informal sector, both as an income-generating and as a source of self-employment.

Nevertheless, against the background of an oppressive colonial dispensation that neither allowed nor tolerated any informal sector activity, there is a stigma vis-à-vis the emergent and rapidly expanding informal sector. In a word, our informal sector faces a "legitimation crisis". In terms of labour relations, there is a need for the unionisation of the informal sector. This is a daunting task facing our social partners; the employers in the formal sector should show more understanding for the informal sector, and the trade union movement should strive to bring the informal sector under the mould of the formal labour relations system.

To this end, may I conclude by saying that the most vulnerable, that is the unskilled, the illiterate, etc., need the assistance of the international community, mainly in the field of training. Policies, including structural adjustment proposals, should take into account these sensibilities.

In the final analysis, I wish to extend our gratitude to the ILO for the assistance rendered for both the design of our human resources development programmes and the assistance provided in producing the Labour Code.

I wish the 79th Session of the International Labour Conference all the best and hope that it will deliberate constructively and come up with useful and progressive proposals and resolutions.

Original – Spanish: Mr. CAYETANO TOHERIDA *(Government delegate, Equatorial Guinea)* – I should like to join with the speakers who preceded me in warmly congratulating the President of the 79th Session of the International Labour Conference on his unanimous election to this high office. I should also like to congratulate the other Officers of the Conference.

I convey special greetings to the delegations of the new member States of the ILO family, whom I welcome and congratulate.

Turning to the important items on our agenda, and in particular to the excellent Report that the Director-General has submitted to this assembly, the first part of which is entiled *Democratisation and the ILO,* we are very pleased that the discussion of this issue coincides with the time in which the process of democratisation in our country is acheving its highest aims.

The democratisation of the Republic of Equatorial Guinea began in August 1979, after the overthrow of the dictatorial regime which had ruled the country for the first decade of national independence. It has gradually gathered strength with the promulgation and implementation of a new legal order which guarantees the civil and political rights and freedoms of citizens, the highest expression of which is the Constitution which was adopted in November 1991. This instrument establishes the basis for the rule of law in our country within universally recognised principles. It also establishes the institutions which independently represent each of the three branches of Government, and opens the way to a political multiparty system, whose establishment, in peace and order, has been entrusted by the Head of State to the current transitional Government.

Under the Constitution, and in order to allow greater participation in the exercise of individual and collective rights and freedoms, we are putting into practice a whole series of legal provisions to bring the actions of individuals and State bodies into line with requirements and aspirations of our current economic, social and cultural reality; these include the Amnisty Act, which pardons political acts and omissions defined as political crimes by the Penal Code and other special legislation when such acts took place prior to 2 December 1991, and authorises all citizens of Equatorial Guinea who resided abroad to return to the country and set up residence; the Act governing the right to file complaints and petitions; the Act on political parties of 3 January 1992, which governs the formation of political parties for the establishment of pluralistic democracy; at present a number of political parties have been organised and are operating under this Act; the Act governing religious freedoms.

In the social and labour field we can point to the revision of the General Labour Act and the Social Security Act, which have been adapted to the principles of the ILO on freedom of hiring, working time, the protection of wages, maternity protection, equal pay, equality of treatment and opportunity, freedom and stability in employment, prevention of occupational hazards, etc. I should also mention the Act which promotes and stimulates the development of cooperatives.

The development of human resources, the improvement of vocational training and employement are priority objectives for the Government in order to promote sustained socio-economic development in the country, based on the efforts of the people of Equatorial Guinea, with assistance from the outside. We are also concerned about preserving the environment in general and the working environment. To this end, we have continuing programmes of training supervisors, both in the public and private sectors, and recently we have also had seminars on workers' education, occupational safety and health, social and labour standards, social security, etc. We would like to point out that all these achievements have come about with the assistance of the international community and the ILO in particular, for which we express our gratitude and hope that they will continue to provide their very valuable help.

At present the Government is considering a Bill on occupational associations and collective labour relations in order to ensure and promote the free exercise of freedom of association and collective bargaining. The Bill is based on the Constitution, the socio-economic structure of the society, where the private sector has a primary role to play in developing the national economy, and is inspired by the principles of the ILO Constitution, the Declaration of Philadelphia and the ILO Conventions on freedom of association and the right to organise.

In summary, these are some of the actions that have been undertaken by the Government of Equatorial Guinea in order to adapt its actions to the modern socio-political structures; we intend to continue in this line in order to improve the living conditions of our citizens and to preserve national peace and harmony.

Before I conclude this modest intervention, I should like to congratulate the Organisation and the International Labour Office, in particular, for all the work they have done in 1991, as described in the Report of the Governing Body and the relevant parts of the Director-General's Report. We very much appreciate all the work that has been done to implement the resolutions and decisions taken by earlier sessions of the International Labour Conferences.

The Government of the Republic of Equatorial Guinea wishes the Conference every success and is conviced that the debates and concusions of the 79th Session of the International Labour Conference will help to consolidate democracy among our peoples, to the benefit of all of humanity, a task in which the ILO, with its excellent structure, inspiring principles and accumulated experience, has an important role to play.

Original – Arabic: Mr. AL-JASSEM *(Employers' delegate, Kuwait)* – In the name of God, the Merciful the Compassionate. I should like to start – on behalf of the Chamber of Commerce and Industry in Kuwait which groups the employers in my country and which I have the honour to represent – by congratulating the President and the Vice-Presidents on their election.

We are reaching the end of the eighth decade of sessions of this Conference. The seven preceding decades have witnessed major upheavals; but the consecutive and radical changes of this decade have changed the course of history beyond anyone's expectations and taken a direction that nobody could predict. Nothing testifies to this better than the demise of an international order that had had a firm grip on many a nation and people for as long as 70 years – and the emergence of a new international order, advocating international legitimacy and announcing a global democratisation and freedom of peoples from the yoke of tyrannical and totalitarian regimes. It is perhaps this that prompted the Director-General to choose democratisation as the theme of his Report to this Session, a most fortunate choice, worthy of respect, because it is closely linked to events that have occurred on the international scene during the past two years – although the first signs could be detected several years ago.

However, the optimism that has accompanied these changes has been somewhat tempered because of the follies of those who hanker after former totalitarian regimes – and who have been blinded by the glow of liberation. The examples of Kuwait yesterday and Bosnia-Herzegovina are there for us to see.

The Director-General has clearly expressed the ILO's position towards freedom and human rights. Indeed, he states in his report that: "the ILO takes a keen interest in civil and political rights" and that "the denial of the civil liberties set forth in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights makes a mockery of the very notion of trade union rights. For the normal exercise of these rights requires respect for the individual's right to freedom and security, protection against arbitrary arrest and detention, freedom of opinion and expression, freedom of assembly, the right to an equitable trial by an independent and impartial court, and the right to the protection of trade union property."

These words taken from the Report of the Director-General affirm that human rights, as specified in charters and international convenants, are indivisible. They also tell us that we must not halt before the frontiers that the theoreticians of the age of darkness and totalitarian systems erected on the grounds that crossing over them would imply entering into a political area – contrary to the tradition of this venerable organisation. You know very well that this was a vain pretention and only a mask to hide their deformities. the Director-General has removed this mask by statingh unequivocally in his Report that political, civil and trade union freedoms are indivisible – and inextricably bound to democracy.

The crime that was perpetrated against the Kuwaiti people on the night of 2 August 1990 would not have happened had the aggressor had any regard for human rights and freedoms. The studies, analyses and reports which have sought to clarify the reasons for this aggression have agreed that a desire for authoritarian and arbitrary power made the aggressor commit that crime in the absence of any democratic regime which alone can prevent governments from following their iniquitous ambitions. A little peace-loving state was thus almost obliterared from the map of the world. However, thanks to international democracy which unanimously supported law and legality, Kuwait managed to retrieve its sovereignty and freedom and to resume its modest role in consolidating the values and principles of law and peace for the sake of humanity as a whole.

Within this context, a few days ago, on 16 May 1992, Kuwait hosted the third session of the Joint Council of Ministers of Foreign Affairs, in accordance with the provisions of the cooperation agreement between the European Community and the Cooperation Council for the Arab States of the Gulf. This session achieved positive results which provide support for progress, democracy, and the respect of human rights, beginning with the respect of the sovereignty, unity, independance and the territorial security of all States in the region. The session called for the rapid and total application of all Security Council resolutions concerning human rights, in particular those concerning the consequences of the Iraqi aggression against the State of Kuwait. It requested Iraq to respect all these resolutions, including those concerning the payment of compensation for the loss and damage resulting from its aggression against the State of Kuwait, and the liberation of all prisoners and hostages which it still holds, be they Kuwaiti or nationals of other countries.

The statement by the Director-General concerning the comprehensive relationship between civil, political and trade union freedoms is corroborated by the Governing Body Committee on Freedom of Association in its report No. 279, on the conclusions of its examination of the complaint lodged by the State of Kuwait, in its tripartite composition, and the International Employers' Organisation and the World Federation of Trade Unions against the violations commited by the Iraqi forces of aggession against trade union freedoms and which resulted in the destruction and pillaging of trade union premises and acts of theft and the liquidation of trade unions and the arrest and exile of trade union leaders.

The PRESIDENT (Mr. MUGALLA): Please keep to the subject under discussion and avoid raising questions which are unrelated.

Original – Arabic: Mr. AL-JASSEM – I am talking about the Reports of the Governing Body and the Director-General and the preparatory report which covers the agenda of the Governing Body.

Allow me to proceed because I have not departed from the agenda.

The report has confirmed the truth of all the facts that were contained in the complaint as well as the fact that the Iraqi Government refused to answer the accusations on the pretext that they were no longer valid since Iraq had withdrawn from Kuwait! As if the criminal had the right not to be judged any more and to avoid punishment, simply because he had withdrawn the dagger from his victim's breast after perpetrating his crime.

The PRESIDENT (Mr. MUGALLA): The delegate of Iraq wishes to intervene on a point of order.

Original – Arabic: Mr. GHARIB – I understand, on the basis of the Standing Orders of the Conference, that the Kuwaiti delegate has spoken of questions that fall outside the competence of this body and I would request that the Chaiman exercise his authority in accordance with article 4, paragraph 14, of the Standing Orders.

The PRESIDENT (Mr. MUGALLA) – I urge you, Sir, to avoid discussing issues that are not really under discussion today.

Original – Arabic: Mr. AL-JASSEM – There is a report that was submitted to the Governing Body regarding the question of trade union freedoms. This was discussed at the last session of the Governing Body only a few days before this Session of the Conference and I refer to page 7 of that report on freedom of association.

I believe I have not raised issues that fall outside on our agenda. I am talking about matters encompassed within the mandate of this Conference.

I do have one soft word of regret, which we hope the Director-General will take with an open heart. The Director-General referred in his Report to the role of the Church in the promotion of democratisation in various parts of the world, which no-one would deny. At the same time he somehow overlooked the role of another establishment, which is no less important, that of the Moslem mosques, which are considered amongst the most important centres of teaching, culture and the liberation struggle. By way of example, it was from the mosque that the movement of the Afghan freedom-fighters began. It was from the mosque also that the cries for liberation and the rising up of the children in Palestine who throw stones against Zionist occupiers began, and it was also from the mosque that the Kuwaiti resistance movement set out against the Iraqi invasion forces.

Many other examples could be given. Islam is a religion of consultation, equality and human dignity to which all democratic regimes aspire. An Arab is better than a non-Arab only because of his devotion. Human beings are all equal like the teeth of a comb. Why do you oppress human beings when their mothers brought them into this world free? The mosque in Islam is not only a place of prayer; it is also a school, a place of learning, a centre of information, a place in which to appeal for freedom, fraternity and equality, and for the struggle to achieve these goals.

Because of the ten-minute time limit, let me recall quickly the appreciation of the Chamber of Commerce and Industry of Kuwait for the efforts and activities of the ILO, its Governing Body, committees and Director-General, all of which are set forth in Part II of the Report. However, I should like to draw attention once again to the delay in the publication of the Report on the situation of workers of the occupied Arab territories, which appears in the appendices (Volume 2) to the Director General's Report. I have already drawn attention to this delay in previous sessions. If I am making this comment here, it is because I believe in the rightness of the cause of the Arab Palestinian people. I also believe that the rights of man and his freedoms are indivisible, irrespective of the cowardly and regrettable position taken by the leadership on behalf of the Palestinian people during the aggression against Kuwait and the occupation of its territory.

Allow me at the end, by way of conclusion to repeat from this tribune the slogan that we Kuwaitis now use in all international forums: "My God, have pity for our valiant martyrs and free our innocent prisoners held in the prisons and concentration camps of Iraq." May the peace and grace of God be with you!

The **PRESIDENT** (Mr. **MUGALLA**) – Before I can give Mr. Gharib *(Workers' delegate, Iraq)* the right to reply, I should like to remind the delegates of the statement made by the President during the general discussion and in particular the following: a reply should refer only to the point under discussion. It should be brief, not exceed two minutes and should not give rise to any further remarks. Lastly, it should be expressed in correct and parliamentary language. Furthermore, I wish to point out that in order to avoid endless debates it has been a practice of the President to refuse to allow replies to a right of reply. Now I give the floor to Mr. Gharib.

Original – Arabic: – Mr. **GHARIB** *(Workers' delegate, Iraq)* – I would have preferred not to take the floor. But I have no choice because of the manner in which the Kuwaiti delegate spoke. He lied about persons detained in Iraq. Thousands and thousands of non-Kuwaitis have been expelled from Kuwait and there is not one single trade union member in Kuwait; there is no trade union and no political party. There have been thousands of rapes of women in Kuwait – both nationals and non-nationals.

(The Conference adjourned at 6 p.m.)

Credentials

First report of the Credentials Committee

1. The Credentials Committee of the 79th Session of the Conference is composed of Mr. Santiago Pérez del Castillo, Government delegate, Uruguay, Chairman; Mr. Daniel Funes de Rioja, Employers' substitute delegate, Argentina; and Mr. Charles Gray, Workers' delegate, United States.

Composition of the Conference

2. Since the signing of the brief report made by the Chairman of the Governing Body of the International Labour Office, a number of modifications have occurred in the composition of the Conference.

3. The number of member States of the International Labour Organisation represented at the Conferfence is at present 145. To date 12 member States (Bahamas, Benin, Cambodia, Central African Republic, Dominica, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Liberia, Saint Lucia, Seychelles, Solomon Islands) have not sent a delegation.

Accredited delegates and advisers

4. The total number of accredited delegates is 556, comprising 283 Government delegates, 134 Employers' delegates and 139 Workers' delegates.

5. There are 1,380 accredited advisers, comprising 671 Government advisers, 331 Employers' advisers and 378 Workers' advisers.

6. The total number of accredited delegates and advisers is therefore 1,936.

7. With regard to the resolution concerning the participation of women in ILO meetings, adopted by the Conference at its 67th Session in June 1981, the Credentials Committee wishes to inform the Conference that there are 49 women among the 556 delegates accredited to the Conference and 213 women among the 1,380 accredited advisers. The total number of women accredited to the Conference is therefore 262 as against 246 last year.

Registered delegates and advisers

8. Since the present session of the Conference has decided to continue the practice adopted at its 49th Session of fixing the quorum on the basis of the number of delegates registered, the Committee considers it desirable to advise the Conference as to the situation concerning the registration of delegates.

9. At this time the number of registered delegates is 411, comprising 208 Government delegatges, 100 Employers' delegates and 103 Workers' delegates.

10. In addition, the number of registered advisers is 939, comrising 469 Government advisers, 203 Employers' advisers and 267 Workers' advisers.

Quorum

11. Fifty-one advisers, who are substitutes to delegates who have not registered, are taken into account in calculating the voting strength of the Conference.

12. Since 14 States[1] represented at the Conference are in arrears in the payment of their financial contributions to the Organisation, these States, under the terms of paragraph 4 of Article 13 of the Constitution, may not at present participate in the voting in the Conference or in its committees. The 34 registered delegates designated by these States are hence not taken into consideration in fixing the quorum.

13. In addition, two registered Workers' delegates are not taken into account in the calculation of the quorum because of the provisions of Article 4, paragraph 2, of the Constitution.

14. At the present time the quorum required to give a vote validity is 213.

15. The Committee notes that the quorum calculated on the basis of the number of accredited delegates would be 254. The difference between the quorum calculated on the basis of the number of delegates registered and that which could have been calculated on the basis of the number of accredited delegates is due to the fact that some accredited delegates have not yet registered. The Committee urgently appeals to delegates present at the Conference to register so that the quorum will be as nearly exact as possible and that their presence can be taken into account in its calculation. The Committee stresses, in this connection, the need for the registration of delegates and advisers to commence as early as possible on the morning preceding the opening of the Conference to enable the delegates and advisers concerned to attend their respective pre-Conference group meetings.

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[1] Antigua and Barbuda, Cameroon, Comoros, Djibouti, Dominican Republic, Equatorial Guinea, Guyana, Iraq, Lebanon, Libyan Arab Jamahiriya, Paraguay, Sierra Leone, Somalia, Yugoslavia.

Incomplete delegations

16. The Committee notes that a certain number of delegations are so far incomplete. The delegations of Cameroon, Chad, Comoros, Equatorial Guinea, Somalia, Viet Nam are exclusively governmental. In addition, five countries (Albania, Kyrgzstan, Sao Tome and Principe, Sierra Leone, Sudan) have not accredited an Employers' delegate. The Committee wishes to affirm once again the necessity for governments to comply with the requirement of Article 3 of the Constitution that a complete tripartite delegation be sent to the Conference. The Committee recalls that pursuant to a decision of the Governing Body, the Director-General each year requests the governments of all member States which did not send complete tripartite delegations to the Conference to indicate the reasons for their failure to do so, and that the information received in reply to that request is duly communicated to the Governing Body.

17. The Committee also notes that there is some imbalance between the number of advisers to the delegates of each group and also between the number of Employers' and Workers' advisers. It once again urges governments to take greater account, when nominating delegations, of the proportions in the composition of the Conference envisaged by paragraphs 1 and 2 of Article 3 of the Constitution. The Committee further recalls the request contained in the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organisation, adopted by the Conference in 1971, and expressed the hope that Governments will accord equal treatment to each of the groups when appointing advisers to their country's delegation to the International Labour Conference. The Committee recalls in this connection the obligation of Members under Article 13, paragraph 2(a), of the Constitution, to pay the travelling and subsistence expenses of their delegates and advisers and trusts that this obligation will be respected for the whole duration of the Conference.

Observers

18. Two observer delegations, mentioned in the Brief Report of the Chairman of the Governing Body of the International Labour Office, are attending the Conference.

Organisations and liberation movements invited

19. The Conference is also being attended by:

- representatives of the United Nations and some of its organs invited by virtue of Article II, paragraph (1) – relating to reciprocal representation of the Agreement between the United Nations and the International Labour Organisation, which came into effect on 14 December 1946;
- representatives of specialised agencies and other official international organisations, invited in conformity with Article 2, paragraph 3(b), of the Standing Orders of the Conference;
- representatives of non-governmental international organisation with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of other non-governmental international organisations also invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of liberation movements invited in conformity with Article 2, paragraph 3(k), of the Standing Orders of the Conference.

A list these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Objections[1]

20. To date, the Committee has before it a number of objections or communications concerning the credentials of certain delegates and advisers. It has forthwith commenced its examination. The Committee considers that its work would be facilitated if the Credentials would reach the Office within the time limit provided for under Article 26, paragraph 1, of the Standing Orders and if all governments utilised the suggested form for credentials of delegates, enclosed with the letter of convocation and the Memorandum communicated to governments every year prior to the session of the Conference. It would be particularly helpful if governments would provide exact information on the employers' and workers' organisations consulted in nominating Employers' and Workers' delegates and advisers as well as on the organisations which have agreed to such nominations.

21. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Genva, 4 June 1992

(Signed) S. PEREZ DEL CASTILLO,
Chairman.

D. FUNES DE RIOJA

C. GRAY

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[1] In accordance with the usual practice, the texts of the objections which the Credentials Committee has before it, together with the replies of the delegates concerned (in cases where the Credentials Committee has requested such replies), can be consulted in the office of the secretariat of the credentials Committee.

LIST OF REGISTERED DELEGATES AND ADVISERS

Country	Government delegates	Government advisers	Employers' delegates	Employers' advisers	Workers' delegates	Workers' advisers
Afghanistan	2	1	1	1	1	2
Albania	1	—	—	—	—	—
Algeria	2	5	1	7	1	3
Angola	2	5	1	2	1	2
Antigua and Barbuda	—	—	1	—	1	—
Argentina	2	7	1	4	1	7
Australia	1	5	—	3	1	3
Austria	2	4	1	—	—	3
Azerbaijan	—	—	—	—	—	—
Bahamas	—	—	—	—	—	—
Bahrain	1	8	1	—	1	2
Bangladesh	2	1	1	1	1	—
Barbados	1	—	1	—	1	—
Belarus	2	1	1	—	1	1
Belgium	—	5	1	3	1	4
Belize	2	—	—	—	—	—
Benin	—	—	—	—	—	—
Bolivia	1	1	1	—	—	1
Botswana	1	1	1	—	1	—
Brazil	2	4	1	6	1	3
Bulgaria	—	3	1	1	1	4
Burkina Faso	—	—	—	—	—	—
Burundi	2	1	—	1	1	—
Cambodia	—	—	—	—	—	—
Cameroon	1	1	—	—	—	—
Canada	2	5	1	4	1	3
Cape Verde	—	—	—	—	—	—
Central African Republic	—	—	—	—	—	—
Chad	1	—	—	—	—	—
Chile	2	9	1	2	1	8
China	2	13	1	3	1	5
Colombia	2	4	1	2	—	3
Comoros	—	—	—	—	—	—
Congo	1	1	1	—	—	—
Costa Rica	2	1	1	—	1	1
Côte d'Ivoire	2	1	1	—	1	2
Cuba	1	1	—	—	—	—
Cyprus	—	3	1	—	1	1
Czechoslovakia	2	8	—	2	1	3
Denmark	2	4	1	3	1	4
Djibouti	1	1	1	—	1	—
Dominica	—	—	—	—	—	—
Dominican Republic	1	1	—	1	—	2
Ecuador	1	2	1	—	1	3
Egypt	2	4	1	3	1	2
El Salvador	2	—	1	1	1	1
Equatorial Guinea	2	—	—	—	—	—
Estonia	1	—	—	—	1	—
Ethiopia	2	3	1	1	1	1
Fiji	2	—	1	—	1	—
Finland	1	5	1	5	1	5
France	2	7	—	7	1	9
Gabon	2	2	1	1	—	1
Germany	2	6	1	4	1	5
Ghana	2	1	—	3	1	1
Greece	1	3	—	2	1	8
Grenada	—	—	—	—	—	—
Guatemala	2	3	1	—	1	1
Guinea	1	1	—	1	1	—
Guinea-Bissau	—	—	—	—	—	—
Guyana	—	—	1	—	1	—
Haiti	2	2	1	—	1	—
Honduras	2	5	1	—	1	—
Hungary	2	5	1	1	1	2
Iceland	2	2	1	1	1	—
India	2	4	1	5	1	5
Indonesia	2	9	1	8	1	2
Iran, Islamic Republic of	2	11	1	3	1	6
Iraq	2	3	1	—	1	1
Ireland	1	3	1	—	—	—
Israel	2	3	1	—	—	3
Italy	1	7	1	5	—	4
Jamaica	2	2	—	—	—	—
Japan	2	15	1	6	1	8
Jordan	2	—	1	3	1	1
Kenya	—	—	1	—	—	—
Korea, Republic of	2	9	1	6	1	8
Kuwait	2	6	1	1	1	2
Kyrgyzstan	—	—	—	—	1	—
Lao, People's Dem. Rep. of	—	—	—	—	—	—
Latvia	1	—	1	2	1	1
Lebanon	1	1	—	2	—	1
Lesotho	—	—	—	—	—	—
Liberia	—	—	—	—	—	—
Libyan Arab Jamahiriya	2	8	1	1	1	5
Lithuania	2	1	1	—	—	1
Luxembourg	2	3	1	1	1	4
Madagascar	1	1	—	—	—	—
Malawi	2	2	—	—	1	—
Malaysia	2	8	1	2	1	2
Mali	—	—	—	—	1	—
Malta	—	—	1	1	1	1
Mauritania	1	—	1	—	1	—
Mauritius	1	2	1	—	1	1
Mexico	1	—	—	4	1	2
Mongolia	2	1	1	—	1	1
Morocco	2	6	—	—	1	4
Mozambique	—	—	1	—	1	—
Myanmar	2	6	1	—	1	—
Namibia	2	3	—	—	1	2
Nepal	2	1	1	1	1	—
Netherlands	2	9	1	4	1	5
New Zealand	1	3	—	—	—	—
Nicaragua	2	3	1	3	1	—
Niger	2	2	1	1	1	1
Nigeria	1	—	1	2	—	—
Norway	1	4	1	1	1	4
Pakistan	2	—	1	—	1	—
Panama	2	2	1	—	1	—
Papua New Guinea	1	—	—	—	1	—
Paraguay	2	—	—	—	1	—
Peru	2	7	1	2	—	—
Philippines	2	5	1	3	1	3
Poland	1	11	1	5	1	5
Portugal	2	8	1	3	—	4
Qatar	1	2	—	—	—	—
Romania	2	5	1	1	1	1
Russian Federation	2	7	1	1	1	1
Rwanda	2	—	1	—	1	—
Saint Lucia	—	—	—	—	—	—
San Marino	1	1	1	—	—	2
Sao Tome and Principe	1	1	—	—	—	—
Saudi Arabia	2	3	1	—	1	—
Senegal	2	7	—	1	—	1
Seychelles	—	—	—	—	—	—
Sierra Leone	2	—	—	—	—	—
Singapore	1	2	1	—	1	3
Solomon Islands	—	—	—	—	—	—
Slovenia	1	1	1	—	1	—
Somalia	—	—	—	—	—	—
Spain	1	7	1	7	—	5
Sri Lanka	1	4	1	—	1	5
Sudan	2	2	—	—	1	1
Suriname	2	—	1	—	1	—
Swaziland	—	—	—	—	—	—
Sweden	2	3	1	4	1	5
Switzerland	2	5	1	5	1	3
Syrian Arab Republic	2	9	1	2	1	1
Tanzania, United Rep. of	—	6	1	—	1	1
Thailand	1	5	—	3	1	2
Togo	2	—	1	—	1	1
Trinidad and Tobago	2	1	1	1	1	1
Tunisia	2	6	1	3	1	8
Turkey	2	14	1	7	1	7
Uganda	2	1	—	1	1	—
Ukraine	2	4	1	—	1	—
United Arab Emirates	1	4	1	—	1	—
United Kingdom	2	14	1	7	1	7
United States	2	16	1	5	1	8
Uruguay	1	1	1	1	1	1
Venezuela	—	1	—	1	—	5
Viet Nam	—	—	—	—	—	—
Yemen	2	2	1	—	1	1
Yugoslavia	2	2	—	—	—	1
Zaire	1	1	—	—	—	—
Zambia	1	—	1	1	1	3
Zimbabwe	2	7	1	1	—	—
Total	208	469	100	203	103	267

CORRIGENDUM

Provisional record No. 7

Page 7/9, first colum, letter from the presidency of the European Communities: in the 5th line replace "constitutes" by "continues".

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International Labour Conference
Provisional Record
Seventy-ninth Session, Geneva, 1992

11

First report of the Finance Committee of Government Representatives

1. The Finance Committee of Government Representatives met on 4 and 8 June 1992 with Mr. Tayo Fashoyin (Nigeria) as Chairman and Reporter, and Mr. W. Dejong (Australia) as Vice-Chairman.

REQUEST OF THE GOVERNMENT OF PARAGUAY, UNDER PARAGRAPH 4 OF ARTICLE 13 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION, FOR PERMISSION TO VOTE

2. The Committee had before it a request from the Government of Paraguay for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference.

3. The text of the request, dated 13 May 1992, is as follows:

> (Translated from Spanish)
>
> The Ministry of Justice and Labour
> ASUNCION
> Paraguay
>
> 13 May 1992
>
> Dear Mr. Director-General,
>
> I have the honour to refer to the arrangement for the settlement of the arrears of contributions due by the Government of Paraguay to the International Labour Organisation that was approved by the 78th Session of the International Labour Conference in June 1991, under which Paraguay was due to pay its contribution to the Working Capital Fund of 2,625 Swiss francs plus its assessed contribution for 1991 of 86,741 Swiss francs and an annuity on account of arrears of contributions of 58,738 Swiss francs before 31 December 1991.
>
> When making payment of the above amounts differences in exchange rates arose between Paraguayan currency and Swiss francs which unfortunately resulted in an amount of 4,687 Swiss francs still being due at the end of 1991, with the result that my country lost the right to vote in the ILO on 1 January 1992. Upon learning of this short payment my Government immediately made arrangements to have the amount paid and it was received by the ILO on 13 January 1992, which represented a delay in the payment of 13 days.
>
> I would also like to advise you that the Government of Paraguay, despite the economic difficulties that it is facing, has now paid all of the amounts due to be paid in 1992 under the arrangement, together with an amount on account of its 1993 obligations.
>
> In the light of the above and as my country wishes to participate fully in the work of the International Labour Organisation, I would request that you transmit to the International Labour Conference my Government's request that, in accordance with paragraph 4 of article 13 of the Constitution of the Organisation, Paraguay be again permitted to vote for so long as it makes the payments required by article 32.2 of the Standing Orders of the Conference.
>
> Yours faithfully,
>
> *(Signed)* HUGO ESTIGARRIBIA ELIZECHE.
> *Minister*

4. The Committee noted that paragraph 4 of article 13 of the Constitution of the International Labour Organisation provides as follows:

> A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Committee also noted that article 31 of the Standing Orders of the Conference provides as follows:

> *Article 31*
>
> *Procedure where a proposal is made to permit a Member in arrears to vote*
>
> 1. Any request or proposal that the Conference should nevertheless permit a Member which is in arrears in the payment of its contributions to vote in accordance with article 13, paragraph 4, of the Constitution shall be referred in the first instance to the Finance Committee of the Conference, which shall report thereon as a matter of urgency.
>
> 2. Pending a decision on the request or proposal by the Conference, the Member shall not be entitled to vote.
>
> 3. The Finance Committee shall submit to the Conference a report giving its opinion on the request or proposal.
>
> 4. If the Finance Committee, having found that the failure to pay is due to conditions beyond the control of the Member, thinks fit to propose to the Conference that the Member should nevertheless be permitted to vote in accordance with article 13, paragraph 4, of the Constitution, it shall in its report –
>
> (a) explain the nature of the conditions beyond the Member's control;
>
> (b) give an analysis of the financial relations between the Member and the Organisation during the preceding ten years;
>
> (c) indicate the measures which should be taken in order to settle the arrears.
>
> 5. Any decision which may be taken by the Conference to permit a Member which is in arrears in the payment of its contributions to vote notwithstanding such arrears may be made conditional upon the Member complying with any recommendations for settling the arrears which may be made by the Conference.

6. In examining the financial relations between Paraguay and the Organisation for the preceding ten years, the Committee noted that the 78th (June 1991) Session of the Conference adopted an arrangement proposed by the Government of Paraguay for the settlement of arrears of contributions due for the period 1956-90 of 1,174,753 Swiss francs, made up as follows:

Years	Assessed contributions in US$	Amounts received 1980-1989	Arrears of contributions due at the end of 1989		Assessed contributions in Swiss francs	Amounts received 1990-91	Arrears of contributions currently due
				Converted to Swiss francs 1 Jan. 1990			
	US$	US$	US$	SFR	SFR	SFR	SFR
1956-1980	453 035	—	453 035	792 809	—	—	792 809
1981	9 596	—	9 596	16 793	—	—	16 793
1982	11 902	—	11 902	20 829	—	—	20 829
1983	12 338	—	12 338	21 592	—	—	21 592
1984	12 737	—	12 337	22 290	—	—	22 290
1985	12 737	—	12 737	22 290	—	—	22 290
1986	12 657	—	12 657	22 150	—	—	22 150
1987	25 314	—	25 314	44 300	—	—	44 300
1988	32 486	—	32 486	56 851	—	—	56 851
1989	38 919	—	38 919	68 108	—	—	68 108
1990					86 741		86 741
	621 721	—	621 721	1 088 012	86 741	—	1 174 753

7. In addition to the above, Paraguay owed its initial contribution to the Working Capital Fund of the Organisation of 2,625 Swiss francs (originally US$1,500).

8. The terms of the Conference arrangement were:

(a) in 1991 Paraguay would pay in full its contribution for the year 1991, together with its contribution due to the Working Capital Fund of the Organisation of 2,625 Swiss francs;

(b) in subsequent years Paraguay would continue to pay its current contribution in full in the year for which it was due;

(c) Paraguay would settle the arrears that had accumulated up to and including 31 December 1990, amounting in total to 1,174,753 Swiss francs, by the payment of 19 equal annual instalments of 58,738 Swiss francs and a final instalment of 58,731 Swiss francs, beginning in 1991.

9. By 31 December 1991 Paraguay had paid its contribution to the Working Capital Fund, its annuity against arrears and 82,054 Swiss francs against its 1991 assessed contribution of 86,741 Swiss francs, leaving a shortfall in payments against its 1991 obligations of 4,687 Swiss francs. As a result, on 1 January 1992, the terms of paragraph 2 of article 32 of the Standing Orders of the Conference no longer applied to Paraguay and it lost the right to vote in the Organisation.

10. The shortfall in payments in 1991 was covered by an amount received from Paraguay on 13 January 1992. Paraguay has now also paid the total of its obligations for 1992 under the Conference arrangement totalling 153,061 Swiss francs, made up of its 1992 annuity against arrears of 58,738 Swiss francs and its 1992 assessed contribution of 94,323 Swiss francs, and has made an advance payment of 2,094 Swiss francs against its 1993 obligations.

11. The representative of Italy observed that the payment in January had brought Paraguay up to date with its obligations and he supported its request for the right to vote.

12. The representative of Germany asked whether it was technically possible to make a payment for contributions in advance when arrears of contributions were still outstanding.

13. The representative of the Director-General (the Treasurer and Financial Comptroller) said that according to the Financial Regulations payments were applied to the earliest of arrears so in theory it would not be possible to pay contributions in advance if current contributions or arrears were still outstanding. Where there was a formal arrangement for the payment of arrears in instalments, however, it was possible to do so. The amount received for 1993 was applicable to the 1993 annuity against arrears.

14. *The Committee, being satisfied that the failure of Paraguay to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:*

(a) *the Committee finds that the failure of Paraguay to pay its arrears was due to conditions beyond its control, as explained in the letter appearing in paragraph 3 above;*

(b) *the financial relations between Paraguay and the Organisation for the preceding ten years have been set out in paragraph 6 above;*

(c) *the Government of Paraguay has paid the balance of the amounts due in 1991 on 13 January 1992, thus bringing itself up to date within the terms of the arrangement for the settlement of its arrears approved by the 78th (June 1991) Session of the Conference.*

15. *The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to Paraguay of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation, the text of which appears at the end of this report.*

APPOINTMENTS TO THE ADMINISTRATIVE BOARD (ILO STAFF PENSIONS FUND) AND TO THE ILO STAFF PENSION COMMITTEE (UNITED NATIONS JOINT STAFF PENSION BOARD)

16. The Committee had before it *Provisional Record* No. 5, containing a resolution submitted by the Governing Body concerning appointments to the

Administrative Board of the ILO Staff Pensions Fund and the ILO Staff Pension Committee (United Nations Joint Staff Pension Board).

17. The representative of the Director-General (the Treasurer and Financial Comptroller) informed the Committee that the information appendices in *Provisional Record* No. 5 containing extracts from the reports of the Programme, Financial and Administrative Committee to the Governing Body at its 253rd Session (May-June 1992) did not include the amendments put forward by Committee members when the reports were adopted. Those extracts should therefore be read in conjunction with the amendments contained in documents GB.253/PFA/15 Corr. and GB.253/PFA/16 Corr.

18. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Matters relating to the Administrative Tribunal of the ILO

A. *Statute of the Tribunal*

19. The Committee had before it *Provisional Record* No. 5, containing a resolution submitted by the Governing Body concerning amendments to the Statute of the Tribunal.

20. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

B. *Composition of the Administrative Tribunal of the ILO*

21. The Committee had before it *Provisional Record* No. 5, containing a resolution submitted by the Governing Body concerning appointments to the Administrative Tribunal of the ILO.

22. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Assessment of the contributions of the Republic of Korea and of Viet Nam

Republic of Korea

23. The Committee had before it *Provisional Record* No. 5, containing a resolution submitted by the Governing Body concerning the assessment of the Republic of Korea for 1991 and 1992.

24. The representative of Australia said that this decision should be only a formality. The matter had already been discussed in the Allocations Committee and the Governing Body so much of this double handling surely was unnecessary.

25. The representative of Korea said that he was happy to accept the rate of assessment proposed by the Allocations Committee but he wished to know to what extent the nationalities of ILO staff were related to assessment rates.

26. The Treasurer confirmed that the Office did maintain a desirable range for the number of professional category officials for each member State, and this range was based on the scale of assessments.

27. The representative of Korea said that his government was firmly committed to the aims and ideals of the ILO but despite requests for representation on the staff there had been no response yet from the Office.

28. At the suggestion of the Chairman it was agreed that this matter should be discussed directly between the Office and the representative of Korea.

29. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Viet Nam

30. The Committee had before it *Provisional Record* No. 5, containing a resolution submitted by the Governing Body concerning the assessment of Viet Nam for 1992.

31. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Assessment of the contributions of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia

Scale of assessment of contributions for 1993

32. The Committee had before it *Provisional Record* No. 5 and document F.C./D.3, containing resolutions submitted by the Governing Body concerning the assessment of contributions for each of these member States for its period of membership to the end of 1992. *Provisional Record* No. 5 also contained a draft scale of assessments of member States' contributions for 1993 as recommended by the Allocations Committee of the Governing Body and endorsed by the Governing Body itself.

33. The Treasurer advised the Committee that ILO assessment rates were based on UN assessment rates, adjusted for differences in membership in the two organisations, and the ILO Allocations Committee would not be in a position to make recommendations on assessment rates for these six member States until UN rates had been fixed by the General Assembly later in 1992. He also advised that amendments were required to paragraph 6 of document F.C./D.3, concerning the terms of the resolution in paragraph 13 (ii). Paragraph (d) should be renumbered (e), and a new paragraph (d) inserted as follows:

> That consideration of the rate of assessment for 1993 for Slovenia be deferred to the 80th (June 1993) Session of the International Labour Conference;

34. *The Committee recommends that the Conference adopt these resolutions, the texts of which appear at the end of this report.*

The Working Capital Fund

35. The Committee had before it *Provisional Record* No. 5, containing resolutions submitted by the

Governing Body concerning the operation of the Working Capital Fund and proposing amendments to the Financial Regulations. Document F.C./D.4, containing details of the shares of member States in Part I of the Working Capital Fund, was also made available.

36. *The Committee recommends that the Conference adopt these resolutions, the texts of which appear at the end of this report.*

FINANCIAL REPORT AND AUDITED FINANCIAL STATEMENTS FOR 1990-91

37. The Committee had before it the Financial Report and Audited Financial Statements for the Sixty-second Financial Period (1990-91); Report II: *Information concerning the Programme and Budget for 1992-93 and other financial and administrative questions*; document GB.253/PFA/2/10, on the follow-up given to the External Auditor's Report on the Accounts for 1988-89; and *Provisional Record No. 5, containing a recommendation submitted by the Governing Body that the Conference adopt the Financial Report and Audited Financial Statements for 1990-91.*

38. *The representative of the United Kingdom, referring to Schedule 3.2 of the Financial Statements, observed that although $1.9 million had been credited to the Voluntary Thrift Benefit Fund no disbursements were shown. Had the Fund begun operating, or were arrangements still to be finalised?*

39. *The Treasurer replied that the Financial Statements gave the position as at 31 December 1991. The Fund had commenced operation on 1 December 1991, and qualifying officials had until the end of November 1992 to join. So far, 850 had done so. The investment management of the Fund was in the hands of a Geneva private bank, Lombard Odier and Co., and the accounting records were kept by the Epargne de France.*

40. *The representative of Switzerland attached great importance to the work of the External Auditor and expressed appreciation for the Programme, Financial and Administrative Committee document GB.253/PFA/2/10, dealing with the follow-up given to the External Auditor's Report on the Accounts for 1988-89. It was reassuring to see the extent to which the External Auditor's recommendations had been put into effect and she supported the views expressed in the document that follow-up action should be reported regularly.*

41. *The representative of the United Kingdom asked whether the Office could report at some stage in future, possibly in November or after membership of the Voluntary Thrift Benefit Fund was closed, on the operation of the Fund and whether the full payment of $4,875,000 from the ILO as approved by the Conference in 1991 would be required.*

42. *The Treasurer replied that about 30 per cent of the ILO staff had already become members of the Fund. A further progress report could be given at the November 1992 Session of the Governing Body.*

43. *The representative of Ireland was impressed by the extent to which the Office had followed up on the External Auditor's Report for 1998-89 and was pleased to see that this matter would be reported in future in the year following the adoption of the Accounts.*

44. *The Committee recommends that the Conference adopt the Financial Report and Audited Financial Statements for 1990-91 in accordance with article 29 of the Financial Regulations, and accordingly that it adopt the resolution, the text of which appears at the end of this report.*

TREATMENT OF 1990-91 CASH SURPLUS

45. The Committee had before it *Provisional Record* No. 5, containing a resolution submitted by the Governing Body concerning the cash surplus for the 1990-91 biennium.

46. The representative of Sao Tome and Principe observed that a waiver was required to article 18 of the Financial Regulations to use part of the cash surplus to pay for what was really routine expenditure. This expenditure should be provided for as part of the normal budgetary process, not through waivers to the Financial Regulations.

47. The representative of the Russian Federation reiterated his statement made during discussion in the Programme, Financial and Administrative Committee, where he had expressed strong agreement with the views put forward by the representative of the Government of Germany in favour of the strict application of article 18 of the Financial Regulations. Certainly provision should be made for the replacement of office equipment but it would be logical to provide the necessary money through the budget. Even though good reasons had been put forward he was not happy with the proposal to use part of the cash surplus for this purpose, but he would not hinder the adoption of the proposal on this occasion.

48. The Treasurer agreed that it would be preferable to budget for the purchase of equipment by making appropriate provisions in the Programme and Budget. With the constraints of zero real growth this was not a realistic approach as it would be difficult to cut programme items in order to accommodate equipment needs. However, if a more flexible approach to zero growth were adopted, whereby the actual programme level would remain constant but exceptional investment needs were examined on their merits outside the zero growth calculation, this would be clearly desirable. He added that the Director-General, in his Introduction to the Programme and Budget Proposals for 1992-93, had mentioned the need to set up an equipment investment fund which would be financed through contributions from the regular budget and used to meet costly equipment purchases. So far it had not been possible to retain such a proposal in the Programme and Budget.

49. The representative of the United Kingdom recalled that she had been extremely reluctant to accept this proposal when it was discussed in the Programme, Financial and Administrative Committee. Although not wanting to reopen the matter now she still had serious misgivings about the way a decision had been taken on a proposal for expenditure of this magnitude. The 10 million Swiss francs requested for

equipment purchases was over five times the budgetary provision in 1990-91 or in 1992-93 and should have been subject to a proper cost-justification exercise. Admittedly, the Organisation had been forced to follow a zero growth regime in recent years, but it was not clear whether expenditure on equipment really had been cut in the past. It would be useful to know under what headings it would have been budgeted, had it been possible to include it in the Programme and Budget. There were a number of other matters which needed to be examined in more detail. For instance, in respect of the proposed purchase of an electronic voting system, had the Office explored the possibility of using other conference facilities in Geneva, where such a system might already be available, and which might cost less than the $250,000 annual charge for facilities at the Palais? ? Turning to the operation of the Building and Accommodation Fund, Schedule 3.2 of the 1990-91 Audited Financial Statements showed income to the Fund of almost $2 million and a balance at 31 December 1991 of over $3 million even though there were a number of outstanding commitments to be charged against this amount; it would be useful to have more detail on this expenditure and the efforts being made by the Office to maximise income by renting out facilities or office space such as that vacated recently by the WHO.

50. The representative of France pointed out that these proposals had already been discussed in great detail in the Programme, Financial and Administrative Committee and although not wishing to inhibit those who had not yet had an opportunity to comment he hoped that all the earlier discussion would not be repeated.

51. The representative of Switzerland observed that the information in the document before the Committee and the discussion so far raised serious questions about how the compromise was reached. From the views expressed it seemed to be weighted too heavily one way to be a genuine compromise.

52. The Treasurer, replying to the questions raised, explained that under the very hypothetical case of provision being made for the proposed equipment through normal budgeting procedures, the resources for the electronic voting system would be budgeted for under major programme 10, the central word-processing system under major programme 180, the replacement of audio systems under either major programme 220 or major programme 170. He hoped that the Committee did not have the erroneous impression that the capital expenditure being proposed now was in order to compensate for equivalent amounts being subject to budgetary cuts in past biennia. He recalled that, despite the very large shortfalls in income in the 1986-87 and 1988-89 biennia, the Director-General had reduced expenditure to live within the income available, with the result that no assessment was made on member States to compensate for the shortfalls. The budgetary cuts that had been made related to the postponement or deletion of programme work items and did not necessarily relate to reductions in the credits for the purchase of equipment, which were already modest. It was the considered view of the Director-General that the cash surplus that had now resulted would be profitably used to invest in modern technology and equipment in order to enhance productivity and efficiency.

53. The Treasurer confirmed that the Office had indeed investigated the possibility of holding the Conference, or at least some of its Committee meetings, in other locations in Geneva because of the pressure of accommodation in the Palais des Nations. The Conference Centre in Vermont had been considered, but the assembly hall could not accommodate the needs of the Conference. Moreover, the electronic voting system required by the ILO was more complex because the tripartite structure required four separate votes per delegation. He assured the Committee that the Office made every effort to maximise its income from the rental of office accommodation and meeting rooms; unfortunately, recent negotiations with a neighbouring organisation had not materialised in an agreement.

54. The representative of Switzerland again questioned whether a real consensus on the compromise had been reached. While the debate had centred on the equal distribution of the 4 million Swiss francs originally allocated to the Building and Accommodation Fund, the figures showed that the money to be reimbursed from the cash surplus to member States was only 7 million Swiss francs while the Organisation retained 12 million Swiss francs. A compromise should satisfy all the parties concerned. It would appear that in this case it was weighted in favour of the Office and did not take into account the reservations expressed by some of the Committee members.

55. The representative of France explained that as Chairman of the Governing Body and of the Programme, Financial and Administrative Committee he had presided over the discussion on this item the previous week and he recalled the steps by which the compromise had been reached. The first compromise suggested, whereby the full 4 million Swiss francs proposed for transfer to the Building and Accommodation Fund would be added to the cash surplus for distribution to member States, had not been accepted by the Employer and Worker members. A new compromise was proposed and eventually accepted whereby 2 million Swiss francs of the 4 million Swiss francs originally proposed for the Building and Accommodation Fund would be reimbursed to member States and the remaining 2 million Swiss francs transferred to the Building and Accommodation Fund.

56. The representative of the United Kingdom reaffirmed her agreement to the compromise reached during the May meeting of the Programme, Finance and Administrative Committee. Despite the fact that the implications of this transfer had been discussed, it was proper that this Committee have the opportunity to discuss these issues further.

57. Although the transfer of 2 million Swiss francs had been agreed to, it was not clear how that money would be spent. Previous budgets did not show any pattern in expenditure from the Building and Accommodation Fund. Nor was it obvious how the fund operated, where the income came from, or what expenditure was made from it. There were a number of existing programmes from which equipment was financed, such as Major Programme 170 which covered expenditure on regular maintenance of the Of-

fice's building. Did this imply that the Building and Accommodation Fund financed unanticipated maintenance? She asked the Office to prepare an information document which would explain the operation of the Building and Accommodation Fund for the November session of the Governing Body.

58. The representative of the Director-General (the Treasurer and Financial Comptroller) said it was extremely difficult to forecast rental income, which was paid into the Building and Accommodation Fund. Although Major Programme 170 covered expenditure on regular maintenance, major repairs were normally financed from the Building and Accommodation Fund, but with the prior approval of the Governing Body. The Office would prepare a paper describing the operation of the Fund for the next session of the Governing Body.

59. The representative of Korea said that even if a compromise had been agreed upon, it was this Committee that made the final decision and therefore it was appropriate that any doubts or questions be discussed during this Committee. In regard to the difficulty of accommodating delegates in the plenary sessions, he wondered whether the problem might be overcome by a more flexible arrangement for the allocation of seats.

60. The representative of India believed that although the Committee could deal with matters of detail, it was equally important that discussion did not become bogged down. He endorsed the transfer of 2 million Swiss francs to the Building and Accommodation Fund, and noted that the Director-General would make specific proposals on a case by case basis for expenditure from this Fund. The Fund was not large enough to warrant detailed guidelines, and the fact that all proposals were approved by the Governing Body should provide an adequate safeguard on how it was used.

61. The representative of the United States felt that this Committee was the proper forum for debate on financial issues. In congratulating the Chairman of the Programme, Financial and Administrative Committee on the way the debate was handled on the cash surplus, he had been prepared to agree to the compromise reached even though he was not very happy with it. Extended debate was very useful on complex issues and in the last year or so, as a result of detailed discussions, many members of this Committee were much more knowledgeable now on matters concerning the Terminal Benefits Fund, the lapse factor and the Building and Accommodation Fund. Detailed discussions were all the more necessary at a time of zero real growth when difficult decisions had to be made to maintain an equitable balance between programme and capital expenditure.

62. The representative of the United Kingdom endorsed the statement made by the representative of the United States. Over the years many issues had been highlighted in the Finance Committee which otherwise the Governing Body would not have examined. The Building and Accommodation Fund needed further scrutiny and the discussion on it should be continued at the November session of the Governing Body.

63. In the 1992-93 Programme and Budget it was agreed to allocate approximately 200,000 US dollars "to ensure that total income to the Fund, comprising both income from rental revenue and regular budget contributions, is adequate to meet the cost of certain major repairs". It was legitimate to question why, within one year, the provision needed to be raised to 2 million dollars. Essential work obviously had to be carried out, but, as a matter of principle, the Office should present detailed costings and arguments to justify its requests for more money.

64. The representative of Australia supported the request made by the previous speaker for more information.

65. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

APPENDICES

66. A table showing the contributions due from member States for 1993 is appended to this report (Appendix I). The credit in respect of cash surpluses for previous periods, totalling SF 4,083,805 is made up of SF 2,506 for Paraguay in respect of the years 1957, 1959 and 1960, and SF 4,081,299 in respect of the 1990-91 financial period. Under article 18 of the Financial Regulations only those member States which have paid their 1990-91 contributions in full are entitled to have their share of the 1990-91 cash surplus deducted from their 1993 contributions. Other member States will be entitled to their share of the surplus when their contributions for 1990-91 are paid in full.

67. A statement of appropriations from the 1990-91 cash surplus is also appended to this report (Appendix II), as is a statement showing the draft amendments to the Financial Regulations (Appendix III).

Geneva, June 1992

(Signed) T. FASHOYIN,
Chairman and Reporter

Resolution concerning the granting to Paraguay of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation

The General Conference of the International Labour Organisation,

Having regard to the terms of the financial arrangement adopted by the Conference at its 78th (1991) Session for the settlement of the arrears of Paraguay,

Having regard further to the fact that Paraguay has brought itself up to date within the terms of the financial arrangement by payment of the balance of the amounts due in 1991 on 13 January 1992;

Decides that Paraguay be permitted to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organisation.

Resolution concerning appointments to the Administrative Board (ILO Staff Pensions Fund) and the ILO Staff Pension Committee (United Nations Joint Staff Pensions Board)

The General Conference of the International Labour Organisation,

Appoints to the Administrative Board of the ILO Staff Pensions Fund and the ILO Staff Pension Committee (United Nations Joint Staff Pension Fund), for a period of three years until 8 October 1995, the following members and substitute members of these bodies, namely:

Members: Mr. Y. Chotard (France)
Miss A. M. Mackie (United Kingdom)
Mr. R. Vanni (Italy)

Substitute members: Mr. D. Pelekanos (Cyprus)
Mr. R. M. Schibli (Switzerland)
Mr. W. M. Yoffee (United States).

Resolution concerning the Statute of the Administrative Tribunal of the ILO

The General Conference of the International Labour Organisation,

Decides:

(a) to amend article III, paragraph 1, of the Statute of the Administrative Tribunal of the International Labour Organisation to read as follows:

> The Tribunal shall consist of [three judges and four deputy] *seven* judges, who shall all be of different nationalities;

(b) to delete the words "and deputy judges" from article III, paragraph 2;

(c) to amend article III, paragraph 4, as follows:

> A meeting of the Tribunal shall be composed of three members [, of whom one at least must be a judge] *or, in exceptional cases, five, or seven, to be designated by the President.*

(d) to delete (as being no longer relevant) article III, paragraph 3, of the Statute which reads as follows:

> The terms of office of the judges and deputy judges who were in office on 1 January 1940 are prolonged until 1 April 1947 and thereafter until otherwise decided by the appropriate organ of the International Labour Organisation. Any vacancy which occurs during the period in question shall be filled by the said organ.

Resolution concerning of the composition of the Adminsitrative Tribunal of the ILO

The General Conference of the International Labour Organisation,

In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organisation,

Decides to appoint as judge of the Administrative Tribunal, for a term of three years, with effect from 18 November 1992:

Mr. Michel Gentot (France),

Decides to appoint as judge of the Administrative Tribunal, for a term of three years and with immediate effect:

Mr. Mark Fernando (Sri Lanka).

Decides to extend the term of office of Mr. Pierre Pescatore by a further period of three years.

Declares that, as from the adoption by the Conference of the proposed amendment to article III of the Statute of the Administrative Tribunal repealing the distinction between judges and deputy judges, all deputy judges in office will be considered as judges for the remaining part of their term of office.

Resolution concerning the contributions of the Republic of Korea

The General Conference of the International Labour Organisation,

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for the period of its membership in 1991 an annual assessment rate of 0.68 per cent for the contribution of the Republic of Korea to the 1990-91 Programme and Budget of the International Labour Organisation;

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for 1992 an annual assessment rate of 0.68 per cent for the contribution of the Republic of Korea to the 1992-93 Programme and Budget of the International Labour Organisation.

Resolution concerning the contributions of Viet Nam

The General Conference of the International Labour Organisation,

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for 1992 an annual rate of 0.01 per cent for the contribution of Viet Nam to the 1992-93 Programme and Budget of the International Labour Organisation.

Resolutions concerning the contributions of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia, and the scale of assessment of contributions for 1993

The General Conference of the International Labour Organisation,

Following the practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations,

Noting that the assessment rates of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia in the United Nations for their periods of membership in the United Nations in 1991 and 1992 will not be approved by the General Assembly of the United Nations until later in 1992;

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that consideration of the rates of assessment of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia for their periods of membership in the Organisation in 1991 and 1992, together with those of any other new member States for which rates of assessment have not been established in the 1992-94 United Nations scale of assessments, be deferred to the 80th (June 1993) Session of the International Labour Conference.

The General Conference of the International Labour Organisation,

Following the practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations,

Noting that the assessment rates of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia in the United Nations scale of assessments for the years 1992, 1993 and 1994 will not be approved by the General Assembly of the United Nations until later in 1992;

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations:

(a) to adopt the draft scale of assessments for 1993 as set out in column 1 of Appendix I to this document;

(b) that the rates of assessment of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania for 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of assessment be deducted from the rate of assessment of the Russian Federation in the draft scale;

(c) that the rates of assessment for 1993 of any other States which formed part of the former USSR and may become Members of the ILO before 1 January 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of assessment be deducted from the rate of assessment of the Russian Federation in the draft scale;

(d) that consideration of the rate of assessment in 1993 for Slovenia be deferred to the 80th (June 1993) Session of the International Labour Conference;

(e) that consideration of the rates of assessment for 1993 of any other new member States for which rates of assessment have not been established in the 1992-1994 United Nations scale of assessments be deferred to the 80th (June 1993) Session of the International Labour Conference.

Resolutions concerning the operation of the Working Capital Fund and proposals to amend the Financial Regulations

The General Conference of the International Labour Organisation,

Decides that, in accordance with article 19, paragraphs 2 (a) and 4, of the Financial Regulations, the amounts standing to the credit of member States in Part I of the Working Capital Fund on 31 December 1991 shall be liberated and applied to reduce regular budget contributions payable by member States for 1993, without prejudice to the amendment of the Financial Regulations referred to in the following resolution;

Decides that interest accruing for the year ended 31 December 1992 on the amount so liberated shall be credited to the Working Capital Fund.

The General Conference of the International Labour Organisation,

Recalling that, at the 248th (November 1990) Session of the Governing Body, the Programme, Financial and Administrative Committee had set up a Working Party to review the current arrangements governing the Working Capital Fund,

Recognising that amendments to the Financial Regulations are required in order to implement the recommendations of the Governing Body concerning the operation of the Working Capital Fund,

Recalling that the 78th (1991) Session of the International Labour Conference decided that amendments to the Financial Regulations required to establish the incentive scheme for early payment of member States' assessed contributions would be introduced at the same time,

Recognising that the 77th (1990) Session of the International Labour Conference decided that one-half of any net premium earned for a biennium on forward purchasing transactions between US dollars and Swiss francs should be distributed to the Incentive Fund, but did not define specific criteria for the distribution of this half of the net premium to member States;

Decides to approve in principle the amendments set out in Appendix III, on the understanding that it will be for the Governing Body, after having had an opportunity to consider more closely at its next session their possible interrelationships with other amendments and proposals still pending, to bring them into effect definitively as from 1 January 1993, and to make proposals for any amendments as may appear appropriate.

Resolution concerning the Financial Report and Audited Financial Statements for 1990-91

The General Conference of the International Labour Organisation;

Decides to adopt the Financial Report and Audited Financial Statements for 1990-91 in accordance with article 29 of the Financial Regulations.

Resolution concerning the treatment of the 1990-91 cash surplus

The General Conference of the International Labour Organisation,

Noting that for the 1990-91 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 19,369,458 Swiss francs;

1. Decides, as an exceptional one-time measure and in derogation of article 18 of the Financial Regulations, to set aside 10,324,000 Swiss francs of the 1990-91

cash surplus in a special account, to be used for the purpose of financing the purchases of capital equipment itemised in Appendix II to this report, and 2 million Swiss francs to be transferred to the Building and Accommodation Fund, thereby reducing by corresponding amounts the sum which would otherwise be available for reducing member States' assessed contributions for 1993.

2. Notes that, taking account of the above appropriations, the amount available under article 18 of the Financial Regulations for reducing the assessed contributions of member States for 1993 will be 7,045,458 Swiss francs.

APPENDIX I

INCOME BUDGET FOR 1992-93
STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1993

(In Swiss francs)

State (French alphabetical order)	Percentage 1993	Amount due for 1993	Credit in respect of share of Working Capital Fund as at 31 December 1991	Credit in respect of the Incentive Scheme for 1991	Credit in respect of cash surpluses for previous financial periods	Credit in respect of 50% of net premium for 1990-91	Net Contribution for 1993
1. Afghanistan	0.01	31 441	12 861	—	—	—	18 580
2. Albania	0.01	31 441	—	—	—	—	31 441
3. Algeria	0.16	503 056	11 370	15 806	10 567	8 028	457 285
4. Germany	8.86	27 856 703	563 132	1 100 724	654 502	497 201	25 041 144
5. Angola	0.01	31 441	2 036	—	—	—	29 405
6. Antigua and Barbuda	0.01	31 441	666	—	—	—	30 775
7. Saudi Arabia	0.95	2 986 893	4 095	182 132	71 156	54 055	2 675 455
8. Argentina	0.56	1 760 695	200 012	—	—	—	1 560 683
9. Australia	1.50	4 716 146	261 522	277 547	109 905	83 491	3 983 681
10. Austria	0.74	2 326 632	38 461	102 307	51 430	39 070	2 095 364
11. Azerbaidjan	—	—	—	—	—	—	—
12. Bahamas	0.02	62 882	2 047	—	—	—	60 835
13. Bahrain	0.03	94 323	1 335	862	—	—	92 126
14. Bangladesh	0.01	31 441	5 641	134	705	535	24 426
15. Barbados	0.01	31 441	11 232	1 562	705	535	17 407
16. Belarus	0.31	974 670	44 316	12 296	—	—	918 058
17. Belgium	1.05	3 301 302	190 570	200 117	81 724	62 083	2 766 808
18. Belize	0.01	31 441	665	109	—	—	30 667
19. Benin	0.01	31 441	9 790	—	—	—	21 651
20. Bolivia	0.01	31 441	11 978	960	705	535	17 263
21. Botswana	0.01	31 441	1 335	1 639	705	535	27 227
22. Brazil	1.58	4 967 674	207 391	—	—	—	4 760 283
23. Bulgaria	0.13	408 733	27 195	1 388	10 567	8 028	361 555
24. Burkina Faso	0.01	31 441	10 208	—	—	—	21 233
25. Burundi	0.01	31 441	10 681	—	—	—	20 760
26. Cambodia	0.01	31 441	8 310	—	—	—	23 131
27. Cameroon	0.01	31 441	10 428	—	—	—	21 013
28. Canada	3.09	9 715 261	431 183	547 756	216 288	164 307	8 355 727
29. Cape Verde	0.01	31 441	666	—	—	—	30 775
30. Central African Republic	0.01	31 441	10 337	459	—	—	20 645
31. Chile	0.08	251 528	47 779	—	—	—	203 749
32. China	0.76	2 389 514	206 313	72 068	54 952	41 746	2 014 435
33. Cyprus	0.02	62 882	10 520	3 564	1 409	1 071	46 318
34. Colombia	0.13	408 733	43 891	—	—	—	364 842
35. Comoros	0.01	31 441	1 280	—	—	—	30 161
36. Congo	0.01	31 441	10 138	52	705	535	20 011
37. Korea, Republic of	0.68	2 137 986	—	—	—	—	2 137 986
38. Costa Rica	0.01	31 441	11 803	—	—	—	19 638
39. Côte d'Ivoire	0.02	62 882	10 993	185	1 409	1 071	49 224
40. Cuba	0.09	282 969	35 752	—	—	—	247 217
41. Denmark	0.64	2 012 222	105 413	116 429	47 907	36 394	1 706 079
42. Djibouti	0.01	31 441	1 335	—	—	—	30 106
43. Dominican Republic	0.02	62 882	10 988	—	—	—	51 894
44. Dominica	0.01	31 441	666	1 324	705	535	28 211
45. Egypt	0.07	220 087	76 362	6 182	4 931	3 747	128 865
46. El Salvador	0.01	31 441	11 978	—	—	—	19 463
47. United Arab Emirates	0.21	660 260	5 707	—	—	—	654 553
48. Ecuador	0.03	94 323	11 661	—	—	—	82 662
49. Spain	1.96	6 162 431	107 577	209 528	136 677	103 829	5 604 820
50. Estonia	—	—	—	—	—	—	—
51. United States	25.00	78 602 437	2 707 358	—	—	—	75 895 079
52. Ethiopia	0.01	31 441	10 679	1 774	705	535	17 748
53. Fiji	0.01	31 441	3 647	1 756	705	535	24 798
54. Finland	0.56	1 760 695	32 435	86 618	35 930	27 295	1 578 417
55. France	5.95	18 707 379	768 618	1 041 102	437 509	332 359	16 127 791
56. Gabon	0.02	62 882	10 421	—	—	—	52 461
57. Ghana	0.01	31 441	11 592	399	—	—	19 450
58. Greece	0.35	1 100 434	23 164	53 174	28 181	21 408	974 507
59. Grenada	0.01	31 441	666	—	—	—	30 775
60. Guatemala	0.02	62 882	12 213	—	—	—	50 669
61. Guinea	0.01	31 441	10 752	—	—	—	20 689
62. Guinea-Bissau	0.01	31 441	1 335	—	—	—	30 106
63. Equatorial Guinea	0.01	31 441	666	—	—	—	30 775
64. Guyana	0.01	31 441	11 522	—	—	—	19 919
65. Haiti	0.01	31 441	10 576	—	—	—	20 865
66. Honduras	0.01	31 441	11 704	183	705	535	18 314
67. Hungary	0.18	565 938	45 953	14 254	14 795	11 239	479 697
68. Solomon Islands	0.01	31 441	561	—	—	—	30 880
69. India	0.36	1 131 875	422 102	54 256	26 067	19 803	609 647
70. Indonesia	0.16	503 056	44 686	3 376	10 567	8 028	436 399
71. Iran, Islamic Republic of	0.76	2 389 514	47 573	—	—	—	2 341 941
72. Iraq	0.13	408 733	18 624	—	—	—	390 109

State (French alphabetical order)	Percentage 1993	Amount due for 1993	Credit in respect of share of Working Capital Fund as at 31 December 1991	Credit in respect of the Incentive Scheme for 1991	Credit in respect of cash surpluses for previous financial periods	Credit in respect of 50% of net premium for 1990-91	Net Contribution for 1993
73. Ireland	0.18	565 938	47 486	31 717	12 681	9 634	464 420
74. Iceland	0.03	94 323	12 369	792	2 113	1 606	77 443
75. Israel	0.23	723 142	12 603	—	—	—	710 539
76. Italy	4.26	13 393 854	296 244	570 169	278 991	211 939	12 036 511
77. Jamaica	0.01	31 441	11 229	1 780	705	535	17 192
78. Japan	12.36	38 861 044	215 453	1 508 431	796 112	604 776	35 736 272
79. Jordan	0.01	31 441	11 358	338	705	535	18 505
80. Kenya	0.01	31 441	12 196	63	705	535	17 942
81. Kirgyzstan	—	—	—	—	—	—	—
82. Kuweit	0.25	786 024	10 461	16 790	20 431	15 521	722 821
83. Lao. People's Dem. Republic of	0.01	31 441	12 224	60	705	535	17 917
84. Lesotho	0.01	31 441	887	1 319	705	535	27 995
85. Latvia	—	—	—	—	—	—	—
86. Lebanon	0.01	31 441	12 264	—	—	—	19 177
87. Liberia	0.01	31 441	12 208	—	—	—	19 233
88. Libyan Arab Jamahiriya	0.24	754 583	11 869	—	—	—	742 714
89. Lithuania	—	—	—	—	—	—	—
90. Luxembourg	0.06	188 646	12 468	7 722	4 227	3 211	161 018
91. Madagascar	0.01	31 441	10 378	—	—	—	21 063
92. Malaysia	0.12	377 292	20 017	16 760	7 749	5 887	326 879
93. Malawi	0.01	31 441	12 022	849	705	535	17 330
94. Mali	0.01	31 441	10 261	1 588	705	535	18 352
95. Malta	0.01	31 441	12 102	1 809	705	535	16 290
96. Morocco	0.03	94 323	13 750	2 288	2 818	2 141	73 326
97. Mauritius	0.01	31 441	8 886	1 809	705	535	19 506
98. Mauritania	0.01	31 441	9 325	—	—	—	22 116
99. Mexico	0.87	2 735 365	86 787	17 185	65 520	49 774	2 516 099
100. Mongolia	0.01	31 441	10 020	434	—	—	20 987
101. Mozambique	0.01	31 441	2 046	1 628	705	535	26 527
102. Myanmar	0.01	31 441	18 739	1 809	705	535	9 653
103. Namibia	0.01	31 441	1 335	1 133	705	535	27 733
104. Nepal	0.01	31 441	10 735	1 681	705	535	17 785
105. Nicaragua	0.01	31 441	11 159	—	—	—	20 282
106. Niger	0.01	31 441	10 438	—	—	—	21 003
107. Nigeria	0.20	628 820	18 563	—	—	—	610 257
108. Norway	0.54	1 697 813	76 114	92 285	38 748	29 436	1 461 230
109. New Zealand	0.24	754 583	65 704	12 179	16 908	12 845	646 947
110. Uganda	0.01	31 441	11 156	12	—	—	20 273
111. Pakistan	0.06	188 646	83 012	—	—	—	105 634
112. Panama	0.02	62 882	12 002	—	—	—	50 880
113. Papua New Guinea	0.01	31 441	2 046	—	—	—	29 395
114. Paraguay	0.02	62 882	2 322	—	2 506	—	58 054
115. Netherlands	1.49	4 684 705	152 554	285 787	115 541	87 773	4 043 050
116. Peru	0.06	188 646	26 454	—	—	—	162 192
117. Philippines	0.07	220 087	39 802	—	—	—	180 285
118. Poland	0.47	1 477 726	130 670	1 712	39 453	29 971	1 275 920
119. Portugal	0.20	628 820	68 255	14 892	12 681	9 634	523 358
120. Qatar	0.05	157 205	5 707	5 525	3 522	2 676	139 775
121. Romania	0.17	534 497	46 905	11 294	13 386	10 169	452 743
122. United Kingdom	4.98	15 657 605	1 273 706	735 133	340 285	258 502	13 049 979
123. Russian Federation	9.34	29 365 870	987 674	349 510	—	—	28 028 686
124. Rwanda	0.01	31 441	10 906	340	—	—	20 195
125. St. Lucia	0.01	31 441	700	1 697	705	535	27 804
126. San Marino	0.01	31 441	656	1 648	705	535	27 897
127. Sao Tome and Principe	0.01	31 441	666	1 088	705	535	28 447
128. Senegal	0.01	31 441	10 297	—	—	—	21 144
129. Seychelles	0.01	31 441	1 344	—	—	—	30 097
130. Sierra Leone	0.01	31 441	10 361	—	—	—	21 080
131. Singapore	0.12	377 292	11 621	16 106	7 749	5 887	335 929
132. Slovenia	—	—	—	—	—	—	—
133. Somalia	0.01	31 441	10 261	—	—	—	21 180
134. Sudan	0.01	31 441	11 509	556	—	—	19 376
135. Sri Lanka	0.01	31 441	17 052	1 534	705	535	11 615
136. Sweden	1.10	3 458 507	225 597	212 943	84 542	64 224	2 871 201
137. Switzerland	1.15	3 615 712	190 184	188 943	75 384	57 226	3 103 935
138. Suriname	0.01	31 441	2 047	—	—	—	29 394
139. Swaziland	0.01	31 441	2 755	93	705	535	27 353
140. Syrian Arab Republic	0.04	125 764	13 688	—	—	—	112 076
141. Tanzania. United Republic of	0.01	31 441	10 148	1 792	705	535	18 261
142. Chad	0.01	31 441	10 069	725	705	535	19 407
143. Czechoslovakia	0.54	1 697 813	130 751	55 999	45 794	34 788	1 430 481
144. Thailand	0.11	345 851	29 715	17 742	7 045	5 352	285 997
145. Togo	0.01	31 441	10 416	—	—	—	21 025
146. Trinidad and Tobago	0.05	157 205	11 021	—	—	—	146 184
147. Tunisia	0.03	94 323	11 627	1 566	—	—	81 130
148. Turkey	0.27	848 906	98 197	25 926	22 544	17 127	685 112
149. Ukraine	1.17	3 678 594	103 219	45 608	—	—	3 529 767
150. Uruguay	0.04	125 764	21 983	—	—	—	103 781

State (French alphabetical order)	Percentage 1993	Amount due for1993	Credit in respect of share of Working Capital Fund as at 31 December 1991	Credit in respect of the Incentive Scheme for 1991	Credit in respect of cash surpluses for previous financial periods	Credit in respect of 50% of net premium for 1990-91	Net Contribution for 1993
151. Venezuela	0.49	1 540 608	41 215	76 688	40 157	30 506	1 352 042
152. Viet Nam	0.01	31 441	—	—	—	—	31 441
153. Yemen	0.01	31 441	17 125	—	—	—	14 316
154. Yugoslavia	0.42	1 320 521	49 081	—	—	—	1 271 440
155. Zaire	0.01	31 441	10 478	556	—	—	20 407
156. Zambia	0.01	31 441	12 049	491	—	—	18 901
157. Zimbabwe	0.01	31 441	887	—	—	—	30 554
Total	100.00	314 409 750	12 036 056	8 460 546	4 083 805	3 100 413	286 728 930

APPENDIX II

Appropriations from the 1990-91 cash surplus

Equipment purchases	*Swiss francs*
Electronic voting system	600.000
Replacement of audio systems	1.600.000
Installation of cabling system	2.500.000
Replacement of telephone exchanges	3.100.000
Electronic mail	670.000
PERSIS	1.054.000
Central word-processing system	800.000
	10.324.000

APPENDIX III

DRAFT AMENDMENTS TO THE FINANCIAL REGULATIONS

(Deletions are in square brackets, new text is in italics)

Article 11

4. The Director-General shall set aside in an Incentive Fund to encourage early payment of member States' assessed contributions 60 per cent of all interest earned on temporarily surplus regular budget funds in any year for distribution to those member States which have paid in full their assessed contributions by 31 December of that year. The total incentive amount so established in each year will be distributed to eligible member States under an incentive points system which takes into account the dates and amounts of payments of current year's contributions by member States.

5. The Director-General shall distribute any net premium earned on the forward purchasing transactions between US dollars and Swiss francs during a biennium under the Swiss franc assessment system in the following manner: one-half to the Incentive Fund referred to in paragraph 4 above in accordance with the provisions of paragraph 6 below and one-half to member States in accordance with the provisions of paragraph 7 below; the net premium earned being arrived at after allowing for any residual gain or loss on exchange in the same biennium arising from the operation of the Swiss franc assessment system.

6. The one-half share of any net premium distributed to the Incentive Fund shall be credited to those member States which have paid their assessed contributions in full at the end of either the first or second year of the financial period during which the net premium was earned and shall be distributed to each eligible member State in the second year of the next following financial period on the basis of the ratio of the total of the incentive points earned by it during the biennium to the total of the incentive points earned by all eligible member States during the biennium under the incentive points system mentioned in paragraph 4 above.

7. The one-half share of any net premium distributed to member States shall be apportioned among them on the basis of the proportion of the total of each member State's assessed contributions during the biennium in which the net premium was earned to the total of the assessed contributions for the biennium of all member States. The amounts so established shall be used to reduce the contributions of member States in the following way:

(a) member States which have paid their assessed contributions in full during the biennium in which the net premium was earned shall have their share of the net premium deducted from their contributions assessed for the second year of the succeeding biennium;

(b) other member States shall not be credited with their share of the net premium until they have paid in full their assessed contributions for the biennium in which the net premium was earned; when they have done so, their share of the net premium shall be deducted from their contributions assessed for the first year of the next biennium for which a budget is adopted after such payment.

Article 19

[2. The Working Capital Fund shall be of such amount as may be voted from time to time by the Conference and shall be constituted by:

(a) moneys placed in the Fund by the Members of the Organisation, the amount of the share of each Member being assessed in accordance with the budgetary scale of contributions; and

(b) any sums which the Conference may cause to be paid into it from time to time.

3. The sums paid by Members of the Organisation under paragraph 2(a) for the purpose of constituting or augmenting the Working Capital Fund shall be carried to the credit of the Members which have paid such sums. The sums which the Conference causes to be paid into the Fund from time to time shall be carried to the credit of the Organisation.

4. The Conference may liberate all or part of the sums constituting the Working Capital Fund, and the sums so liberated in so far as they are derived from moneys placed in the Fund under paragraph 2(a) shall be returned to the Members which have contributed to the Fund in proportion to the respective shares in the Fund.

5. Subject to a decision of the Conference, States which for any reason cease to be Members of the Organisation shall be entitled to the reimbursement of the total amount of their shares in the Working Capital Fund under paragraph 2(a).

6. Members joining the Organisation shall contribute to the Working Capital Fund even if such payments would bring the Working Capital Fund above a maximum limit fixed for it by the Conference, provided that the position with regard to the Fund shall be reviewed by the Conference from time to time with a view to determining what adjustment, if any, should be made in the amount of the Fund, having regard to consequent excess over the maximum limit.]

Article 20

1. The Working Capital Fund shall be administered as a separate account. A statement showing the position of the Fund, audited by the external auditor, shall be submitted to the session of the Conference following the close of each financial period. [Payments into the Fund under article 19, paragraph 2(a), shall be made from the budget. As soon as a Member pays its contribution the Working Capital Fund account shall be immediately credited with a portion of the contributions corresponding to the ratio between the appropriation in respect of the Working Capital Fund for the financial period and the total appropriations for the financial period.]

Article 21

1. (a) Sums [not exceeding the total shares in the Fund of the Members of the Organisation] may be withdrawn from the Working Capital Fund to finance budgetary expenditure for any [calendar year] *financial period* pending receipt of contributions or other income, and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body, and shall be reimbursed to the Fund in the course of the same [year] *financial period* as soon as income from contributions or other income is available for this purpose.

(b) Should the [sums contributed to the] Working Capital Fund [by Members] be temporarily inadequate to finance budgetary expenditure pending receipt of contributions and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body, [advances may be made from that part of the Working Capital Fund which stands to the credit of the Organisation. Such advances shall be reimbursed to the Fund as soon as receipts from contributions or other income are available. Such advances shall also be reported to the Governing Body at the session following the making of an advance. Should the Working Capital Fund as a whole be temporarily inadequate to finance budgetary expenditure pending receipt of contributions and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body.] the Director-General may contract loans or advances for such sums as may be necessary pending the receipt of contributions. The amounts borrowed shall be reimbursed as soon as possible from the subsequent receipts of contributions or other income. Such borrowings shall be reported to the Governing Body at the session following the contracting of a loan or advance.

2. If [in] any [calendar year] sums withdrawn from the Working Capital Fund or borrowed to finance budgetary expenditure pending receipt of contributions or other income and/or expenditure incurred in the financing of contingencies and emergencies under prior authorisation of the Governing Body cannot be reimbursed in the course of the same [year] *financial period* owing to the fact that the total budgetary income for [that year] *the period* falls short of total authorised expenditure incurred during the [year] *period*, the sums so borrowed or withdrawn shall be reimbursed to the lender or lenders and to the Fund in the second year *of the next* following [the year of such withdrawal] *financial period* by adding to the contributions assessed on member States for that year an additional assessment in Swiss francs equivalent to the amount so borrowed or withdrawn: provided that temporary surpluses of budgetary income over expenditure occurring at any time shall be utilised to the extent possible to reduce the amount of outstanding loans or advances.

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No. 11 – Wednesday, 10 June 1992

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International Labour Conference

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Provisional Record

Seventy-ninth Session, Geneva, 1992

Seventh sitting

Monday, 8 June 1992, 10.15 a.m.

President: Mr. Nascimento Rodrigues

ADMISSION OF MOLDAVIA TO MEMBERSHIP OF THE INTERNATIONAL LABOUR ORGANISATION

Original – Portuguese: The PRESIDENT : I have the pleasure to announce that the Republic of Moldavia has just been admitted as a new member State of the International Labour Organisation. According to Article 1, paragraph 3, of the Constitution, all of the obligations resulting from the Constitution have been accepted by Moldavia and I would like to congratulate and welcome Moldavia to the International Organisation.

COMMUNICATIONS TO THE CONFERENCE

Original – French: The CLERK OF THE CONFERENCE – The Conference has received three letters concerning Yugoslavia, one from the Permanent Mission of Australia, one from the Permanent Mission of the United States, and one from the Government of the Republic of Slovenia. I will now read these letters.

The letter from the Permanent Mission of Australia reads as follows:

Dear Mr. President,

I am writing on behalf of the Australian Government delegation to the 79th Session of the International Labour Conference, and would be grateful if the contents of this letter could be brought to the attention of the Conference.

Australia has taken note of the 27 April 1992 Proclamation of the establishment of the Federal Republic of Yugoslavia by the Republics of Montenegro and Serbia, two of the six republics of the former Socialist Federal Republic of Yugoslavia. Australia is considering the effect of this Proclamation.

Australia wishes to place on record its view that the current participation of representatives of the Federal Republic of Yugoslavia in meetings of international organisations is without prejudice to the eventual resolution of the question of the status of the Federal Republic of Yugoslavia.

(Signed) Bill BARKER,
Acting Permanent Representative
of the Australian Permanent
Mission in Geneva

I will now read the second letter, from the United States Mission in Geneva:

Dear Mr. President,

The United States firmly believes that the Socialist Federal Republic of Yugoslavia no longer exists. Furthermore, we do not consider Serbia-Montenegro to be the continuation of, or sole successor to, the Socialist Federal Republic of Yugoslavia.

Accordingly, the position of the United States is that Serbia-Montenegro is not entitled to assume the seat of the former Socialist Federal Republic of Yugoslavia in the United Nations system, including the International Labour Organisation.

However, the United States also believes that the United Nations Security Council and General Assembly are the appropriate bodies to resolve the issue of the membership of Serbia-Montenegro in the United Nations.

I would be grateful if you would bring the contents of this letter to the attention of the Conference and have it published in the Record of the Conference.

(Signed) Anthony FREEMAN,
United States Government delegate to
the International Labour
Conference

I will now read the third letter, from the Government of the Republic of Slovenia, dated 8 June 1992.

Mr. President,

The Government of the Republic of Slovenia took note of the declaration made on 27 April 1992 on behalf of the Republic of Montenegro and the Republic of Serbia, informing of the decision of the Assembly of the Socialist Federal Republic of Yugoslavia to promulgate the Constitution of the Federal Republic of Yugoslavia, thereby transforming the Socialist Federal Republic of Yugoslavia (SFRY), a former federation of the Republics of Bosnia and Hercegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia and the autonomous provinces of Kossovo and Vojvodina, into the Federal Republic of Yugoslavia (FRY), consisting of the Republic of Serbia and the Republic of Montenegro. Under the said Constitution, the FRY, strictly respecting the continuity of the international personality of the former SFRY, should continue to fulfil all the rights conferred on and obligations assumed by the former SFRY in international relations, including its membership in all international organisations and participation in international treaties ratified or acceded to by the former SFRY.

In this connection the Government of the Republic of Slovenia would like to draw your attention to the fact that, on 27 April 1992, the Assembly of the former SFRY could not take legally valid decisions, since at that time only two of the six republics of the former SFRY were still represented in it.

The very issue of succession of international personality of the former SFRY had been previously transferred to the Brussels Conference on Yugoslavia, an international forum agreed upon by all six republics of the former SFRY.

The Governments of the other four Republics of the former SFRY, while not questioning the legitimate right of the Republic of Montenegro and Republic of Serbia to form a new Federation, have objected to the unilateral, automatic and exclusive succession of international personality of the former SFRY by the newly established Federation of the Republic of Montenegro and the Republic of Serbia, since they deem that each Republic of the former SFRY has equal right to succession of international personality of the former SFRY. It goes without saying that the prospective successors should also strictly fulfil all obligations assumed by the former SFRY.

The Government of the Republic of Slovenia is exerting immense efforts to restore peace in the region and to resolve issues of succession of international personality of the former SFRY within the international forum agreed upon by all parties involved, while scrupulously respecting all the international obligations assumed by the former SFRY.

The Government of the Republic of Slovenia regrets that despite its utmost efforts, as well as those of the family of nations at large, many fundamental international obligations and commitments assumed by the former SFRY are still not being respected, that peace has not yet been restored, and that the issue of succession of international personality of the former SFRY has not yet been agreed upon in the jointly agreed forum.

Consequently, the Government of the Republic of Slovenia has to maintain its objection to automatic succession of international personality of the former SFRY by the Federation of the Republic of Montenegro and the Republic of Serbia, and reserves its position regarding representation in international organisations, including the International Labour Organisation.

I would appreciate if you could present the views of the Government of the Republic of Slovenia to the Conference.

Please accept, Mr. President, the assurances of my highest consideration.

(Signed) Jozica PUHAR,
Minister of Labour.

THIRD REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original – Portuguese: The PRESIDENT – The first item on our agenda today is the third report of the Selection Committee, which is contained in *Provisional Record* No. 6B. So I would now like to present this report to you for adoption. If there are no objections I take it as adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – Portuguese: The PRESIDENT – We will now continue our discussion of the reports of the Governing Body and of the Director-General.

Original – Arabic: Mr. AL-FAYEZ *(Minister of Labour and Social Affairs, Saudi Arabia)* – In the name of God, the Merciful, the Compassionate!

May I start by congratulating – on my own behalf and on behalf of the delegation of the Kingdom of Saudi Arabia – Mr. Nascimento Rodrigues on his election to the presidency of this 79th Session of the International Labour Conference. I would also like to congratulate the countries that have joined the ILO ranks; they will help to strengthen the membership of the Organisation so that it may fulfil its objectives and consolidate social justice.

The theme of the Report of the Director-General this year, *Democratisation and the ILO*, is most appropriate in view of the present situation and the changes occurring at this moment throughout the world – where the systems in place were incapable of fulfilling the aspirations of their peoples.

Democracy is not a new notion in Saudi Arabia. Succeeding generations have been experiencing this democracy which is guaranteed by our religion, Islam, of which human dignity is one of the cornerstones. The Kingdom of Saudi Arabia adopted Islam by conviction and as legislation, since its main objectives are to ensure progress and development to facilitate the life of citizens and to guarantee their interests – while also respecting the principle of dialogue. Our admiration for Islam can only be greater when we realise that this dialogue was not attained through demonstration and claims or as a result of political social awareness on the part of today's society.

The Islamic shari'a considers social values such as justice, freedom and dignity to be essential aims.

According to the shari'a, justice implies justice in words, in work, in behaviour with others and in judgement. The Islamic shari'a guarantees justice and therefore does not heed injustice in any form.

The dignity of man, from his birth until his death, has been taken into account in all the provisions of the shari'a. This also applies to solidarity; the shari'a makes this an obligation for State and for society, which are bound to fulfil man's basic needs – even to help families meet their expenses, either by the zakat (tithe) or by state resources.

The Islamic shari'a is also concerned with brotherhood and bans any forms of discrimination between men. It reminds both men and women that they are equal; the only factor differentiating them is their faith.

Saudi Arabia has made the Islamic shari'a its constitution. The shari'a which contains all rules vital to mankind's happiness, covers all persons, groups and countries without distinction. The Kingdom of Saudi Arabia was inspired by the shari'a and divine light to introduce three systems: the basic system of Government; the consultative assembly; and the system of provinces.

The basic government system defines the nature of the state, its objectives and responsibilities and determines the relations between governments and their subjects. It is based on fraternity, dialogue and cooperation; it guarantees the interests of the homeland and its citizens; it upholds basic and inalienable human liberties; and establishes the economic, social and cultural rights of all persons without discrimination.

The system of the consultative assembly, based on the principles of Islam, is used to draw up an overall economic and social development programme and to examine legislation, regulations and international instruments – which can only be amended if the assembly so decides.

During the past ten years, Saudi Arabia has undergone a remarkable transformation in various areas. This has prompted the need to overhaul the kingdom's general administrative system; hence the introduction of the system of provinces, which increases the administration's efficiency and steps up growth in all the provinces of the kingdom. This system also helps to guarantee the rights and freedoms of citizens and to preserve security and public order whilst complying with the shari'a.

These three systems were not adopted to fill a void but to consolidate a system that had been in force for a long time. Justice, equality, freedom and prosperity, common to all the citizens and residents in our country, are the result of the application of the principle of social justice in accordance with the principles of Islam.

The Government of the Kingdom believes that, as part of the country's overall rebirth, human resources development must be one of its main targets because it is vital for development. It is for this reason that the Government has set up thousands of schools in various regions of the Kingdom; higher education has grown rapidly and, at present, there are seven universities and dozens of faculties, not counting the state-funded scholarship programmes abroad. The Government pays particular attention to technical and vocational training; it has set up many training centres as well as trade, industrial, agricultural and technical institutes.

The Kingdom of Saudi Arabia is proud of the fact that education is free at all levels – as is school equipment. Furthermore, every student at a higher educational establishment or at a technical or vocational training school is paid a monthly grant.

As regards social welfare, the Kingdom applies a policy of social services based on the principle of social solidarity to help the poor, the elderly, the handicapped, orphans and the disabled. Specialised institutions have been set up throughout the kingdom to provide care for these disadvantaged categories; furthermore, pensions and financial grants are provided to families in case of need. The Government also encourages the establishment of cooperative and charity associations by providing them with the necessary assistance.

What is more, major projects have been carried out in such sectors as the health sector, housing, the agricultural and industrial sectors, the energy sector, the desalination of sea water and telecommunications. The state provides unlimited assistance and support to sectors producing basic foodstuffs, medicine and electricity. There can be no more blatant proof of this than the Government's decision, two months ago, to cut the prices of basic commodities and services such as electricity, the telephone and water, fuel – cuts which are not merely restricted to Saudi citizens but to all those residing in the territory of the Kingdom. This proves, if this were necessary, the concern of the Government of the Servant of the Two Mosques to provide citizens and foreigners residing in the kingdom with rest and well-being.

As regards the Kingdom's contribution to the world's welfare, the OECD report for 1991 points out that in 1990, the Kingdom was still at the head of all countries throughout the world as regards assistance provided to developing countries in relation to their GNP; this is tantamount to 11 times the assistance provided by industrialised countries in relation to their GNP.

Several months ago, the Kingdom cancelled the official debts owed to it by a number of developing countries – particularly the least advantaged amongst them.

The Kingdom's development programmes have helped to provide job possibilities to all its citizens as well as to hundreds of thousands of workers from brother countries from various parts of the world. It is relevant to point out that they pay no income tax on their wages and that foreign workers have the same access to benefits as nationals. It goes without saying that all workers in my country work in conditions of stability and tranquility in accordance with a labour code inspired by the tolerant shari'a which makes no distinction between Saudi and foreign workers who are all equal before the law without any distinction. Under the Kingdom's legislation, furthermore, all foreign workers are authorised to transfer their savings to their countries of origin freely and without restrictions.

The agenda of the present session contains many technical items and I firmly hope that our discussions will be conducted objectively and fairly because account must be taken of the economic and social differences of the member States. Indeed, what might be easily applied in one country might be difficult or impossible to apply in another.

The Governing Body and the Director-General have wisely decided to devote a special session to Palestine at this Conference, which reflects the position of this Organisation towards the suffering of the Palestinian people in Palestine and in the other occupied Arab territories. We are counting upon the solidarity of the various parties at this Conference to decide upon strong measures to guarantee Palestinian workers in Palestine and in the other occupied Arab territories an honourable and dignified life.

I wish this Conference every success in its work. May the peace and grace of God be with you.

Original – Chinese: Mr. WANG *(Workers' delegate, China)* – May I begin by extending my warm congratulations to Mr. Nascimento Rodrigues on his election as President of the 79th Session of the International Labour Conference. My heartfelt congratulations also go to the three Vice-Presidents of this Session. I am sure that under your wise guidance this Session of the Conference will be crowned with a positive result and success.

In the past few years, the world situation has undergone drastic changes. The old world order has come to an end and a new one has yet to take shape. As the Director-General's Report points out, a very important question at this historic juncture is how to attain more democracy and more social justice. That is indeed a very important question.

Chinese workers and trade unions have stood consistently in the forefront of the fight for democracy and social justice, and they have waged protracted and persistent struggles to that end. Back in the early 1920s, Chinese workers, who then emerged on the historical stage as a separate class, adopted the slogan, "Fight for democracy and for human rights". To do so they established in 1925 an organisation of their own, the All-China Federation of Trade Unions. Together with the Chinese people, they carried on wave upon wave of heroic struggle, and finally won the victory of democratic revolution, thereby bringing a century-old painful history to an end. During that time, colonialists and imperialists conspired with feudal rulers to enslave the Chinese workers and people.

The founding of the People's Republic of China (PRC) opened a new chapter in the history of China. The Constitution of the PRC explicitly stipulates that "All power in the People's Republic of China belongs to the people". It also provides that the working class is the leading class of the country.

Since the founding of the new China, Chinese workers have become masters of the country, enjoying extensive democratic rights.

The Chinese trade unions are mass organisations formed by the working class on a voluntary basis. They are an important channel for democracy in state, social and political life.

When China initiated a policy of reform and began to open up to the outside world in 1978, the Ninth National Congress of Chinese Trade Unions held at that time pledged to become a model of democracy. Through their representatives at the people's congresses and political consultative conferences (and other bodies) at various levels, they present the opinions and demands of the workers, and participate in the administration of state and social affairs. They are actively involved in the formulation of plans for national, economic and social development, policies, laws, decrees and regulations affecting workers interests and reform programmes which have a bearing on the interests of hundreds of millions in the labour force.

Chinese trade unions pay special attention to democracy at the grass-roots level. It was the trade unions that initiated the establishment of the system of workers' congresses in enterprises, and it was they that energetically pushed for them to be incorporated in legislation concerning enterprises, thus giving them a definite legal status. The workers' congresses are the basic form of democratic management in Chinese enterprises and are the bodies used by the workers to exercise their powers in this respect.

Representatives to the workers' congresses are elected by the workers. The trade union committees serve as their working bodies, and the congresses enjoy a wide range of rights in accordance with the law: first, the right to deliberate on major issues related to the production and management of the enterprise and questions related to technology; second, the right to agree or veto the income distribution plans, which directly affect the interests of workers and staff members; third, the right to decide on matters affecting the welfare of the workers and staff members; and, fourth, the right to supervise and evaluate the work of administrative officials at different levels of the enterprise, as well to make proposals to reward, punish, appoint or remove them. Chinese trade unions always consider the smooth functioning and improvement of the worker's congresses system as one of their main tasks.

At this point, this system has been put into effect by most enterprises. Last year, workers' congresses in enterprises considered a total of 2.745 million important policy matters, approving 2.02 million of them and vetoing 446,000. Grass-roots democracy is of immediate interest to the workers. It is the workers' congresses that make the workers feel like true masters of their enterprises and of the country, and it is the workers' congresses that enable the trade unions to defend the rights and interests of the workers at higher levels more effectively. With the progress made in the construction of socialist democracy and advances in the country's legal system, Chinese trade unions have gained more powers. Recently the Trade Union Act of the People's Republic of China was adopted at the Fifth Session of the Seventh National People's Congress, the Chinese Parliament. This important law is an amendment to the Workers' Organisations Act of 1950. Chinese trade unions actively participated in its preparation. The law more clearly defines the nature, status and tasks of trade unions. It defines the right of trade unions to represent and organise workers and to participate in the administration of state and social affairs and in the management of the enterprises. It extends the right of trade unions to safeguard the rights and interests of the workers, and it provides for the right of trade unions to supervise and participate in a number of matters concerning the interests of the workers. I think this demonstrates that new democratic progress has been made in China and in its legal system, and that this is a concrete reflection of the trade unions' consistent efforts to ensure and to develop democracy.

Chinese workers enjoy extensive democracy and democratic rights, and this has encouraged their initiative and creativity in building up their country and boosting economic development. In the 1980s the country's gross national product grew at an average annual rate of 9 per cent, and the real consumption level grew at an average annual rate of 5.8 per cent. We have thus been able to provide enough food and clothing for our population of 1.1 billion. I think this once again demonstrates that the type of democracy practised in any country must conform with that country's historical, social, economic and cultural realities, and only then can it be possible to encourage the development of the economy and to improved the livelihood of its people. The Chinese type of socialist democracy is in keeping with the aspirations of the Chinese workers and people. The Chinese workers and trade unions understand full well that China is still a developing country, lagging behind economically and culturally. They understand that it is still plagued by a low level of development and that in many respects democracy has to be improved. For the workers and people of China, the continued strengthening and improvement of democracy and the country's legal system is thus a long-term task of historic importance, geared to the attainment of the ultimate objective, a better and more advanced socialist democracy.

The International Labour Organisation is a universal and tripartite organisation. It is its inescapable duty to support the workers of the entire world in their struggle for democracy and social justice. Here, I would like to offer two proposals.

First, at present unemployment and poverty still plague the workers of many countries, and particularly the developing countries. To change this situation is an urgent task for the world of labour and the world as a whole. The promotion of democracy and social justice should contribute to social stability and economic development, as well as the eradication of poverty and the improvement of living standards. Chaos and instability can only aggravate poverty and unemployment.

Second, the struggle for democracy and social justice should find expression in more effective worker participation, for this is an important reflection of democracy and social justice. Worker participation in turn can facilitate the advancement of democracy and social justice.

I sincerely hope that, through deliberations at this 79th Session of the International Labour Conference, the ILO will make positive contributions to achieving its objectives and purposes, and I quote from the Declaration of Philadelphia: "All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".

Original – Arabic: Mr. AL SABBAH *(representative of Palestine)* – In the name of God, the Merciful, the Compassionate! It is a great pleasure and honour for me to transmit to your distinguished Conference the greetings of the Palestinian people and workers, and the greetings of our leader, brother Yasser Arafat, the President of the State of Palestine. We would also like to offer our warmest congratulations to the President on his unanimous election to preside over this Session of the Conference.

The subject chosen by the Director-General for this Session, democratisation, is very relevant because it responds to the aspirations of all three social partners at a time when the world is undergoing radical transformations which have affected various aspects of political, social and economic life and the world of work. Concepts and regimes which previously held fast have been replaced with new ones. These changes have encouraged the peoples of the world to turn to the United Nations, asking it to assume fully its role, strengthen its credibility and work to ensure that international legitimacy applies throughout the world. In this way, all the peoples of the world will be able to enjoy peace, security and stability.

Within the United Nations system, the ILO has a very specific role to play. It is working towards democratisation in the world of work, through the establishment of democratically-based employers' and workers' organisations, which thus promote a dialogue between the social partners aimed at achieving social progress and world-wide development.

Democracy is the very basis of development and constructive work. Indeed, it ensures first of all respect for fundamental human rights, and especially the rights and freedoms of trade unions. Moreover, it is conducive to a market economy, while strengthening the principle of tripartism, which is based on dialogue, cooperation and collective bargaining.

We would like to pay tribute to the Director-General for the interest he has shown in democracy as it relates to the situation of workers in Palestine and the other occupied Arab territories. This situation is cause for concern for the International Labour Organisation. The Director-General has requested that the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) be observed in dealings with Arab workers in the occupied Arab territories.

So far as democracy is concerned, the Palestinian people, renowned for their rich history, for their civilisation and their culture through the centuries, and for Palestine, the birthplace of the monotheistic religions, believe firmly in democracy. The Palestinian people practice democracy in their constitutional institutions, and trade union, social and economic organisations and bodies, as well at the human level in general. Their experience in this area has been exemplary, and can serve as a model for the peoples of the Third World. For instance, we have the Palestine National Council, which is considered a genuine Palestinian parliament, bringing together representatives of various sections of the Palestinian people, as well as their occupational and people's organisation. I may also mention the people's committees at work in occupied Palestine, which form the nucleus of the Palestinian Government. These people's committees conduct humanitarian activities under Israeli occupation and suffer from repression by Israel, which has tried to stifle any and all types of freedoms and rights. I will not now give details ragarding violations of human rights in this field as we will speak on this matter later, at the meeting on this topic scheduled for 16 June.

In practice, democracy must be based on respect for human rights, and that includes the right of people to self-determination. For decades, our people have been fighting to obtain this right of self-determination in order to exercise democracy in the full meaning of the term in their own territory, Palestine.

Progress towards peace was launched at the conference in Madrid, in response to the international desire to establish peace and security on the basis of international law and in accordance with the resolutions of the United Nations. We hope that United Nations organisations and specialised agencies, led by the ILO, will fulfill their dynamic role in strengthening peace based on justice, democracy and the right to self-determination and will also give technical support to the resistance of the Palestinian people.

We also hope that greater interest will be paid to the situation of the workers repatriated after the Gulf crisis, and particularly Palestinian workers, to help safeguard their rights and help them reintegrate themselves into their society. Furthermore, we call upon the international community to raise the economic blockade imposed on Iraqi workers, their families and children. We also call for an end to the air blockade imposed on the people and workers of the Libyan Arab Jamahiriya which jeopardises the future of repatriated workers and adds to their suffering and problems.

Everyone is now looking towards the Earth Summit in Brazil and I would like to recall that my people, the Palestinian people, are, every day, exposed to the dangers of environmental pollution: Israel continues to use poison gases and tear gas, and to destroy trees and plants, to establish settlements. Let us not forget the effects of their nuclear power plant in Dimona which has been threatening not only the environment of Palestine, but also the region as a whole.

Finally, whilst we are following with great interest the signs pointing to the victory of the people of South Africa, after many years' suffering under apartheid, we appeal to the international community to maintain its pressure and blockade, to ensure total victory and the establishment of a provisional government and constituent assembly able to guarantee free and democratic elections based on the principle of one person, one vote, guaranteeing that the people of South Africa can, at last, enjoy freedom and independence. I am particularly happy to congratulate the States which have recently become Members of the ILO and I wish this session of the Conference every success.

Mr. DOUGLAS *(Workers' delegate, New Zealand)* – On behalf of the Workers' delegation of New Zealand, may I start by congratulating Mr. Nascimento Rodrigues on his election to preside over this Conference and offer him our best wishes for the duration of his term of office.

In his report to this Session of the Conference, the Director-General has reminded all of us that the ILO is a unique organisation both in composition and in the values that motivate and guide it. It is not sufficient for delegations to participate in the ritual of International Labour Conferences. They must also reflect its ethics and advocate its mission.

There are three aspects of these values and guiding principles that I would like to comment on today. The first is respect for fundamental human rights. This was enshrined in the Declaration of Philadelphia through the succinct but inspirational proclamation that labour is not a commodity. The second value is the recognition of the essentially collective nature of work through an obligation on the Organisation and its constituents not just to permit but to promote and encourage collective bargaining. The third is the belief in the added benefits – both social and economic – of tripartism.

There has been a tendency in the past for the practices of member States to be brought to the attention of the ILO if they were overly harsh or oppressive. I would like to suggest that the ILO will need to widen the scope of its concerns if it is to remain loyal to its founding principles. If the New Zealand experience is anything to go by, the new attacks on human rights, collective bargaining and tripartism will not come through the incarceration of worker representatives. They will instead be a result of extreme libertarian legislation that depersonalises labour, removes the instruments of bargaining and tripartism and defies the proud history and record of this Organisation by asserting – by deed if not by word – that labour is no more than a commodity.

A little over a year ago, the New Zealand Government introduced the Employment Contracts Act as omnibus labour relations legislation. This is an unusual Act in international terms because it is massively and devastatingly anti-worker and anti-union, without being overtly repressive. It is largely what could be called permissive legislation. It was promoted as ushering in the ultimate of freedoms in labour relations. The Act was said to be built around two basic freedoms: the freedom to associate and the freedom to contract.

Let me start with freedom of association. The practical application of this principle in New Zealand is aimed at a denial of effective collective recognition. Unions were removed from the statutes. There is no process for registration or recognition, no specification of their rights, their roles or obligations. It is a recipe for both the fragmentation of unions and a massive contraction of their role. It encourages disaffection and breakaways to set up rival organisations, or employers establishing tame staff associations, or multiple representation of workers in any workplace or industry.

It is difficult to claim a place for unions in negotiating key elements of industry policy or of wider social or economic policy if there is no cohesive and authoritative register of who represents who, and no basis for reconciliation of conflicting aims and aspirations. There is no stability in representation because the agency is for the purpose of negotiating a contract and for the workers covered by it. It does not embrace the concept of an area of work, rather than the individuals who are doing it, and the continuity of worker interests.

But just in case this permissive approach might spurn radical unionism, the law comes in with a number of compulsions and prohibitions to make it as difficult and as expensive and as time-consuming as is possible to organise. First, it is illegal to make membership of a union a compulsory element of any industrial agreement. Closed shops, union shops and preference for union members are illegal. Second, each member must individually authorise the union to act, and the authority must specify the scope of representation. The courts are not accepting union assurances of their authority and are requiring written proof of agency at each stage of procedure. Third, before each negotiation, a ratification procedure must be agreed with members. Again, this has an appearance of democracy, but its substance is obstruction of union organisation. Then at any stage of the bargaining process any group of workers can opt out.

Overall, the picture is one of contrived instability, rivalry, fragmentation and bureaucratic obstruction of unions. Freedom of association has been implemented in a form that tries to limit the amount of actual unionisation, and to keep the unit of organisation as small as possible.

But more than this, freedom of association is the freedom of individuals to aggregate their representation. It is not a freedom to associate in order to bargain collectively.

That particular freedom is undermined by the form in which freedom of contract is applied.

There are two themes that were pushed when the legislation was introduced. The first was that new contracts would reflect mutual advantage – that the employers and workers would make arrangements to "suit themselves". The second was the so-called protection of the transitional arrangements.

The Labour Minister put the latter to Parliament in the following way: "It is important to realise that despite the awards being terminated, the individual conditions of employment continue under common law on an individual basis and can be varied only by agreement between the parties".

The assurances were both untrue and meaningless, given the economic environment and its interaction with the pattern of work rights and restrictions that the Act introduced.

There were crucial restrictions on the freedom of the parties to reach agreements to "suit themselves". Strikes to secure an agreement binding more than one employer are illegal. There is thus legal force giving absolute power to employers to unilaterally choose enterprise bargaining or even sectional bargaining within an enterprise, even if the workers individually or collectively choose an industry, a regional, an occupational or a national basis of agreement.

There is no process or structure through which bargaining is directed, and indeed there is no obligation at all on the employer even to negotiate.

The courts have ruled that it is legitimate for employers to unilaterally change the terms – including wage rates and allowances – of contracts once old agreements or contracts expire, provided due notice is given and the employer claims that the change is in fact a lock out.

Further, the courts have ruled that it is legitimate for employers to replace workers who do not accept a new contract with others who will, or with contractors, if the enterprise is under financial stress. The test of what is sufficient financial stress is a very weak one.

It is very easy to lock workers out or to make them redundant.

Thus far, the courts have ruled that it is legal for employers to seek to secure contracts by bargaining directly with individual workers even when they have chosen to be represented by a union. Workers are free to remain silent – to decline offers of individual negotiation – but then the employer can lock them out or replace them.

In uncertain economic times, this has been used to telling effect – workers have essentially been free to contract on the employers' terms or be dismissed or refused work.

The legal leverage that the Act has given employers to set the scope of a contract has been reinforced by changes to the income maintenance regime which have effectively imposed severe financial stress on workers who do not accept the employers' offer of work. This has meant that financial leverage allows the employers to set the content as well as the scope of contract.

The way in which the representation and negotiation aspects of the law interact mean that workers are either on individual contracts, or on collective contracts which are no more than an aggregation of individual contracts. There is no place in the law for collective bargaining in the ILO concept of them.

The debate on the effects of the new law has been conducted in a way that downgrades and marginalises the relevance of basic principles and standards such as those developed and advocated by the ILO.

The New Zealand Government argues that the new law is permissive. It follows that anything that is done under it suits the parties to a contract, and since the aim of the law was to allow the parties to suit themselves, it must consequentially be an outstanding success! The argument is circular, but it is also sinister.

It is sinister because it denies, from its basic premise, that there is anything desirable that labour legislation, institutions and processes should actually try to encourage the parties to achieve.

It denies the human nature of work, and therefore, only judges the results of the law as if labour were a commodity.

It denies equal rights and status of employers and workers, and therefore steers bargaining outcomes down an employer-determined road.

It denies the value of tripartism, and therefore dismantles all tripartite structures.

At base, the New Zealand Government fails to ask the question of what we want to achieve, and therefore, abandons any standards or leadership or management obligations over the employment of labour. It has lifted moral indifference to status of a virtue.

If that cynical abuse of workers' rights starts to infect the labour practices of more countries then the very basis on which the ILO was founded, and which the Director-General attempts to affirm in his Report, will decay. The Organisation will have lost its reason for being, not through a confrontation of its principles and values, but by them being subject to the insult of distain.

These are crucial times for the future of the ILO. If it does not champion the values of its founders and their successors, governments like those in New Zealand will corrupt and destroy it.

Original – Arabic: Mr. DAIBAN *(Minister of Labour and Vocational Training, Yemen)* – In the name of God, the Merciful, the Compassionate! I should like first of all to congratulate the President and other Officers of the Conference on their election. We are convinced that under his enlightened leadership, the work of this Conference will be crowned with success.

I should also like to take this opportunity to express our appreciation to Mr. Hansenne, the Director-General of the ILO, as well as to Mr. Shukri Dajani and all the other members of the staff of the Office, for the tireless efforts they continue to make in promoting the goals and objectives of the ILO.

The delegation of my country to the Conference has taken note with interest of the items on the agenda. Democracy, which is a symbol of our age and gives concrete expression to the aspirations of mankind, is in keeping with the approach adopted by Yemen. To us in Yemen, democracy means: security, stability and government by peaceful and lawful means; development, well-being and fulfilment; an economic freedom allied with social justice; cooperation and the establishment of friendly relations with all our brothers and friends; intellectual maturity and the promotion of friendship, taking into account the viewpoints of others – including those of the minority. All these noble concepts are reflected in the Constitution of the Republic of Yemen.

If we accept this notion of democracy, then it has no limits but the responsibility of the public good for the happiness of man and a better future for coming generations.

In order to consolidate economic and social development and fulfil the basic needs of the population in accordance with this democratic concept, the Government of Yemen in unceasingly striving to strengthen development and democracy by promulgating social legislation; the three parties concerned by labour have been involved in the drafting of this legislation.

The Government has introduced a programme of economic and political reforms to cope with economic problems – the most important being unemployment – by innovational and non-traditional means.

At the political level, Yemen is preparing for its first legislative elections in accordance with its new electoral code, which will take place before the end of the year. They will be conducted in accordance with political multipartism and the principle of a peaceful opposition to the party in power.

Democratisation is a very complex process that we are trying to consolidate – although we are well aware that it will entail considerable sacrifice. However, we believe that it is the best means by which we may attain economic and social success, safeguard human rights and attain objectives of social justice.

In this context, we are hoping that we will receive the necessary assistance to consolidate democracy and help it develop in such a way that we may achieve freedom, social justice and human dignity, which are the cornerstones of the ILO.

The agenda of our Conference contains technical items on the prevention of industrial disasters and the adjustment and human resources development; these are in line with the objectives of the United Nations Conference on Environment and Development (Earth Summit) and further proof that we must try to attain a balance between the environment and development. We therefore support proposals with a view to the adoption of a Convention and Recommendation on the prevention of industrial disasters.

Furthermore, we believe that we should, as pointed out in the report on human resources, mobilise international solidarity and economic and technical support with a view to increasing international investment to guarantee primary education in the poorest countries.

We have recently carried out a comprehensive study in Yemen on human resources development with the assistance of the World Bank. We have also conducted a sectoral study, with the help of Germany, to try and improve technical and vocational training. We hope that the international community will help us implement the findings of these studies. We are awaiting with interest the round table which will be organised in Geneva at the end of June – at which brother countries and friends and international organisations and funds will participate – to discuss various areas in which Yemen might receive economic and technical cooperation.

There can be no doubt that we are in favour of: the setting up of democratic societies, human rights, the creation of a much safer environment, the prevention of industrial disasters, programmes to combat unemployment, sickness and poverty and the improvement of working conditions. However, there are disasters directly affecting human rights which are not dealt with the same enthusiasm, proving that there are dual standards in international law. I am referring to the suffering of Arab peoples in Palestine, Lebanon and Iraq and of the great divide existing between words and action. This can only be closed by establishing new relations between countries, based on the principles of justice and equality.

As regards the various activities of the ILO described by the Director-General in the second part of his Report, I should like to make the following comments:

First, it is necessary to set up a regional centre for labour administration in the region of the Arab countries. This centre would be financed in a regular way, particularly by the ILO, in accordance with the contributions paid by the Arab countries to the Organisation.

Second, Arab countries cannot profit fully from the Organisation's publications and instruments on labour – neither from its system of information – because these documents are not published in Arabic.

Third, the share of Arab countries, especially the least developed, continues to be limited in technical cooperation programmes.

Fourth, it is necessary to consolidate or increase cooperation between the ILO and the Arab Labour Organisation, in so far as the latter constitutes a geographical and regional unity.

Yemen supports all efforts undertaken to bring about freedom, social justice and democracy and to put an end to the policy of apartheid in South Africa. We wish to state once again our solidarity with the South African people and our belief in its right to freedom. Finally, we would like to welcome the new members to this Organisation.

In concluding we should like to wish the Conference every success in its work; its results will, I hope, contribute to the well-being of mankind. The delegation of my country will not fail to benefit from the discussions that will take place during this Session of the Conference.

Original – Spanish: Mr. RIOS *(Workers' delegate, Venezuela)* – It is a pleasure for me, on behalf of the workers of Venezuela, to congratulate the President on his election and we wish him the greatest success in the difficult task of chairing the work of this Conference. We are sure that together with the Vice-Presidents he will lead us to satisfactory results.

There could be no more timely subject for the workers of the world than the subject put forward by the Director-General this year in his Report. The problem of democracy, peace and social justice, the basic principles of the International Labour Organisation, are put forward not just as ideals but also as concrete constitute an appropriate response to the great transformations which are today challenging mankind. It is with great pleasure that we note that the central concern being put to this Conference is so closely in line with the central theme of the ICFTU congress held in Caracas in March of this year.

The Declaration of Philadelphia and tripartism acquire renewed importance in the Report. Democracy and the unwavering commitment of the ILO to the principles which support democracy are masterfully defined and tripartism stands as the concrete contribution of the Organisation to achieving, maintaining and developing true political and social democracy.

The definition of the main players and the necessary mechanisms to put true tripartism into practice are extremely valuable and constitute a plan of action.

The Venezuelan workers would like to publicly thank the Director-General for coming to Caracas for the 15th Congress of the ICFTU. His words, activities and statements, at a time when our country is suffering its worst political crisis of the last 35 years, have been an invaluable contribution to the support of democracy.

For more than 25 years we have attended the meetings of this forum with trust and hope inspired by life in a stable democratic society. Unfortunately this year things have changed. Here and now, in this house of freedom and justice, we have a duty to denounce the existence of a very powerful threat to democracy and its basic institutions.

Certain economic groups are behind these threats. They have accumulated fortunes worth many millions, having looted the national reserves under a docile and paternalistic State. And now today, because that easy complacency of governments based on oil resources has come to an end, and because they are faced with a society which having enjoyed a very long period of democracy is demanding a bigger and better share of everything, they are finding the system less profitable and are attempting to change it to their own advantage in a way that is completely in opposition to the present trend of world history.

As the Director-General said in Caracas, democracy and trade unionism are interdependent concepts, there can be no true democracy without trade unionism and there can be no true trade unionism without democracy. Hundreds of examples throughout the years have shown this to be true.

The Venezuelan trade union movement is facing a ferocious attack. Well thought out and treacherous campaigns seek to annihilate it and are striving to portray the unions as an obstacle to economic development. In a unprecedented attempt to corrupt and distort the administration of justice, the media are being used to condemn and blacken the names of union leaders.

The workers know full well that democracy is the least imperfect form of government. To achieve democracy in Venezuela many of our companions have been to jail, have suffered exile and have given their lives. Mistakes have been made in many areas but we know that the self-regulation of democracy is the only way to make good those mistakes. With all our strength we will confront the messianic tyranny, the voracious neoliberalism and the washed-up leftism which today, in Venezuela, have joined forces in an inexplicable common front.

The internal destabilising factors have found their breeding ground in a dramatic social situation generated by foreign debt, by technocratic structural adjustments imposed by international financial centres and by unfair trade relations between countries.

For those countries which are suffering international injustice and internal destabilisation, it is important to find support in the democratic forces of the world in order to ensure that international organisations of a social order can participate in development programmes under the same conditions as the financial multilateral organisations whose participation is based on the handling of resources and on relations with the private bank.

The present crisis in Venezuela shows that it is imperative to incorporate the human aspect into economic development. This crisis proves that cold, financial calculations, without a counterweight in the social sphere, can cause a polarisation of society and political and social chaos. It shows that whilst technical corrections may be necessary to resolve financial problems, it is imperative not to lose sight of the global aspect of economic development and its ultimate goal: the welfare of human beings. But it also shows, as the Report states, that democracy is a daily task, that the daily actions of political decision-makers and social forces can strengthen it or weaken it, and that institutions, if they do not adapt to change and if they do not offer greater participation, will lose legitimacy and efficiency. It proves that the vote is only the beginning of democracy and it is seeking mechanisms that will allow greater participation of the majority of citizens in the decisions which will decide their destiny that democracy finds its best expression.

The trade union movement in Venezuela is of this opinion and is prepared to make profound changes to its structure in order to expand its participation possibilities and to achieve greater effectiveness in its political and vindicating action. Furthermore, we hope to promote the adoption of the democratic changes which Venezuelan society is demanding.

We hope that our experience, the unity of the workers, the solidarity of international trade union movements, the ILO and the international community as a whole will help us to rid ourselves of the historic anachronism which is threatening us.

This Conference has an enormous responsibility. A new phase has begun. The political changes that have taken place around the world are both challenging and the source of new possibilities. They necessitate the strengthening of the principles of the Organisation, the adaptation of its structure to enable it effectively to contribute to the process of democratisation. We are sure that under the President's leadership this Conference will be able to establish the basis of the ILO of the twenty-first century.

Original – Spanish: Mr. MARIUS *(representative of the Latin American Central of Workers (CLAT)* – At this very moment in Latin America the future of our planet is being discussed in a laudable attempt to preserve the environment; and here in Geneva we are discussing the preservation of democracy and seeking new and better ways in which the ILO, consistent with its original principles, can become a fundamental factor in that process.

Both events are inseparable to the extent that the preservation of the environment does not mean only the legitimate protection of the earth that we inhabit, and the nature that surrounds us; it must also generate better conditions for human development. And furthermore, we must be able to capably consolidate, strengthen and guarantee a democratic life and culture for our people.

If we make a serious and responsible analysis, we can conclude that both the deterioration of the ecosystem and the fragility of our democracies have some causes at least in common. Over both events and topics hangs the shadow of one big factor – debt.

There can be no doubt that there will not be an effective solution to the essential preservation of the environment unless the enormous ecological debt of the developed countries, and especially the transnational corporations to the Third World, is paid. The debt for the damage caused to the environment by their indiscriminate and savage exploitation of our raw materials.

And we cannot exempt from this responsibility the complicity of many of our Governments and national political classes.

In the same way, we maintain that it will not be possible to build and consolidate the democracies that we deserve in our countries without an effective rational and human solution to the problem of foreign debt, and to the growing and painful social debt, as has been clearly defined by PREALC.

We regret that the ILO has not backed up the initiative of the WCL to lodge a claim with the International Court of Justice concerning the illegitimacy of the fixing of interest rates for the foreign debt, since this would demonstrate what has been paid and on the other hand the dimension of a problem which was never economic but a continuous and decisive factor of a political kind, despite the cloak of silence which some wish to impose on the matter.

Latin America, with the irresponsible complicity of many of our Governments, is drowning in a spiral of incalculable and very serious consequences, including the export of capital and the payment of interest on the foreign debt; money which is essential to promote effective and consistent programmes of self-sustained development, while new and miraculous investments are sought, more illusion than reality, that undermine even further our independence by binding it to transnational interests which run counter to the needs and aspirations of our workers.

Last year, from this very rostrum, we said that the policies pursued by the majority of Latin American governments and imposed by the IMF were essentially and clearly contradictory and undermined our fragile process of democratisation waged by our people throughout history and the profound involvement and effective commitment to democracy of our workers.

Unfortunately, the institutional collapse of democracy in Peru and the worrying, serious events which continue to afflict Venezuela not only justify our analysis but also increase our legitimate concern when we note the similar regrettable conditions in several of our countries.

Poverty is slavery and is incompatible with freedom for very long, and even less with real democracy, the democracy to which the workers legitimately aspire.

But even more serious are the enormous accumulated frustrations of our peoples which drive them into the mistake of supporting concealed, totalitarian alternatives which will increase in the short term those same frustrations.

The Latin American Presidents at the Guadalajara Summit took an oath to eliminate poverty and injustice before the end of the century.

Unless by means of dictatorial adventures, none of our present Presidents will discharge that responsibility by the end of the century.

Perhaps for that reason, this declaration has not led to any essential revision of current policies. On the contrary, we still see the massive application of dogmatic, authoritarian, neo-liberal policies which multiply expotentially the number of poor and marginalised people, concentrating greater income and wealth in increasingly small minorities, increasing the danger of natural social explosions, generating savage capitalism which scorns the human and the social and jeopardises any form of justice and solidarity.

We are seriously worried about the manipulation of certain economic results in our region with reference to the gross per capita product, when the enormous majority of these "per capita" are daily being further removed from this same "gross product". In many organisations there is talk of growth, but we note that the only thing that is growing tangibly is the foreign debt, even though it continues to be paid; the number of the poor living below the critical poverty line increased from 80 to 240 million in the decade, along with a further 200 million who are far from able to see their basic needs satisfied, while only 7 per cent of the Latin American people live in conditions of abundance and even frenetic consumption and insulting luxury.

To believe that market forces alone can solve these problems is more an ideological illusion than a possible and realistic solution.

To think seriously that the privatisation of vital sectors of our sovereignty (such as telecommunications), while thousands of enterprises abandoned by the speculators remain in State hands, can offer an alternative to development, has nothing to do with rational options of economic policy but much to do with an attemps to privatise profits and nationalise losses.

Even more worrying is the existence of many Governments which state the best intentions here to protect the interests of workers, while at home they try to impose changes on labour legislation by eliminating the fundamental rights of workers and their organisations.

Therefore, from an objective point of view, we feel we must question the sincerity of many of the statements that we hear in this hall, so many commitments and promises. It would seem that we are trying to preserve two worlds which are related to each other by increasingly unrealistic links: the world of international bodies such as the ILO and the world of our daily existence which we find when we return to our homes. In the former we breathe conditioned air, we are in a climate controlled by rules of the game with practices that we can call civilised although not always democratic, a rhythm and a language which seek to inspire certainty, confidence, enthusiasm and self-questioning. The inspiration is lost and the questioning increases when in the real world, which is what we have to deal with, the agreements seen to be very distant, and when they do materialise, they have lost on the way much of their content. Agreements are transformed into lifeless expedients under the rule of bureaucracies which are often not concerned with honesty and justice. Civilised practices are abandoned as inefficient, and certainty and confidence are buried by selfish interests and the abusive exercise of power.

Only this can explain the assassinations and constant threats to trade union leaders in Colombia when they try to defend the aspirations of the workers, the existence of forced labour in Brazil, the arbitrary behaviour of businessmen in Paraguay and Guatemala and the generalised lack of agreement on the promotion of employment in the Latin America region, the constant and growing violation of the rights and freedoms of workers and their organisations.

We share with the Director-General his concern for the strengthening and deepening of our democratic processes. We do this because we share a profound commitment to the democratic vocation and because the majority of workers whose rights we now see undermined continue to believe and hope in the ILO.

Therefore, we believe in the common efforts to make this world of the ILO one closer to and part of the real world.

We think it is essential, firstly, in the interests of basic consistency to promote a profound analysis of the very bodies and mechanisms of the ILO itself and to examine their consistency with the shared principles of an authentic and effective democracy, i.e. a more effective and responsible participation, both as regards membership and representativity as well as efficiency, measured in terms of the actual change in conditions of life and work. It is in this field that we must question how, after so many years of studying the restructuring of the mechanisms for elections in the Governing Body, we still are not in a position to apply such new principles in the coming year.

Secondly, and even though many of the workers' needs are not fully met by such texts, international labour Conventions and Recommendations constitute an essential basis for the rule of law and a guarantee of the essential means of social justice. To promote and guarantee their consistent application, to develop and strengthen the mechanisms and structures of their full application, are major contributions that the ILO can make to the democratisation of our nations.

We hope that these thoughts may promote the common objective of improving living and working conditions by making the human being and human work the fundamental focus of our concerns and comitments.

Mr. KROPIWNICKI *(Minister of Labour and Social Policy, Poland)* – On behalf of the Government of the Republic of Poland and the tripartite Polish delegation, I wish to express our congratulations to Mr. Nascimento Rodrigues on his appointment to the honourable post of President of the 79th Session of the International Labour Conference. I wish him every success in bringing this session to its successful conclusion.

I also wish to extend our warm greetings to Mr. Michel Hansenne, Director-General of the International Labour Office, and to all participants of the present session of the Conference.

But, first of all, as Minister of Labour and Social Policy in the Government of the Republic of Poland, the Government of the country that has just regained its independence and of the nation that, after a very long battle, has regained its rights in its own country – Government of the people, by the people for the people, I wish to express my delight and gratitude to all the people of good will and all the governments and organisations represented here as well as the International Labour Organisation itself, for the solidarity and assistance rendered to us, we who are fighting our way through the darkness of slavery and oppression to freedom and liberties.

At the same time as we have attained our independence, the transformation of all aspects of our life has started. The most important changes are those in the political life of the country, accompanied by changes in the social field and reconstruction of the ecomic system. The simultaneous transformation of these three spheres of life has no historical precedents.

The most important event in the political sphere was the conversion of the system of dictatorship into parliamentary democracy. In the economic sphere we must transform the centrally planned economy into a market one.

With regard to the social aspect, a transformation of society ruled by directives of the Communist Party is underway. A system of individual activity restricted only by legal provisions has been introduced.

Besides the lack of analogy in the world's social history, Poland is a country which decided to carry on all the three transformations in the evolutionary and not the revolutionary way.

The main difficulties in the transformation from a centrally planned to a market economy are: a lack of a detailed vision of such a transformation; a weak legal structure; the lack of an institutional basis; the need for a change in the mentality of individuals, which has been moulded by a different socio-economic and political system. An enormous task, one may say.

Polish society considers the market economy with private ownership as the main objective of privatisation. Through the realisation of this principal objective, we may increase the effective utilisation of existing material resources, which will contribute to the fast and effective development of the private sector, and encourage investment.

The shorter the time needed for privatisation and the more suitable the form chosen for a given sector of economic life, the greater ther chance of success in establishing a social market economy. And there is widespread conviction that the process should be opened also to the employees.

In Poland, in most cases, the legal system inherited from 45 years of Communist regime still exists.

In our attempts at building modern democratic structures in a market economy, we are faced by the need to find a new approach when determining industrial relations. The State has abandoned its role of all-embracing regulator of economic activity and sole guarantor of social safety for workers, and is creating conditions favouring the independent activity of social partners. Poland has made considerable progress in this area. A legal framework has been created to ensure the independent activity of trade unions and employers' organisations, aimed at breaking down barriers restricting the autonomy of social partners in regulating working conditions. However, the State has not given up its role in guaranteeing the necessary social safety of workers. New labour legislation protects workers' basic rights, including the right to safe conditions of work, a minimum wage, and insurance in the event of a loss of employment. It also creates a legal framework for the institutional guarantees of workers' claims in the event of the insolvency of their employer. Developments in the last three years, in my opinion, have brought Poland's legislation into conformity with standards set forth in international labour Conventions and Recommendations.

The growing social costs of structural adjustment considerably endanger the continuity and complexity of economic changes. In 1992 the conflict between current consumption and the creation of conditions for socio-economic development will continue to intensify.

In this situation, alleviating the social hardships of the transformation period is the main task of the State's social policy.

The Government has committed itself to protecting the basic living conditions of society. With economic development, social security guarantees will be widened. The scope and the level of these guarantees will be determined through social negotiations.

The State also guarantees fundamental workers' rights. They are based, first of all on: equality of the social partners; freedom to enter into contracts of employment and the freedom of association: Occupational safety and health are also basic rights to be enjoyed by all workers.

The changes that have taken place in Poland since autumn 1989 – that is, in less than three years – cover a small part of human life and a very short period in the life of societies and countries. Nevertheless, in this period, the achievements have been impressive. We may also say that the baggage of painful and misguided experience is considerable.

We believe that with some assistance we may overcome our problems and very soon be not only a partner for well-developed countries but also be in a position to help others.

Planet Earth – in its political, economic and social structures – is no longer an autarchy of different countries and various States. On the contrary, it is a system of developed mutual connections and interrelations. We hope that what was started in Poland in 1989 contributes in a large degree to the dissemination of democracy, the progress of civilisation and the realisation of well-being and social justice. And this is also the objective of the International labour Organisation.

Original – Spanish: Mr. PINZON *(Workers' delegate, Panama)* – As spokesman for the workers of the Republic of Panama, I am happy to extend greeting to the representatives of the member countries of the ILO gathered here and to express, especially to the workers of the Third World our solidarity and our hope that we shall manage to survive the social tragedy brought about by the neo-liberal economic programmes which are today subjugating the underdeveloped world.

We wish to take advantage of the fact that one of the items on the Conference agenda is precisely adjustment and human resources development to stress the high price that we, the workers of Panama and the Third World in general, are paying as a consequence of the implementation of adjustment programmes which are highly irrational and unfair and which, far from promoting development and democracy in our countries, have worsened the situation and brought about greater economic and social inequalities.

In the case of Panama, the workers and the Panamanian people in general are faced with the well-known neo-liberal recipe embodied in the so-called *strategy of economic modernisation*, which results not only in the traumatic aftermath of mass dismissals in the public sector, reduction of social expenditure, privatisation and liberalisation of the economy in every sphere, but, in the labour field, is turning back the pages of history to the conditions of semi-slavery of the nineteenth century. This strategy considers cornerstones of social law, such as minimum wages, collective bargaining and freedom of association, as distortions which are obstacles to the free activities of the market and must therefore disappear.

In the past two years retrograde reforms in the labour law have been brought into force which have been denounced by the ILO as violating the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). These also violate the Panamanian Constitution itself and affect directly those working in the private sector. These reforms suspend the right to collective bargaining, restrict the right to strike and make it practically impossible to organise trade unions in the zones where foreign companies are being set up – the maquiladoras. In addition, in the field of human resources, adjustments encourage increasing privatisation of education, especially at university level, calling in question the efficiency and high cost of public education, intent on reducing public expenditure at all cost.

In the state-run sector, the case of unjustified, illegal and immoral mass dismissals of employees and trade union leaders having trade union immunity, which took place as a result of the industrial action of 4 and 5 December 1990, and of which the ILO is also aware, has still not been resolved despite the fact that the Committee on Freedom of Association has urged the Government to settle their claims in conformity with national law and international labour standards. The Government has ignored this request. The workers dismissed continue to be threatened with hunger and despair and, on 29 May 1992, a new appeal was brought before the Supreme Court of Panama in an attempt to seek justice denied under the new "Panamanian democracy".

As authorised spokesman of the workers of my country, I take this opportunity to denounce once again in this tripartite forum the non-compliance by the Government of Panama and the private employers' sector of important instruments and resolutions approved here which we must uphold if we are to respect international law and democratic institutions in our country. As to the private sector, I have to denounce repeated violations of freedom of association by banking institutions in the vanguard of which is the Chase Manhattan Bank whose activities we have already denounced in the past, which recently unjustly dismissed the defence secretary of the banking trade union and the finance secretary of the Confederation of Workers of the Republic of Panama.

Nevertheless, the reactionary reforms called for by international financial bodies do not end there since the so-called "strategy" of official modernisation insists on other adjustments in labour law which also violate ILO Conventions, such as the encouragement of private employment agencies and interference with the trade unions' structure on the basis of the argument that the number of immunities is very high in undertakings. These constitute further motives for conflict which we have already denouced in plenary sittings of this body.

Nevertheless, in view of the difficulties and harassment caused by official economic policy, Panamanian workers have maintained an attitude of common sense and readiness to dialogue with other sectors of the country, including the Government. In particular, in June 1991 we began a process of bipartite consultation (without the Government) with the Chamber of Industrial Employers of our country, which resulted in a concerted proposal for a "Programme for economic development", conceived with the aim of laying a foundation for genuine development and a means of promoting wider dialogue with all national forces.

Thus, in December 1991, the Government, through the Ministry of Labour, launched a "socio-labour consultation" which has in fact not made significant progress owing to official determination to confine dialogue to the labour reforms wanted by the World Bank and not to the real problems of the country: low public and private investment, unemployment, underemployment, low incomes and poverty. Neither has there been any attempt to repair violations of national and international labour standards by repealing controversial laws and reinstating trade union leaders unjustly and unlawfully dismissed. Precisely because of this domineering and anti-trade union attitude on the part of the Government, a claim has been filed with the Department of Trade of the United States which may lead to Panama's being excluded from the benefits of the Caribbean Basin initiative. While this is something the Panamanian workers do not want, it is a legitimate means of pressure to which we have had to have recourse since the Government has left us no alternative.

While the Panamanian workers and Central American workers in general are in favour of dialogue and concertation of effort as a means of paving the way to economic development with genuine social justice, the main obstacle is the attempt of governments to use this consultation with workers and employers to ratify agreements and decisions of economic and social policy already worked out beforehand with international financial bodies behind the backs of the people and their organisations. In these circumstances it is obvious that there cannot be genuine consultation, however much propaganda is used to deceive those who are not in the know.

As principal leaders of Panamanian and Central American organisations, we are not opposed to modernisation of the economy or to the movements for broadening and integration which our part of the world is now experiencing, but we do believe that the rules of the game for developed and Third World countries should be the same. The developed world, through its financial bodies, cannot demand or impose the opening up and liberalisation of our economies while they maintain or raise even higher their protectionist barriers to our products, as is the case with the protective measures the countries of the European Community are taking against Latin American banana exports.

I should like to take this opportunity to state that these measures illustrate the unfair conditions which regulate international trade and are the real causes of debt and underdevelopment in the Third World. We are concerned that these measures will result irremediably in greater unemployment and poverty in our countries, especially in those such as Panama where the banana industry holds an important place in agricultural employment and in the export and foreign currency generating sector. In this respect it is my duty in this forum to call upon governments of the European Community to reconsider these measures and to listen to the protest of thousands of Latin American workers who are today in fear of losing their daily bread.

Finally, I wish to exhort the competent bodies of the ILO to be more vigorous in their efforts to uphold human rights and trade union rights in the world. We cannot allow international labour standards which reflect humanitarian evolution and world civilisation to be a dead letter simply because, paradoxically, another international organisation in the United Nations system, the World Bank, considers them to be distortions of the regime of unbridled capitalism which is becoming ensconced in our countries. This is a challenge that has to be faced by decent and civilised men and organisations in the world and we, the workers of Central America, will meet this challenge with all its implications.

Mr. CALOVSKI *(Government delegate, Yugoslavia)* – Allow me to congratulate the President on his election and wish him every success in discharging his important and demanding functions at this 79th Session of the International Labour Conference.

It is a great pleasure to greet the delegations of the member States who are with us for the first time.

I should like to stress that we find the reports of the Governing Body and of the Director-General to be an objective review of the numerous and significant activities undertaken by the Organisation since the last session of the Conference as well as a good presentation of the basic problems which it faced in this period. If we look at the results achieved in the implementation of the ILO's Programme, we can say that the Organisation's activities, on the whole, have been a success.

The subject which the Director-General chose as the focus of his Report is one which attracts the attention and commitment of all member States, I believe, and especially those among them which have undertaken radical and far-reaching democratic reforms of their political and economic systems.

In Yugoslavia we see in a nutshell many typical difficulties that today's world is facing – the divisions between North and South, East and West, differences in ideological and cultural patterns, national and ethnic specificities, etc. The processes which are under way in Yugoslavia are part of broader transformations in the world and, in particular, of the deep changes in Eastern Europe which occurred against the background of the total collapse of the past socio-political system and the emergence of a new one, based on parliamentary democracy and market economy. Yugoslavia had to accept the inevitability of such transformations, but under far more difficult circumstances because, as you know, it is a complex mosaic of multinational and multiconfessional communities.

The force with which such differences are now clashing in Yugoslav lands is a consequence not only of internal contradictions, but also of very blunt external interference and pressures.

The Federal Republic of Yugoslavia does not dispute any nation's legitimate right to self-determination; it respects the decisions of former member-republics which have declared their independence and autonomy, but it cannot accept that the same right be denied to those of its nations which wish to continue living in Yugoslavia. One-sided accusations blur the causes of conflict and, consequently, the road towards solutions.

In the belief that it is possible to find a political solution acceptable to all, we are making efforts to regulate mutual relations and clarify financial, legal and all other issues within the framework of the Conference on Yugoslavia under Lord Carrington's chairmanship.

In addition to the tragic and massive loss of human life and huge devastation of property, we are facing the problem of providing the barest necessities to hundreds of thousands of refugees and addressing the problem of their return to their homes, which in all likehood cannot be resolved soon. A series of problems in the field of legal status and employment have yet to be put on the negotiating table in order to be resolved through agreements between the republics whose citizens are involved. Because of expulsion from work (because they belong to certain ethnic communities or because of lay-offs of Serbian people who were unable to report to work due to war operations and severed transport and communication links) many workers are currently deprived of many employment-related rights. They cannot receive their salaries, benefit from social security, collect their pensions, etc. In addition to many outstanding legal issues regarding property, we have to deal with problems related to the recognition of years of service, contributory periods, years of pensionable service, and to exercise the already acquired rights of that type. We feel that the expertise in this regard of the International Labour Organisation could be of vital importance in our efforts to resolve these difficult problems.

This Conference, with its firm commitment to fight all types of discrimination in employment and at work, is precisely the right forum for expressing our dissatisfaction with the fact that Yugoslavs employed abroad are required in some countries to state which ethnic community they belong to, so that the employer can make his selection on that basis. We have evidence of numerous cases of Serbian workers being humiliated and laid off in large numbers. We wish to believe that those are just individual cases, rather than the policy of such countries, and we hope that such practices will not continue.

Despite these difficulties, the earlier processes of ownership transformation, consolidation of market institutions and the emergence of a multitude of new trade unions, continue on a parallel track although with certain lags. Collective bargaining is still hindered by lack of experience, and economic troubles narrow the scope for negotiation. We have yet to develop strong, representative, well-prepared and independent organisations of employers and workers.

In the sincere belief that the establishment of tripartite structures and tripartite exchange and decision-making can promote a speedier and more successful economic recovery and development acceptable to all social partners, we support the commitment of the International Labour Organisation to extend all the necessary assistance to its Members. We expect that, in the best traditions of its relations with my country, the ILO will keep up the activities we have been carrying out ourselves to this end.

With regard to the issue of social security, to which the Director-General referred in his Report, I should like to state briefly our views on the subject. Although we are now concentrating all available resources to provide elementary aid to persons affected by the war, we are aware of the need to formulate a new concept of social policy which will complement the market and ownership transformation of the Yugoslav economy. The number of beneficiaries of social facilities and the forms of social security in our country have been increasing; at the same time, the financial base of these allocations is narrowing, so that our society today is no longer capable of supporting all the forms of social spending. It is our commitment that the integration of social and economic policies must be developed on the principle of spending within the limits of earning, with appropriate social justice in the use of such funds, all with a view to stimulating economic growth and positive effects on the labour market.

In our opinion the past period has, for many countries, been a difficult one. For Yugoslavia, exceptionally so. We have not yet succeeded in overcoming our serious and tragic crisis, but we are not losing hope. At this moment our greatest ally is truth – which is finding it difficult to come into the open – and not pressure and punitive measures. A number of delegations have communicated their reservations on the participation of our delegation. Rest assured that, in accordance with the decision of the Federal Assembly of Yugoslavia of 27 April 1992, we shall do our best, as we have been doing so far, to give our positive and constructive contribution to the ILO.

Lastly, allow me to express my conviction that this 79th Session of the International Labour Conference will have a positive impact, especially if, in addressing some key problems, the entire structure of our Organisation displays and appropriate degree of political readiness to do so.

Original – French: Mr. STANKEVICIUS *(Government delegate, Lithuania)* – Having lived for 50 years outside the community of free countries, Lithuania is honoured to declare its attachment to the objectives of the International Labour Organisation.

In the name of the freedom of mankind and of social justice, Lithuania will strive, within the framework of the Organisation, to reach individual agreements with each Member of the ILO.

The political and economic situation in my country is not easy. Before the war we were on an equal footing with other European countries; today, however, Lithuania lags behind in the area of economic development and as regards living standards. As an occupied country, we were faced to accept the inefficiency of the socialist economic system. Most of the Europeans States have a far higher per capita GNP.

In these conditions the objective of the Government is to re-establish the State and create normal living conditions. We can bring this about solely by continuing along the chosen path. By rebuilding social structures we wish to liberate initiative and encourage activities that were disrupted during many years. We will have to create good working conditions, and make it possible for workers to earn a decent wage. Lithuania will be free when its inhabitants are free and wealthy.

Our objectives are to restore order and liberalise the economy; to raise living standards; and to ensure social justice. One can change the economy by implementing legislation in the economic and social field. We understand that the success of reforms will depend on the introduction of efficient structures for social protection. As we move towards a free market, the Government will respect human rights.

The Government is doing everything it can to bring about conditions that favour the free development of the individual, and to develop each citizen's sense of duty and responsibility for the well-being of his family and of the State.

The Government will also defend the dignity of the individual by creating acceptable conditions of work, life and social security. It is doing its best to ensure that every individual is free to choose his education, occupation and place of work, irrespective of sex, age, race and religious or political conviction.

The Government guarantees the right of individuals to organise in defence of their occupational, economic or social interests.

We are already well along the way to achieving these objectives through various Bills and Acts. This legislation concerns employment, collective agreements, employment contracts, wages, guaranteed income, social security, etc.

In formulating this legislation, we take into consideration ILO Conventions and Recommendations which ban forced labour, recognise the social partners, advocate consultation in decision-making and condemn discrimination.

We try to avoid the State's direct intervention in legislation concerning social questions and the labour market. The State seeks to limit its role to the provision of minimum guarantees for the workers, and to develop these guarantees by defining the competence of employers, and leaving the solution of most issues to negotiated agreements.

This is no easy task. The situation in my country is complicated by the fact that employers' and workers' organisations are divided and are often unable to find common ground. The reason is that we do not have vast experience with state institutions.

This is the legacy of a totalitarian State. In the past trade unions were state-run and permeated by politics. The State was the sole employer and controlled everything. We need stronger workers' and employers' organisations, which we hope to achieve by allowing for more private property.

One of our major worries is the threat of increasing unemployment. To counter this we have set up employment services. We created an employment fund based on social insurance. This year we hope to complete the reform of employment regulations pertaining to occupational consultation and vocational training, particularly for adults. We hope to prepare special programmes for those who are unable to compete on the labour market.

I would like to emphasise adult education and vocational retraining as one of the principal instruments to regulate the labour market.

I wish to take this opportunity to thank governments who are helping us to stabilise the labour market, to upgrade vocational training and to improve occupational safety.

We hope to work very closely with the International Labour Organisation and to benefit from its vast experience. Of course we regret that we cannot transplant all solutions to Lithuania. We have to look ourselves for a way out of this rather serious situation. But we are convinced that the experience and the assistance of ILO member States will help us to overcome our difficulties.

Original – Spanish: Mr. ARZENO *(Employers' delegate, Dominican Republic)* – I would like, on behalf of the employers of the Dominican Republic, whom we represent at this session of the Conference, to extend our sincere congratulations to the President on his election to the Chair of this 79th Session of the International Labour Conference and we are convinced that, under his guidance, we will successfully compete the work that we have on our agenda.

In the same way, we would also like to state our satisfaction with the excellent Report put forward by the Director-General, Mr. Michel Hansenne, and to thank him for the important subject which is dealt with in this Report, *Democratisation and the ILO.*

We have always felt that democracy, as the Director-General points out in his Report, is a universal value in which each human being can aspire to freedom and justice and we feel that these values can be achieved only within a system which is governed by democratic principles. In the same way it has been the concept of democracy which has inspired the ILO in its work, because only with full enjoyment of democracy can the values which are promoted by tripartism be truly achieved, tripartism is the essence of our Organisation and which has flourished in those countries where democratic ideals are put into practice.

We agree that the ILO should offer its constant support to those countries in the process of transition and in those that have quite recently started the path of democratisation, so that they can make the necessary adjustments without adversely affecting their democratic life.

The employers in our country have played a very important role in the initiation and strengthening of our young democracy and in recent years we have contributed, together with our authorities, towards ensuring that the structural adjustments required by the society of the Dominican Republic can be carried out in the economic, legal, fiscal, financial and political spheres and, particularly, in the field of labour relations.

The new Labour Code, which has just been promulgated by the President of the Republic, is the result of consensus. It is the result of the will of the social partners, together with the very valuable participation of the Catholic Church in the Dominican Republic.

The employers of the Dominican Republic have found great satisfaction in having participated in drawing up this new Labour Code which is the result of a social pact within a tripartite structure between Government, employers and workers.

I would like to point out that the 740 sections which make up the new Labour Code were achieved in this way. The new Code brings together the comments made by this Organisation with regard to previous legislation in the field of labour law in our country and introduces innovations such as standards which protect the workers' claims in the event of insolvences by the employer; there is a notable strengthening of trade union freedom and there is a broader framework for collective bargaining, as well as other measures which update and modernise our legal framework in the field of labour relations.

We would like to point out that our new legal statute which covers labour relations is an example of the way in which social concertation can become a valuable instrument in achieving consensus and thus adequately meeting the challenges posed in solving labour problems in a world which is constantly undergoing technological, economic, social and political change.

The employers of the Dominican Republic would like to stress, at this Conference, the need that exists for the ILO to lay down international standards governing the working conditions in special economic zones, which in some countries are called export-processing areas and industrial free export zones in others, because of the very broad economic impact which these areas have on our countries and, most specifically, on the creation of permanent jobs. We feel that the situation in these areas is something which would merit an in-depth study on the part of the ILO.

The International Labour Organisation will shortly be holding a Regional Conference in the city of Caracas and the Employers of the Dominican Republic are extremely interested in this most important meeting which will be dealing with issues which are vital to our continent, such as economic adjustment and social security.

The social dialogue which we have mentioned, which was started in our country some years ago, and the main result has been the agreement on a new Labour Code, has also on many occasions touched on the issues of economic adjustment and social security.

We feel it is timely that a meeting of this kind should become a summit at which the countries of Latin America and the Caribbean can adopt new structures and legislation to incorporate the forthcoming changes that our continent requires.

We thus hope that, as in the past, we can play an important role, having as our main objective the protection and promotion of stable employment for our region, which will be compatible with technological change, the flexibility required by the various markets for goods and services and in line with democratisation, which is the sign of our times.

Original – Arabic: Mr. OULD HAYE *(Minister of the Public Service, Labour, Youth and Sports, Mauritania)* – In the name of God, the Almighty, the Compassionate!

Allow me, on behalf of the Islamic Republic of Mauritania, a country which is a friend of Portugal, to offer my warmest congratulations to the President and the officers of the Conference on their election to preside over the 79th Session of the International Labour Conference. I am absolutely certain that, thanks to their knowledge and skills, our work will be crowned with success and I am sure that we will produce satisfactory results. In this connection, you can count on the total cooperation and support of my country's delegation. Congratulations also go to the Chairman of the Governing Body and the Director-General of the ILO. I would like to thank them for the very comprehensive reports that have been made available to all delegations and for the excellent way in which they have prepared our work.

Please also allow me to welcome the countries which have joined our Organisation this year and which will no doubt help to strengthen the positive role of this Organisation.

The Director-General's choice of the theme of democracy for this session is a very relevant, and one which is a matter of concern to most member States. Our session this year is taking place at a time when, on the international scene, radical transformations have prompted peoples all around the world to establish political regimes based on their own will and reflecting their own legitimate aspirations to enjoy freedom and to be the masters of their own destinies. This growing trend resulted from an increasing awareness of the close link between democratic practices and economic and social growth. It is quite clear today that peoples cannot achieve lasting growth in a context of equality, justice and respect for human rights unless they can manage their own affairs and decide their future options for themselves.

Faith in these principles has led us in my country, under the distinguished leadership of President Maaouya Ould Sid' Ahmed el Taya, to begin a global democratisation process that will result in the legislation and organisations that establish a State governed by the rule of law.

Thus on 20 July 1991 a new Constitution for our country was ratified by means of a general referendum. This Constitution guarantees all citizens their individual and collective rights and, in particular: freedom of opinion and freedom of speech; the right of assembly; freedom of association, and the right to belong to any political or trade union organisation of one's choice; the right of trade, industry, and of intellectual, artistic and scientific property, and other forms of fundamental freedoms. The Constitution also guarantees the independence and impartiality of justice.

In accordance with the Constitution, we elected a President of the Republic on 24 January 1992 following presidential elections in which there were several candidates. In April 1992 we established a Parliament composed of two Houses: the Senate and the National Assembly, following legislative elections in which there was a great deal of democratic competition. International observers noted that these elections took place in an atmosphere of freedom and transparency.

Today in Mauritania there are no fewer than 15 political parties carrying out their activities in all freedom. There are also a number of independent newspapers – more than 30 in fact.

The establishment of these democratic institutions, which are considered to be the expression of the will of our people, is a great achievement of us. We are determined to preserve and strengthen these institutions by means of economic and social development programmes such as the global national programme that will soon go before Parliament.

One of the pillars of these programmes in the field of labour and social affairs is on-going dialogue among the various social partners, for dialogue is the only means of solving problems in an atmosphere of understanding and stability. This was in fact confirmed by means of collective bargaining on 2 September 1991 which resulted in a general increase in wages and an increase in family allowances, both of which came into force in January 1992.

The Director-General of the ILO has drawn attention to the fact that while democracy is the road which we are now on, this does not mean that we should forget the difficulties being experienced by many member States, particularly the developing countries whose peoples still need to become aware of the principles of democracy. We quite agree with the Director-General's view in this connection. He considers that we should define how to help the countries concerned so that economic crises will not stifle their hopes born out of democracy and political freedom.

On this point, we pay a tribute to the role played by the ILO in the planning and implementation, with member States, of a number of technical cooperation projects designed to provide exemplary use of human resources, in favour of training programmes, programmes to increase skills and management programmes. I would like to thank the Organisation for the assistance that it has given our country in these areas. An example I would like to mention is a colloquium in April last year at Nouakchott for labour inspectors and supervisors and the direct contacts mission, that took place at the same time, to advise us in the field of labour legislation.

Before ending this brief speech, I must emphasise that the hope of seeing a new world of democracy, peace and stability will remain dim whilst there are still people who suffer under the yoke of occupation and racial discrimination, as is the case in Palestine and the occupied Arab territories, and in southern Africa.

The fact that special sittings have been devoted to these two subjects during the coming days shows that this honourable assembly is aware of the seriousness of the situation in these areas and of the need to take more effective and rigorous action to improve this situation.

Original – French: Mr. KALANTZAKOS *(Minister of Labour, Greece)* – First of all, I should like to express my sincere congratulations to the President, on his election. I hope that under his wise leadership the Conference will reach fruitful conclusions.

I should also like to stress the importance of the choice made by the Director-General when he opted for democratisation as a theme for reflection by the Conference in his annual Report. As Minister of Labour, I associate myself entirely with the major outlines set out in this Report and I welcome the opportunity to make my own contribution here.

The spectacular changes that have taken place in the past few years on the international scene have resulted in the triumph of democracy.

What is of fundamental importance nowadays is the universal recognition that economic freedom goes hand in hand with political freedom. Individuals must feel free if we want them to become entrepreneurs and to produce goods and services, if we want them to feel that they live within what I would describe as an optimum society which, in addition to the material wealth it produces, should have mankind as its focal point.

My thoughts go out to the countries of the East which are now going through an extremely difficult period.

The switch to a market economy is a long-term process which must come about in conditions of maximum social equity.

To enable societies to cope with the process of transition, it is necessary to liberate industrial relations from the interventionist habits of the past and replace them with tripartite structures.

The International Labour Organisation, by virtue of its reputation, may serve as a beacon for countries which have just begun to learn about democracy.

In addition, the most advanced member States in the field of labour law and industrial relations must establish direct links with a view to passing on their wealth of experience. A series of multilateral or bilateral cooperation programmes will consolidate the democracy to which all these countries aspire.

Greece, surrounded by Balkan States, has already set out along this path by establishing genuine relations which will help these countries to set up a market economy and consolidate democracy.

At this point in my speech, I would like to emphasise the predominant role of private enterprise as the cornerstone of our bilateral economic system. I should like to stress that the vitality of enterprises and the contribution of every member of their staff in working towards innovation, productivity and the conquest of markets must always be uppermost in the minds of social actors. This must be time, primarily, with regard to economic matters. There is no way of meeting workers' aspirations in an enterprise if that enterprise is not innovative, competitive and profitable. However, I believe that this concern goes beyond just the economic aspect. Nothing lasting can be achieved without the establishment within enterprises of good social and industrial relations.

Social and economic dynamism always fuel each other. The main problem with social relations in an enterprise is to encourage behaviour and create legal instruments that will be adequate for the purpose and take maximum account of both the aspirations of the employees and inexorable economic constraints.

For this purpose, the conditions for equitable participation by the social partners must be allied to the furtherance of the common goal. In addition, a code of conduct must be established which without doing away with confrontation, will nevertheless help to avoid conflict.

The employers must realise that the enrichment of forms of expression and involvement of the workers in the life of the enterprise, far from being a threat to them, can on the contrary prove to be a powerful factor in improving labour organisation and efficiency. Furthermore, the existence of independent and representative trade unions is a prerequisite for a modern country because they make it possible to foresee and deal with dispute and promote social dialogue.

In the present context of accelerated change, trade unions must abandon attitudes of rejection and resignation and adopt a more constructive approach, taking account of all the macro- and micro-economic constraints and coming to terms with them in order to be able subsequently to formulate original counter proposals.

Thus the aim of trade unionism cannot only be to obtain in what way more for employees but also to examine organisation changes may constitute social progress in terms of skills and wages.

The public authorities for their part must also play a promotional role in social matters, possibly abandoning their active involvement through the imposition of rigid all-embracing views. What the State should be seeking to do is to extend social practices involving information between social actors, flexible co-operation between them and collective bargaining.

Social innovations should be encouraged by the social partners themselves and no longer imposed by the State. The appropriate level of local co-operation is that of the enterprise, as the nucleus and basis of the economic fabric of each country. It is at this level that the balance can best be struck between progress, between rises in wages and the volume of employment.

I should like to continue my remarks by taking my own country as a point of reference.

Greece, anxious to modernise the world of labour in enterprises has laid great emphasis on the democratisation of industrial relations. As a result, the furthering of free collective agreements has recently been resumed.

Today, industrial relations in Greece are governed by very progressive laws as compared with those which existed before. The centre of gravity is being moved towards the social partners who are becoming entirely responsible for their decisions. Accordingly the parties to a dispute may have recourse to an arbitration body independent of State tutelage.

Above all, the new legislative framework enhances the role of the trade unions in the enterprise. This will make them more aware of the results achieved by their enterprise. Furthermore, the law has specially provided for a new form of collective agreement concluded between the trade union and the manager of an enterprise.

I would like to close my speech with the following remark: Freedom cannot last unless there is social justice – the necessary prerequisite to consolidate and assimilate democracy.

Original – Spanish: Mr. ZAMORA MEDINACELLI *(Minister of Labour and Social Development, Bolivia)* – We find it most appropriate that the Director-General of the ILO should have chosen, as the main topic for this session of the Conference, *Democratisation and the ILO.* This subject is particularly important at a time of irreversible changes on the world stage when peoples unite to seek world peace, democracy, economic development and social justice. This has led to putting an end to the past and the beginning of a search for a new international era without hegemony and with greater justice and freedom.

Many countries have undergone changes and, as a result, arbitrary regimes and military dictatorships have been replaced by governments that are opening the way to democratisation, allowing individual freedom to their citizens. The peoples of these countries also feel the need for an inseparatable relation between the democratisation which has been achieved and the social justice which is still hoped for. For this reason democracy and social justice are the twin banners of a struggle on the part of millions of men and women as the best and only way to achieve political, economic and social coexistence nationally and internationally.

In spite of these desires to live in democracy and achieve social justice, most of these countries face enormous difficulties which jeopardise not only the democracy that they have achieved but the very life of the nation. The lack of any effective response to social problems, due to the separation between economic and social solutions, has led to situations of deepening social anguish and greater poverty and unemployment.

This situation of social frustration, which is a source of concern in the Director-General's Report, is due to the application of policies for stabilisation and economic development, within a new economic model where the market rules supreme and where often there is a lack of attention to or underestimation of the social problems which have been inherited from the past or generated by the new economic adjustment measures.

Another negative and worrying aspect of the application of economic adjustment measures is the fact that to a large extent they benefit unilaterally and openly privileged sectors which gradually assume control of the economy. These sectors, bolstered by their economic power, try to impose the rules of the game, not only in political matters but also in the social spere. As is normal, this attitude runs counter to sectors which have lagged behind and in some cases is even contrary to the State, when it tries to limit or incorporate the action of such sectors within the frame of the law. That is, instead of sharing the difficulties and helping the State to ease the social burden they direct their action towards the search for greater advantages without heeding the fate of the impoverished sectors or of democracy.

These realities become even worse when we see that many international organisations, which are directly involved in the economic adjustment measures, make recommendations which do not take into account the peculiarities of each country nor the difficulties which their recommendations might provoke. These cold reserved policies nearly always are imposed and therefore they are measures which are dangerous to social stability and to the political and internal stability in these countries.

To this situation we must add another, which is very detrimental to the workers' sectors and which results in the unbridled desire for the application of measures of structural adjustment to destroy or at least to weaken the trade union organisations in order to prevent any type of organised action on behalf of the workers in defence of their legitimate social interests. In other words, there are sectors of society which are economically strong and which attempt to hegemonise everything without recognising the rights of the other sectors of society. This weakening of trade union organisations directly affects the real possibility of applying and respecting a policy of dialogue which is the only way to reach social peace. We cannot close our eyes to the reality which exists at the national and international levels as regards the weakening of the trade unions.

We can see this even in the assembly of the ILO, where the role of workers' organisations has been weakened. It is therefore imperative to defend the rights of workers to organise as one of the universal principles that was at the very origin of the ILO. Therefore there is a need for the ILO, more than ever today, to take measures to defend the rights of workers to organise and to participate in the social, economic and political life of their countries.

We would like to congratulate the Director-General on his Report in which he has pointed to many of these concerns with wisdom and objectivity. But we feel that these principles must be followed up with concrete measures such as initiatives which would urge the international bodies which direct and support the economic adjustment measures, and specifically the IMF and the World Bank, to abstain from proposing to member States policies that will directly affect social policy programmes and the organisation of workers. As the Director-General himself has said, these policies should envisage or at least take into account the criteria of the ILO and those of governments on social policy. These are some aspects of the reality experienced in countries that have recovered democracy and where ajustment measures are being applied. Thus our peoples, and in particular the labour sector and the poor, are discouraged and do not have the slightest hope in these structural changes and even less in the international organisation which recommend them. It is indeed very difficult to have faith in a better future in the midst of poverty and marginalisation.

A year has passed since the last session of this Conference, and this year has been an important one for the Bolivian people. In the face of many difficulties, particularly as regards internal and external resources, our Government, led by Dr. Jaime Paz Zamora, has launched a national mobilisation campaign at considerable human and financial expense, to wage war on poverty, concentrating on the depressed rural areas and the marginal districts of our cities, where even minimum human conditions are non-existent. We are attempting to solve the basic problems of education, health and sanitation and our success will to a large extend depend on the degree of mobilisation and support by the different social sectors of the country, as well as the understanding of international organisations which control our fiscal resources.

In the socio-labour sphere, this year was the third consecutive one in which we managed to negotiate a wage policy with employees in the public sector, through the trade union organisation headed by the Single Bolivian Workers' Trade Union. Although the level of incomes of workers and employees is low, the increases accepted did at least reflect the minimum aspirations.

Another aspect concerns the trade union freedoms and rights of workers, a matter of great interest to the ILO. We are please to reaffirm emphatically that all these rights are fully respected in Bolivia, that every single right proclaimed by the Constitution is strictly applied and enjoyed by all workers. This means, essentially, the respect for the independence and unity of workers and the strict application of the principle of non-interference in the internal affairs of trade unions. This is the reason why Bolivia continues to have a single central union of all workers, the Single Bolivian Workers' Trade Union, which is democratically elected, we are glad to say, and independent of any political or ideological tendency. In the trade union sphere, the Government confines its action to guaranteeing the rights of workers, providing for the strict observance of trade union protection as regards the activities of trade union officials and allocating the necessary resources for the maintenance of trade union premises.

Our relations with employers' organisations are perfectly normal and based on mutual respect and the constitutional principle which guarantees and promotes free organisation.

Original – French: Mrs. NGIRIYE *(Minister of Labour and Social Security, Burundi)* – On behalf of the Republic of Burundi and of the delegation which I have the honour to lead, and also on my own behalf, I should like to associate myself with the preceding speakers to express my sincerest congratulations to Mr. Nascimento Rodrigues and the other officers on their election to the high posts and functions of this 79th Session of the International Labour Conference. Their experience, skills and outstanding personal qualities will permit us, I am quite sure, to conclude successfully the work of this session. I should also like to avail myself of this opportunity to express my gratitude to Mr. Michel Hansenne, Director-General of the ILO, and his collaborators, for their important work in the course of past year, and also for the high quality of the Report before the Conference.

The Report of the Director-General gives us a clear overview and an insightful analysis of questions that merit this Conference's full attention: *Democratisation and the ILO* deals with a subject that merits careful consideration, given its timeliness and importance. The contribution of my delegation to the discussion of the Report of the Director-Général will be based mainly on Part I of his Report, with reference to the situation prevailing in my country, Burundi. My delegation approves fully the principles, objectives and strategies that are contained in the Report. The 79th Session of the International Labour Conference takes place at a very important and critical time of structural adjustment and the introduction of political dialogue in a context of the democratisation of institutions in many developing countries, including Burundi. About three months ago the Republic of Burundi adopted by popular referendum, on 9 March 1992, a pluralist Constitution which conforms with the principles contained in the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights of 16 December 1966, the African Charter on Human and Peoples' Rights of 18 June 1981, and the Burundi Charter of National Unity of 5 February 1991.

Thus the Constitution of my country explicitly guarantees the unconditional respect of the individual, equality of opportunity, freedom of thought, opinion, press assembly and association, and participation in the management of the State, and others.

If the Industrial Revolution showed that although freedom belongs to all, not all could use it, our Constitution clearly states that freedom is not the privilege of the few, but that, according to article 14, "All men are equal in dignity, rights and obligations, without distinction based on sex, origin, ethnic group and religious conviction or opinion."

The process of democratisation, which is only in its early stages in Burundi, already shows that the path which leads to a free society must also aim at social justice.

In the light of the high principles of the ILO, the Director-General's Report spells out that democracy must logically aim at ameliorating the daily well-being of the people who have courageously fought for it.

However, we note that in our country, as in other developing countries, improvements in the well-being of the population depend on a shift of economic models, in particular by means of structural adjustment programmes to correct existing financial imbalances. This transition is undoubtedly very difficult.

In this context, Burundi, my country, has already undertaken concrete measure to bring about a series of reforms regarding the restructuring and privatisation of public enterprises; the liberalisation of trade, industry and employment; the simplication and clarification of administrative procedures, etc.

These reforms are not without somewhat negative secondary effects, such as the loss of jobs in the formal sector and unemployment among young job-seekers; the risk is that the population will lapse into permanent pessimism and frustration.

In this decisive period for many countries round the world, the International Labour Organisation, always faithful to its objectives and principles, which we respect, will often be called upon to help its Members to bring about conditions of democratic development which minimise constraints to the extent possible.

The task is not an easy one; it requires great courage. But I do not doubt for a moment that the ILO will do everything it can, within its means and mandate, to help its member States to achieve the best results.

As for Burundi, we look for the ILO to support our efforts in the field of political and economic democratisation, especially in the fields mentioned in the Director-General's Report: the respect of fundamental human rights, especially in the field of work, and the strengthening of activities aimed at promoting the ratification and application of standards. Secondly, the strengthening of tripartism and collective bargaining within the framework of labour legislation and industrial relations. Thirdly, assistance in the creation of an efficient and rational labour administration, with an emphasis on the promotion of employment. Fourthly, the establishment of a programme for vocational retraining with a view to facilitating occupational mobility and the adaptation of social security systems to new circumstances.

As regards Part II of the Report of the Director-General, "Activities of the ILO", I rejoice in the achievements and results of the past year. Cooperation between the ILO and Burundi plays a very important role in such areas as labour standards, employment, training, labour administration and social security.

In the field of international labour standards the ILO continued its training seminars; the most recent was held in April 1992 in Tunis. Likewise it continued promoting the application of Conventions and Recommendations.

As regards the application of Conventions, in particular of the Forced Labour Convention, 1930 (no. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), my Government, as indicated in our replies addressed to the Director-General of the ILO, has just adopted, in addition to the Constitution, two very important Acts: one pertaining to the political parties and the other to the press. These Acts repeal certain legal texts which were incompatible with ILO Conventions, in what is an ongoing process.

In the fields of employment and training, plans for training and skill improvements, the consolidation of human resource planning and special labour-intensive public works programmes continue on course.

As regards labour administration and social security, the training of labour inspectors and the realisation of actuary studies were carried out to the satisfaction of the Government of Burundi.

As Minister of Labour and Social Security of Burundi, I would like to point out, none the less, that this cooperation should be strengthened and further developed.

I could not finish my statement without saying a word on the policy of apartheid in South Africa which violates international standards on human rights. My Government completely endorses the passage of the Report of the Director-General which suggests that our Organisation has good reasons to hope that some aspects of apartheid which this Conference has repeatedly criticised, will soon disappear.

I trust that the wave of democratisation felt around the world will extend to South Africa, and that its people, deprived of justice and peace for so long, will be able to recover their fundamental rights.

Finally, I would like to express the hope that our Organisation will take up the problems which the various countries are facing, showing a sense of international and solidary responsibility, undertake an objective analysis and find appropriate solutions.

I wish the 79th Session of the International Labour Conference every success in its noble mission.

Original – French: Mr. DENIS *(representative of the World Confederation of Teachers)* – May I first of all congratulate the President on his election. I wish the 79th Session of the International Labour Conference every success.

The Director-General's Report, *Democratisation and the ILO* deals with a major problem at the heart of all the upheavals which today affect all countries of the world without exception.

However, there are omissions in the Report which prevent consideration of the conditions which are indispensable today to the development of democracy. The Director-General emphasises that he is aware of this. "I have dealt with what I consider to be the essential", he says on page 63 of the English version of his Report.

As spokesman for teachers who are grouped together in the World Confederation of Teachers, I wish to lay stress on certain important features. We must insist upon the need for the genuine and concrete exercise of political, economic and social democracy in developing countries as well as in industrialised countries.

Privatisation, a market economy with a human face, the gearing of education and training to employment, a policy of structural adjustment and subsidiarity, are, it seems, the keynotes of the Report, as well as of the document on adjustment and human resources development. But do they really cater for the needs of the most deprived? Do they express what cannot be said by those who do not live under democracy?

Democracy is a long apprenticeship. It is not something acquired once and for all. It is acquired within the family unit through the settlement of conflicts inherent in living in a community. It is also learned at school, thanks to the actions of professionals in the educational field, namely teachers. In the document I have mentioned no reference is made to their role, while stress is laid in the case of Africa and Latin America, among other countries, on reductions in social expenditure which limit access to education and training. More serious still is the decline in the number of children attending school as well as in the demand for elementary schooling.

It is indispensable to develop basic skills. It is proclaimed on all sides, but, at the same time, the inadequacy and uneven spread of the resources allocated to educational systems of severe budgetary cuts make these systems inoperative. Primary and secondary schooling and technical and vocational training are the most severely affected.

Our societies in full transformation require from teachers an ever-changing task full of increased and diversified responsibilities.

Despite the existence of international instruments of general scope and despite an instrument specifically dealing with teachers, the situation of teachers all over the world instead of improving, as it should in view of their essential role in the development of democracy, is constantly deteriorating.

This is true of working conditions, remuneration, training, respect for freedom, and, in particular, freedom of association. Despite the political declarations of many governments recognising the predominant role of teachers, the decisions which should stem from these declarations are still being waited or are either minimal of totally non-existent.

It is not a question of corporatism or elitism. Teachers know that they are and want to be in the service of the most underprivileged. In many countries they have been the initiators and defenders of democracy. Many of them have paid a heavy price. They have been murdered, imprisoned, tortured and had administrative penalties imposed on them.

The World Confederation of Teachers pleads in favour of a political, social and economic solution to the debt crisis which will spread out the responsibility for this crisis. The WCT rejects any solution to the debt crisis which undermines the political and social cohesion of the States' concerns by placing the burden on the shoulders of those who are not responsible and which acts to the detriment of sectors such as teachers who depend on the budget of the public authorities.

The WCT stresses the importance of education in general and the role of teachers in particular in every plan designed to overcome the economic crisis and any analysis of costs and advantages of solutions and remedies proposed.

It is indispensable to redefine the responsibility of the public authorities in the organisation and financing of teaching, with account being taken of the specific responsibility of non-governmental bodies and financial restrictions imposed by the need for budgetary equilibrium; this redefinition must be based on the unique role of the public authorities in the sphere of education and the priority of education in the state budget as a whole, and the importance of the public authorities and that of society as a whole for ensuring the existence of a competent, motivated and respected teaching profession.

Original – Portuguese: The PRESIDENT – Since we have no more speakers on our list this morning, I now declare this morning's session closed.

(The Conference adjourned at 1.15 p.m.)

Eighth sitting

Monday, 8 June 1992, 3 p.m.

President: Mr. Solorzano Martinez

Reports of the Governing Body and of the Director-General: Discussion *(cont.)*

Original – Spanish: The President (Mr. Solorzano Martinez) – We will now continue with the discussion of the reports of the Governing Body and of the Director-General.

Original – Afghan: Mr. AABED *(Minister of Labour and Social Affairs, Afghanistan)* – In the Name of Allah, the Compassionate, the Merciful! First of all, allow me on behalf of my delegation and the Islamic State of Afghanistan to congratulate Mr. Nascimento Rodrigues on his election as President of the 79th Session of the International Labour Conference. May I also wish him and the distinguished Vice-Presidents every success in carrying out their extremely important task. I am convinced that this gathering will prove highly fruitful under their wise leadership.

Moreover, I would like to avail myself of this opportunity to assure Mr. Nascimento Rodrigues and Mr. Hansenne, the Director-General of the International Labour Office, whose work is devoted to the promotion of human well-being, of the cooperation and collaboration of the Islamic State of Afghanistan throughout this Session.

We profoundly admire the important work done by the ILO. The Report prepared by the Director-General for the present Session includes points of major importance, including the subject of assistance for the promotion of the free market economy and for the improvement and consolidation of social justice. Taken as a whole, the Report provides a favourable framework for the participants to share their exprериences. Similarly, the Director-General's Report on the Organisation's activities in 1991 indicates that the International Labour Organisation is making great efforts to improve social welfare and labour relations.

During the current Session, a great deal of attention is being given to matters such as workers' claims in the event of insolvency, the prevention of industrial disasters and the development of human resources. The discussion of the Director-General's Report will be of great assistance to member States in solving their labour problems. The items on our agenda are of exceptional importance, providing an opportunity for the participants in this Session to describe their problems and to determine practical solutions through joint efforts and cooperation.

As you have already heard, the recently established Islamic State of Afghanistan would like to introduce major political and social changes based upon the sacred religious principles of Islam. It would like to undertake efforts to raise the people's standard of living. So far as foreign policy is concerned, the Islamic State aspires to ensure its observance of all United Nations instruments, including the Universal Declaration of Human Rights, and to maintain friendly and favourable relations with all nations. It advocates non-interference in the internal affairs of other countries and support for the basic rights of the disadvantaged and poor nations. Thus, the Islamic State is in favour of maintaining favourable relations on the grounds of Islamic principles with all nations, and specifically with neighbouring countries.

It thus follows that we are obliged, on the basis of Islam and its humanitarian and benevolent principles, to drawn the urgent attention of the world's nations to the continuing inhuman acts being committed in Bosnia-Hercegovina, the occupied Arab territories in Palestine, Myanmar and Kashmir.

As a consequence of the satellite, servile puppet regime which ran our country, despite great material resources, favourable natural conditions and an active and able-bodied workforce as well as other possibilities, is still counted among the least developed countries. I should also mention that owing to the creation of the communist satellite regime in 1978 and the inhuman and brutal aggression of the Red Army, our historic country suffered enormous losses and economic devastation. With the help of God Almighty the Afghan Mujahed nation, "Soldiers of the Holy War", stood bravely against these brutal acts, which fortunately were condemned by nations world wide. The Mujahedin began their holy Jihad and struggle, and after 14 long years of turmoil, sacrifice and devastation, with the help of God Almighty, the Islamic State become a reality, fulfilling the wishes of each individual in our country.

As the first delegate to this Conference of the Islamic State of Afghanistan I would like to avail myself of this opportunity to take advantage of this international forum to express our best wishes and thanks to those countries, organisations and individuals which are providing us urgently needed assistance and offering us their cooperation at this difficult time. We call upon the nations of the world to recognise our State.

As I mentioned earlier, as a result of the foreign aggression, human resources in Afghanistan have been depleted, and domestic production and exports have decreased by as much as 95 per cent. Moreover, approximately one million people died, and much of the skilled labour is now untraceable. Whether they were killed or moved to some foreign country is unknown. At the same time almost four million of our compatriots were disabled and handicapped, and five million more fled to foreign countries. Similarly, more than two million people were displaced, forced to move from their native places to reside elsewhere

It should be pointed out that the former communist regime by its nature made major budgetary allocations in order to ensure its own survival and to pursue its military aims. Accordingly, all international assistance was stopped and suspended. With the establishment of the Islamic State, however, we hope that this suspension of assistance will be ended so that the State may be enabled to rebuild the country. As we have already mentioned, because of the brutal and inhuman actions of the former communist regime, domestic production and per capita income have plummeted. We therefore are now requesting an assessment of all the damages and losses we suffered, with a view to receiving compensation for them.

In the current circumstances, as far as the reconstruction of Afghanistan is concerned, the newly established Islamic State is seeking assistance from other countries and international organisations in the following areas: (1). For the resettlement of migrants; (2). For the reconstruction of non-productive and suspended projects which have been suspended and which are designed to fulfil the basic needs of our people by providing them with basic necessities; (3). For the creation of new projects aimed at creating employment opportunities for migrants; (4). Measures to help prevent internal migration from the least developed areas by means of a well balanced economy; (5). The training of supervisory personnel in various fields; (6). The implementation of practical programmes in certain areas; (7). The introduction of mixed enterprises and private investments; (8). Mesures to attract foreign investment and to set up domestic and foregn enterprises; (9). Assistance in the reduction of bureacracy in state organisations; (10). Assistance in clearing minefields.

I should like to repeat that the Islamic State of Afghanistan fully supports all the activities and work of the International Labour Organisation. We will endeavour to observe all Conventions both ratified and unratified, and Recommendations as well, in accordance with Islamic principles.

We wish every possible success to the President and his Vice-Presidents and to all participating bodies.

Mr. HENDY *(representative of the International Centre for Trade Union Rights)* – The International Centre for Trade Union Rights welcomes the Report of the Director-General and congratulates the ILO on its work over the last year.

We congratulate the President on his election. We too welcome the end of the Cold War and the benefits this can bring for democracy and social justice across the globe. The peace dividend is capable of releasing the resources to fulfil these aspirations. There is, with the Earth Summit, some hope that the growing recognition that there needs to be greater equity in the apportionment and development of economic resources across the world will be translated into action.

It is true, as the Director-General observes, that there is a new climate of consensus on human rights. Yet we note that often this consensus is not translated into action so far as the rights of trade unions and trade unionists are concerned. In the developed countries there is a marked and significant tendency to introduce legislation which is intended to remove rights from trade unions and trade unionists, to undermine their effectiveness in protecting working people and to encourage employers not to bargain collectively but to impose terms and conditions of work. The United Kingdom is a case in point, contemptuously flouting the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). New Zealand provides another example.

In the developing countries assassination, imprisonment, disappearance, banning orders and the like persist. The examples are too numerous to cite but the recent imprisonment of union leader Chihana in Malawi and Noubir El Amaoui in Morocco cannot be overlooked. Outrages against trade unionists persist in the Middle East, in South-East Asia and in Latin America.

In Central and Eastern Europe the drive towards human rights and democracy has, so far as trade union rights are concerned, had an impact on the market economy. The notion of the economic market is in conflict with the notion of strong and free trade unions. This is not a point of theory but one of fact, demonstrable wherever the baying of the free marketeers has been heeded, for example, in Reagan's and Bush's United States, and in Thatcher's and Major's Britain. If the law of the market is not to become the law of the jungle in Eastern Europe, then the democratic forces, including the trade unions, in those countries must insist that their trade union laws reflect international labour Conventions and that those laws and Conventions are observed in practice. We agree with the Director-General that social security protection is a key element in assuring internal stability and social peace in the fragile new democracies, but it is our opinion that strong and autonomous trade unions operating within laws which give effect to international labour Conventions are in fact yet more important. We draw particular attention to the abuse of the law in Bulgaria, where not only have the assets of the unions been seized by the Government, but the subscriptions which continue to be paid by the members to their unions have been intercepted.

With the wind of democracy behind it, yet faced with a worldwide disregard of trade union rights, the international trade union movement must become, I believe, more unified. Certainly the world economy and the employers which dominate it are becoming more unified, and their strategy is global. The best way to protect working people and to ensure stability and a decent standard of living is strong trade unionism. Strong trade unionism entails unity. Such unity can enforce trade union rights, both through the ILO and independently of it. Only strong trade unionism can ensure that market forces operate within a legal framework which ensures that human needs and human freedoms and not simply greed and profit are given consideration.

The ICTUR calls on the ILO to continue its great work in attempting to balance the rights of employers, employees and the States in accordance with international laws which all should respect.

We trust that this year, which marks five years of the ICTUR's continued existence. We shall be in a position to celebrate the admission of the ICTUR to full status within the ILO. Only thus will we be able to play our full part in the ILO's work. We ask for your support in this matter.

Original – Spanish: Mr. ZAVALA COSTA *(Employers' delegate, Peru)* – It is a pleasure to take the floor in this illustrious assembly, on behalf of the Peruvian employers and my own behalf, to express my sincere and cordial greeting to the delegates of this 79th Session of the International Labour Conference. May I congratulate the President and the Vice-President and wish them luck. May I also extend my greetings to the Director-General and congratulate him for his very lucid and complete Report which will stimulate our debates.

The process of democratisation in member States, and the role of the ILO in this process, is doubtless one of the most important matters touched on in the past several years, as is indicated in the Report. We agree with the Director-General when he says that the ILO must do everthing within its reach to support democracy, given its fragile beginnings in many States, because in order to achieve social justice, it is indispensible to establish authentic democracy.

This is very true in the case of Peru where we are experiencing major economic and social difficulties, compounded by a falling-back in the consolidation of democracy as a result of the decision of the President, Alberto Fujimori, on 5 April last to suspend the Constitution as everyone know.

In the face of this political advance, the Confederation of Private Employers' Associations (CONFIEP), which I represent, made publicly known its rejection of the Government's attitude which infringed the Constitution and the democratic order. Nevertheless, as we said at the time, we are aware of the dangers facing the country. Terrorism and drug dealing are continually sapping the foundations of the state of law, along with poverty which is the result of years of erroneous management in our country. On the other hand, we cannot close our eyes to the argument constantly advanced by the State that the institutions were infiltrated by corrupt or interested parties seeking personal profit rather than the achievement of our national objectives.

Nevertheless, nothing can justify violating a constitution, because it is the only guarantee of the respect of basic rights. That is why from this tribunal of the labour world we demand the return to constitutionality as soon as possible, so that in legitimacy we can dedicate ourselves to overcoming this generalised crisis, and achieve our reintegration and gain the financial support of the international community which has cost us so much. We are thus pleased by the recent commitment of our President at the OAS gathering in the Bahamas, when he indicated he would convene a constituent assembly on 18 October next. We hope within a few months that Peru will have returned to the institutionalised democracy which is necessary for the balance of powers and all civil freedoms.

Many reasons have led our country to the situation in which it finds itself today. A basic issue is our labour policy. It is a sympfom of this that a resolution of the Court of Constitutional Guarantees, a supervisory body enshrined in the 1979 Constitution, which sought to reverse a central aspect of labour reform initiated in 1991, was used amongst other reasons as an argument by the Government against the viability of democracy. It is a matter of concern and also curious that large sectors of the population give majority support to the constitutional breakdown and reject a system which in their own words brought only corruption and hunger. There is clearly in all this an error of judgement. Our population, assailed as it is by the lack of employment, better wages and progress has identified its evils with democracy. It is indispensable to dissipate this confusion and establish a system where freedom and constitutional respect are inseparable from general well-being. We believe that the best defence which a constitutional regime can have is the respect of the citizen for the basic principles which inspire it. Here labour legislation plays a primary role and, as the Director-General has indicated, the ILO must do everything within its means to support democracy.

We consider it essential that international labour Conventions and standards take due account in particular of the need to adapt the legal system to the new realities resulting from modern economics, and ensure that they are flexible enough to permit their application in different realities. At the 1991 session of the Conference, the main subject was the informal sector and it will be recalled that we gave thought to the alarming figures which showed that in my country more that 50 per cent of work-hours are worked in that sector, i.e. outside the legal framework. This leads us to question the efficacy of the protective nature of the social legislation, which undermines the spirit of enterprise and acts as a brake on individual and group initiative.

Therefore, last year in my country, a wide-ranging and thorough transformation of individual labour relations was undertaken, based on a liberal model. This can be seen in an analysis of standards such as compensation for time of service, co-participation of workers in profits and co-management, paid rest, hours of work, and the Act to promote employment, which corrected our rigid standards on stability of employment on the basis of the Termination of Employment Convention, 1982 (No 158).

This reform, undertaken thanks to powers delegated by the Congress to the Executive, should not been questioned but needs be strengthened in the light of the changes affecting the global economy. These changes are consistent with the present trend referred to by the Director-General in his Report. Of course the change to an open economy may be a costly one. But the social and economic cost of interventionist and excessive protection policies are much higher and real. We are paying such a cost. It is indispensable therefore to deregulate and make labour legislation more flexible, ensuring that changes are accompanied by the appropriate social policy.

Within the changes which have to be introduced, we must guarantee the respect for freedom of association and the right to collective bargaining. We must stimulate the autonomy of the social partners because this, in our opinion, is an essential aspect of any democratic process. Thus, the work which the ILO has carried out in this field is of fundamental importance and we must continue in this line in order to harmonise tendencies and to embody these ideas in international standards, which are appropriate to the needs of the times.

Aware of this responsibility, we consider that the ILO has been carrying out very important activities in respect of employment and development. As the Report says, we must stimulate full, productive and freely chosen employment. The highest priority in the developing countries is economic development. This priority must be shared by the ILO. Only economic growth and a solution to unemployment, underemployment and massive poverty will enable the developing countries to improve their situation and the wellbeing of their peoples. The ILO must focus on programmes of aid to the developing countries enabling them to solve their enormous social problems and economic problems. In the case of countries such as Peru, this is linked to the inescapable obligation to attenuate the effects of structural readjustment. The ILO is thus playing a major role in studying these problems and proposing solutions.

The need to find the best solutions to the economic, socialist, institutional crises in my country is one which the Peruvian entrepreneurs freely accept. We are aware that the search for labour prosperity will fail without the success of private enterprise, which is the source of labour and the corner-stone of the economy. Modern policies are based on the recognition that the worker/employer dichotomy is only a partial one and that their respective interests are shared rather than contrary. Shared viewpoints will ease the road towards economic and social development which we all desire and which is the basis of all solid democracies.

Lastly, we firmly believe that transformation and reform must satisfy the objectives of social justice in the framework of political and economic stability, concertation and democracy.

Mr. ATEKER *(Minister of Labour and Social Affairs, Uganda)* – It is with great pleasure and honour, on behalf of my country, my delegation and myself, that I take this opportunity to address this august meeting. First of all, let me congratulate the President, and the Vice-Presidents, on their election to preside over this Session of the International Labour Conference. Their competence so far shows that the Conference certainly will come to a successful conclusion.

This being my maiden speech at this forum, I cannot help but look back at the history of the International Labour Organisation. The Preamble of the Constitution of the ILO clearly describes the scenario facing workers in 1919. Our forefathers, then, witnessed a situation characterised by injustice, hardship and privation affecting large numbers of workers, and which produced so much unrest that the peace of the world was endangered. Since then, a lot of work has been done, but alas the situation is still characterised by injustice and hardship.

The theme chosen for this year's session is one of the fundamental principles of governance that has eluded country after country to the detriment of the people as a whole, and of workers in particular. Democratisation and the ILO is a theme which my country fully endorses. The general principle of democracy, namely government by consent and with the participation of all, is universally acceptable. But, for democracy firmly to be established in a society and for its practice to be entrenched as a culture of governance, it must develop within the context of individual societies, and must be based on the social systems pertaining to those countries. In our view, it is unrealistic to present democracy with artificial global uniformity. Like the concept of appropriate technology, democracy, too, must be judged in the context of its appropriateness to particular societies.

Whereas democratic practice in industrial countries has been propelled through technological and electronic development – for example, instantaneously reaching out to the electorate by radio and television – such a situation is hardly characteristic of developing countries.

In the Third World, reaching one's constituents is a laborious affair spanning over weeks, travelling by unreliable means, and addressing large audiences without microphones. In such differing circumstances, to expect two levels of democracy to move at the same pace is like starting a race between a cyclist and an aircraft, and expecting the two to reach the same destination at the same time. You can see for yourself the bewilderment and frustration of the cyclist and the iniquity of the competition. This introduces a catching-up psychology which is unattainable. Therefore, in our view, the only practical programme towards achieving the same objective of democracy must be to recognise the difference of velocity and level of development, then agree to travel in the same direction and cooperate with each other to achieve a harmonious, mutual and systematic relationship in the process of democratisation.

In our experience, since independence in 1962, we have seen a system of democracy, a military dictatorship, then a multi-party democracy once again. Today we have put in place a system which sometimes is described as "a no-party system". But, at least, the National Resistance Movement (NRM) which is people-based, has produced a ten-point political programme for the recovery of Uganda.

Since January 1986, the NRM has put in place a system of governance based on grass-root democracy and collegiate electoral hierarchy at a parliamentary level. Even the workers are to be represented in Parliament. The NRM has introduced a system of governance by the coalition of all national interests including all the political parties.

An era of national reconciliation has been established and I am happy to tell you that today it is not unusual for our President, President Museveni, to share the political platform with former leaders of Uganda. In other words, it is now becoming possible for a past Ugandan leader to leave power and stay in Uganda, protected by the Government that succeeds him. The spectacle of African leaders fleeing their countries after they are replaced should come to end.

However, the NRM is a transitional arrangement. There is a Constitutional Commission to work out a new constitutional arrangement, which must be in place by 1995.

In matters of economic relations between developed and developing countries the ILO, among others, can assist in creating the right climate. There has developed a tendency to tie economic cooperation to the practice of democracy as it is seen by the development partner, rather than as it is relevant to the recipient country. It is true that democracy is an effective vehicle for ushering in development. However, without the means for economic sustainance, conditions hostile to democratisation tend to overwhelm the social system. It would be more appropriate to tally economic cooperation with respect for human rights and to inject economic assistance into areas that facilitate economic growth and democratisation.

I would like to take this opportunity to express the gratitude of my country to the ILO for the various projects that it has assisted and promoted. Many projects have benefited from ILO programmes and there are many current programmes under way.

I will now briefly turn to the economic programme of Uganda. In addressing this subject, I remind you that we have gone through a tumultuous time – through the vagaries of war and bad leadership. One of the big tasks of the Government today has been to devise measures in support of the transition from economic recovery to economic development. Hoping to realise a positive change, the Government committed itself to liberalise the economy by allowing the private sector to flourish and bring about efficient allocation of resources through competition and sustainable growth. Consistent with this view, the Government introduced the Investment Code, 1991, to ease and clarify regulations on investment and to provide attractive incentives to both local and foreign investors. In addition, the Government is divesting itself of numbers of public enterprises – a decision which will create more jobs.

In 1972 the dictator Idi Amin expelled thousands of citizens and non-citizen Asians from Uganda and dispossessed them of their property. In recognition of human rights and the rights of ownership of private property, the Government of the NRM has returned this property to their rightful owners.

While our societies are doing everything possible to develop and build strong democratic institutions, there are a number of external factors which undermine them and we appeal to the ILO to help us to appeal to the rest of the world to cancel the burden of debt which we now have.

Finally, on the question of South Africa, my delegation would also like to add its voice to all peace-loving people calling upon the South African Government to remove all obstacles so that apartheid can be completely defeated. We appeal to all the other parties concerned to exercise maximum restraint during the negotiations so that a majority government is established there. For our part, we will continue to offer training places to young persons from South Africa in our vocational and educational institutions.

Original – Spanish: Mrs. MARMOLEJOS *(Workers' delegate, Dominican Republic)* – The Dominican Republic Workers' delegation wishes to join in the congratulations expressed by all the preceding speakers to the President and Offficers of the Conference.

This meeting is taking place at a momentous time in history. Events of great importance have shaken the world in the last year, from sea to sea, from continent to continent, altering the balance of politics and power.

The changes in Eastern Europe and the break-up of the former USSR have shifted the tenor of dialogue and the context of political relations. The world quivers under the weight of large budgets and larger needs. Extremes stand out. At a time when peoples within their respective countries clamour for pluralism and democracy – in other words, for absolute respect for the rule of ideas and for individual freedoms we witness – a wave of conservatism, of discrimination against ethnic, political, generational and other minorities, and are tempted to conclude that the world only knows how to live in an extreme by polarised environment inevitably marked by conflict.

It is important in this conflict of extremes to highlight what happens in respect of wealth and poverty. We cannot deny that the minority of the wealthy has grown, but the number of the poor has grown as well, with twice as many living below the poverty line.

Today there is a monstrous accumulation of wealth in the hands of a few. Ten per cent of the population holds most of the income; this injustice is due, in part, to inflation, which has not been compensated for by a regular review of wages.

The wages paid today do not correspond to the worker's effort, and they certainly do not suffice to meet a family's basic needs.

Consequently, some 57 per cent of the world's population lives in poverty because 60 per cent of their income goes to purchase food.

The wealth of the poor countries is being transferred to the rich countries, as the poor countries have become net exporters of currency. This currency is used to buy goods which cannot be produced in the Third World, and to honour a debt which, pay back as you might, only seems to grow larger.

Over the past decade Latin American and Caribbean countries transferred more than US$200 million dollars abroad, and yet their external indebtedness increased by some $100,000 million, while investment fell by 35 per cent and per capita consumption by 13 per cent.

In order to bear this heavy burden our countries had to reallocate resources, punishing the population by driving down their quality of life.

No democracy can withstand a geometric increase in inflation while wages barely move and adjustment policies on implemented. The inevitable is therefore happening. The tepid democracies which sprang up in the 1980s are falling apart, torn by these perverse policies. At the same time, the productive apparatus of these countries is being torn apart as well: at the beginning of the 1980s growth was constant at 5 per cent GDP; today our economies are stagnant or in outright recession, and growth is barely 2 per cent per annum.

Adjustment and neoliberalist policies now in fashion seek to disengage the State as a moderating and redistributing agent, and argue that wealth should be channelled exclusively by market forces, subject only to the laws of supply and demand. The State is asked to do away with all subsidies, and to leave health, education, basic nutrition, etc., to the market. This policy, of course, is urged only on the underdeveloped, because the rich countries continue to subsidise basic items and to apply protectionist policies.

After the harm done to the economies of the poor countries and the sacrifices imposed on their poorest segments, it is proposed that we give development a human face, that industry be restructured.

It is proposed that we reconvert our industry, that we open our markets, that we compete more aggressively on international markets. Some seek to compete by using cheap labour in conditions approximating slavery.

Others are prepared to take up the gauntlet of competition, recasting their policy in order to train their human resources, to improve their education, to enhance productivity and efficiency, and to produce more and better that which we know how to produce.

Our trade union movement agrees with the multilateral opinion that development is not merely economic growth, but also human growth and development. We thus reject the mechanistic and cruel approach to adjustments, which is excluding most of the earth's population from the world's markets.

In my country, matters are no better than they are anywhere else. There is an alarming increase in poverty, a vertiginous increase in unemployment, and a 34 per cent rate of illiteracy; 84 per cent of the population does not own its own housing, and much of it is undernourished.

In this precarious situation, after 30 years of struggle, the Dominican Republic has finally adopted a new labour code; its scope is limited as regards economic and social aspects, but it is comprehensive in the protection of trade union rights, as it protects trade union leaders from dismissal, in numbers proportionate to the number of employees in the enterprise. This Code represents what was possible, what the relative weight of the social partners made possible, what struggle, dialogue, concertation and consensus made possible.

There as yet remain many difficulties for this Labour Code to have its impact. We still have free trade areas and export-processing zones where democracy goes by the board when the workers try to organise.

Palpable proof of this intolerance was offered by the Government itself when on 21 August 1990 it sacked 2,600 employees of the state-run electric power company, including the leaders of SITRACODE, with a view to breaking the union.

Notwithstanding the two years that have passed and the Government's pledge to rehire 25 per cent of the trade union leaders, it has not yet done so. This clearly shows that the Government meant to destroy the union. But such tactics run up against the people's solidarity and their democratic power.

Who would have thought that so many problems could arise in so little time? We are tired of bearing the heavy burden of social injustice. In the midst of such difficulty and privatisation, hope still stirs in our dreams; we still dare to court optimism, and to dream of a fairer world and a better tomorrow.

We hope that this session of the Conference will help to bring about this worthy ideal.

Original – Arabic: Mr. AL KOUBEISI *(Employers' delegate, Iraq)* – In The Name of God, the Merciful, the Compassionate! It is my pleasure to greet you and to congratulate Mr. Nascimento Rodrigues on his election to the presidency of this session. His competence and qualifications are the very best warrant of the achievement of the goals and aspirations of the ILO, in the common interests of the three social partners. I have the honour also to convey the very best greetings of the employers of Iraq, a land of human civilisation, and to which I add my own wishes for the success of this session.

This session is being held in international conditions which are highly complex and dangerous. The dramatic events of these last two years have given a different picture from the one which was in the imagination of mankind concerning the new world order. These events have shown that coercion and force are now being made use of in international relations, when States with the upper hand in this order launched an aggressive war against Iraq, the victims of which were tens of thousands of citizens, mostly children, women and the elderly and which completely destroyed the infrastructure and numerous factories in Iraq. Production has suffered enormously and the employers feel concern about the future of the national industry, an industry which has prospered in the previous years.

The items on the agenda of this session and in particular the Report of the Director-General on *Democratisation and the ILO*, deal with the most important topics and problems of the labour production process. Democracy and human rights are the best guarantees for the prosperity of this process because they are elements of political and economic stability. The economic embargo and the political pressure being suffered by Iraq are totally contradictory with economic principles, and violate man's most basic rights.

All the justifications for this iniquitous embargo, now in its third year, have disappeared. At present the only remaining reasons are political and designed to impose hegemony and interference in the internal affairs of the Iraqi people. These are violations of democratic principles and human rights. Where are human rights and where is the democracy which this new world system supposedly proclaims? Where are all these flamboyant slogans now that disaster has fallen on the Iraqi people following the prohibition placed on it gaining access to foodstuffs and medical help? Who caused the death of tens of thousands of Iraqis as a result of hunger or sickness? Where are the slogans when we see what has happened in the occupied Arab territories, in southern Lebanon?

This world system seeks to impose its hegemony on States by making them adopt ready-made resolutions of the Security Council. Thus resolutions were adopted on the continuation of the embargo, which led to the closure of plants because of a shortage of raw materials and spare parts. Unemployment and underemployment have increased, despite the assistance granted by the Federation of Iraqi Industrialists, the General Confederation of Labour and the Labour and Social Security Office. We are living under the threat of a human disaster and production is in an impasse; the ILO should therefore intervene and demand the lifting of the embargo against Iraq, an embargo which has put a stop to the production process and brought starvation and death to hundreds of thousands of Iraqis. So from this rostrum we appeal to the social partners of all countries of the world to fight against this embargo and demand that it be lifted. The new world order was not content simply to impose an embargo against Iraq. It used this method to impose its hegemony on other States. It used the big stick against the Libyan Arab Jamahiriya. Last April it adopted a resolution to impose an air and military ambargo on the Libyan Arab Jamahiriya without any legal basis, whereas the hegemonistic and dominant States in the world adopted no serious measures against the entities and States which challenge the international community and do not respect the resolutions of that same Security Council.

The question of structural adjustment and human resources development on the agenda of this session of the Conference is of great importance. It gives rise to ideas and concepts for restructuring, training, skills and greater increase. We would like to support the conclusion which invites the ILO to play a greater role in supporting training and technical cooperation programmes, particularly in the developing countries which have a great need for such support. The other items on the agenda meet the needs of the labour movement and production and we are sure that the results of this session will give us the necessary legal instruments and framework to deal with the various questions being dealt with.

Finally, I should like to wish every success to our Conference and hope that it will achieve the goals of the International Labour Organisation.

Original – Russian: Mr. PONOMAREV *(Employers' delegate, Ukraine)* – Allow me to associate myself with the congratulations that have been addressed to the President and to the Officers of the Conference on their election to their responsible offices and to express my certainty that under their guidance this Session will successfully complete its work.

The Director-General's Report offers a detailed and expert analysis of the radical changes now taking place in the democratisation of public life and state institutions throughout the international community. The assessment of the transformations taking place in the countries of central and eastern Europe is correct. I agree as well with the Report's thesis, which emphasises that "the transition promises to be at least as difficult on the economic as on the political scene..." According to the Report, "No effort must therefore be spared to prevent the hopes born of political liberalisation from being frustrated by upheavals in the economy".

An important practical conclusion follows from this argument – namely that a national economy consists of the total of the economic activity of each of its individual components. It is in this context that I shall later describe some of the practical results that have been achieved by the industrial association which I have the honour to represent.

The report addresses a broad range of economic and social problems. I am impressed, for example, by the inter-relationship of matters such as employment and health, and employment and vocational training. Other very important elements of democracy are also mentioned, such as social protection, independent trade unions and the system of collective bargaining.

The theme of the Report proposed for our consideration at this Session is of the utmost interest. The analysis is particularly important when applied to newly sovereign States. Among such States, Ukraine stands out because of its major industrial potential. However, the Ukrainian economy must undergo extensive renewal and reform. Universally acknowledged democratic standards in the system of industrial management and the organisation of labour relations must serve as a basis for this change.

This process is taking place in very complicated conditions, with the very structure of production, the nature of ownership and productive relations undergoing profound changes. The status of the enterprise itself has changed radically. Instead of being strictly subordinated, as in the past, to ministries and government departments, they now enjoy a broad measure of independence. But this also means that the position of the enterprise shall now be determined solely according to the bottom line of its own activity and its ability to work on its own initiative. In these circumstances, the world of work runs up against a number of acute problems, such as temporary drops in production and economic hardship, thus forcing many of our enterprises to lay off large numbers of workers, with all the consequences that entails.

It is very important, we believe, that the process of democratisation should not become a limited administrative measure, conducted only at the upper levels of management. The new democracy at work must mean radically new approaches to the quality of one's work and the ability to take one's own decisions in the interests of the enterprise. Our democratically elected labour collective has decided to put an end to political activity in our enterprise. This democratic measure makes it possible for us to focus our entire attention on social and labour activity. Now we need to have a grasp of different situations and an ability to find new solutions in what are already difficult circumstances.

Some results can now be seen in our scientific and industrial association, which is one of the largest manufactures of electrical appliances in Ukraine.

We have, above all, succeeded in ensuring stable production by forestalling problems and taking the necessary decisions to guarantee the continuity of production.

I would like to stress that this is not an easy task, as things stand today. The essential principle of democracy can only be instilled in the collective consciousness through practical application not rhetoric – people need to believe in their work, in their future. On this basis, the important concept of the participation of all persons, in the interests of the enterprise is being created. To avoid democracy becoming merely a slogan, it must be built upon people's confidence in the future. Only a healthy economic situation can create a sound basis for the work of a labour collective. So, we are introducing, more and more, the idea that at the root of any process lie results and production, and that the considerable resources we are planning to spend this year on social programmes are generated only in industry.

Our association comprises a number of large and medium-sized enterprises as well as a highly qualified design department. Each of these units enjoys a high degree of independence and is free to use its economic initiative. This approach began long before the present reforms and has facilitated the transition to the concept of the market, and to operating according to the processes already introduced. Aware of the irreversibility of the transition to a market economy, we showed a new spirit of enterprise through the structural changes made within our association, in the creation of small enterprises, industrial cooperatives and other autonomous structures. We have set up a marketing board. This kind of economic management is a practical expression of the principle of economic democracy, and the encouragement of initiative at the level of individual enterprises and groups of workers, and provides for material incentives. The association is a member of the Ukrainian Alliance of Industrialists and Entrepreneurs.

Bearing in mind the broad range of questions raised in the Report, I would like to point out that our understanding of democratisation is in terms of the priority we have given to social policy. This refers to the broad-based participation of enterprises in housing construction, in providing major subsidies to material programmes, in funding on-the-job labour protection and technical safety programmes, occupational safety and health and public catering.

Thus, social programmes are becoming a concrete manifestation of the process of democratisation, as indicated in the chapter of the Report on "Social protection".

I am speaking as the representative of one Ukrainian enterprise. We and our nascent State are experiencing identical difficulties. We want stability and peace, we want normal conditions of work, and these are our goals. I can say with pride that our collective has fully preserved the spirit of friendship. We have no discrimination of any kind, there is no division according to nationality, although we have several dozen nationalities represented amongst us.

We understand that we are only at the beginning of the complex process of the democratisation of society. But, we must run the full course, not deviate and certainly not turn back. We believe that is the way it will be and we are relying on the support of the entire international community.

Original – French: Mr. N'GOM *(Minister of Labour and Vocational Training, Senegal)* – It is a pleasure for me to join in the congratulations which have been addressed to Mr. Nascimento Rodrigues on the occasion of his highly deserved election to the Presidency of the 79th Session of the International Labour Conference. I should also like to congratulate the other Officers on the Conference whose contribution will indeed be valuable on the accomplishment their lofty task.

I am sure that, thanks to the President's competence and eminent qualifications, the 79th Session of the International Labour Conference will constitute a major step in the strengthening of the vast work of the International Labour Organisation, which strives to attain freedom, social justice and peace. I should therefore like to assure him of the support and cooperation of my entire delegation.

I should also like to express from this rostrum the great esteem of Senegal for the International Labour Office and its Director-General. My country will continue, as always, to coopeerate as a loyal partner.

As in previous years, the Report which the Director-General has submitted to our Conference sets forth the activities of our Organisation in the course of the past year. However, in dealing with the theme, *Democratisation and the ILO*, the Director-General has made not only a relevant and highly topical choice, but has also reminded the world that, as a repository of the social conscience of mankind, our Organisation is responding to the tremendous hopes being raised by the irreversible wave of freedom sweeping across the earth.

From this point of view, the Report this year is particularly significant.

Senegal has placed its hopes on man as a goal for development and firmly believes that the ILO can continue making a contribution to its member States which is both positive and decisive in the democratisation process under way.

Indeed the standard-setting activities of the ILO have given the world a first-rate legal arsenal which is a source of undying inspiration; its impact on the humanisation of labour relations lends further support to the Organisation's mission to defend the dignity of man and fundamental freedom is as vital for democracy as is breath for life.

In Senegal, we have never considered that democracy should be linked to the level of development or to the level of national integration.

Our entire history, in fact, has been that of a struggle for the enhancement of fundamental freedoms and this since the historic gathering of Versailles, since we acceded to international sovereignty. Our National Charter guarantees freedoms and has institutionalised them; and they are fully exercised and monitored by our citizens.

We can therefore affirm that, despite some ups and downs, our democratic culture is deeply anchored in Senegal and pluralism – both political and trade union pluralism – exists in our country.

But as the Director-General said, democracy is a dynamic concept which evolves unceasingly with the passage of time. It is the slow and difficult construction of a political, economic and social system which must be based on tolerance, justice and the seeking of joint solutions. That is why Senegal, which today is experiencing a coalition government, is proud to have been able to help to create democratic movements in Africa by organising the Pan-African Conference on democracy and the mastery of transition.

This Conference, held from 25 to 28 May last, grouped more than 200 political leaders from 42 African countries belonging to 53 parties in power and 57 opposition parties. It constituted a break with the past and a turning-point; a break with the old order marked by authoritarianism, dictatorships and personal powers; and a turning-point in that Africans are now determined to commit themselves to a pluralist democracy and, on the eve of the year 2000, to assume their destiny themselves, thus ensuring that their continent has its rightful place within the family of nations.

On this occasion, they recognised the universality of the fundamental principles of democracy and the need to ensure a successful transition from monolism to pluralism – which involves official recognition of a real opposition, a national charter of democracy and the organisation of free elections providing for a changeover of political parties by peaceful means.

Such steps must be supported by institutions to defend and promote democracy – such as a Pan-African observation centre to monitor the transition and an African mediation committee which the Conference decided should be established in the near future.

The conclusions of this Conference, contained in the Dakar Declaration, provided a consensus framework to serve as a code of conduct for the parties to respect in order to render this dynamic concept of democracy irreversible. At this point, I think we must emphasise the need for the international community to support and encourage the process thus started in Africa. The ILO should – as it is today in Central and Eastern Europe and in Latin America – be more involved in the process of transition on the African continent.

In this context, I should like to suggest that we might – in order to accelerate the democratisation of social relations – organise a round table in Africa on social dialogue and vocational relations, similar to the one organised last March in Santiago for Latin America.

For its part, Senegal has committed itself to consolidating democracy by giving a new impetus to the dimension of participation and giving back the regions their financial and political autonomy – further to their administrative autonomy which already existed.

There is a fact, however, that remains. The evolution of democratic process is neither linear nor irreversible. Democracy is a quest for the absolute and therefore requires protection, monitoring and constant commitment by its supporters – nationally and internationally. The Director-General is absolutely right when he says that "the aspiration for a free society has not eclipsed the desire for a just society."

Similarly, President Diouf, who is coordinator of the summit group of consultation and South-South cooperation, known as the "Group of Fifteen", published a document stating the group's position on 4 May in Dakar as a contribution to the advent of a new world order.

The document gives an analysis of the present era which is characterised by fast changes marking the end of the East-West confrontation, the progressive settling of regional conflicts and of the advance of democracy – all of which are prospects which foster dialogue and cooperation so that a new visage of international cooperation in favour of development may be created.

There is no doubt that development cannot be separated from human rights and civil, political, economic, social and cultural rights, all of which pave the way towards democratic transition, a state of law, political and trade union pluralism and a healthy growth of market economies.

We must not lose sight of the fact that poverty, unemployment, underdevelopment, illiteracy, epidemics, massive violations of human rights and freedoms, xenophobia, racism, drug-trafficking, terrorism and the deterioration of the environment, are all obstacles to democracy, lasting development and peace and stability in the world.

May I be allowed, before concluding, to refer to a problem which is of the greatest concern to my country: that of occupational safety and health, of particular relevance is the item on the agenda of this year's Conference concerning the prevention of industrial disasters. My country was unfortunate enough this year to experience a major industrial disaster when an ammonia tank explosed in a peanuts' processing company.

Despite the legal and legislative regulations machinery available to us, this disaster led to many victims because of a lack of knowledge – particularly of the risks inherent in the handling of certain dangerous chemical products. Thus, we need the support of the international community, particularly of the ILO, to carry out valid programmes of information and awareness for our social partners.

Apart from this painful event, Senegal has undertaken a vast programme of social relations by reforming its social legislation to improve social relations and collective bargaining.

We hope therefore that the ILO will be able to strengthen its action towards democratisation, the struggle against poverty, and the promotion of employment under the aegis of tripartism which, assuredly, as was pointed out by the Director-General, is "the transposition in to social relations of the principles underlying political democracy."

If the true mission of the ILO is to promote social justice and peace throughout the world, tripartism is certainly its privileged instrument in a world which is fast changing.

Original – Vietnamese: Mr. TRAN DINH *(Government delegate, Viet Nam)* – First and foremost I would like to express my warm greetings to Mr. Nascimento Rogrigues, President of the Social and Economic Council of Portugal, and congratulate him on his unanimous election to the Presidency of this important session of the International Labour Conference. I believe that with his experience and talent the work of this Conference will be successful. I would also like to congratulate those who have been elected as Officers of the Conference.

I wish to convey to Mr. Michel Hansenne, Director-General of the International Labour Office, our sincere thanks for his cooperation and assistance and those of his colleagues for making it possible for the Vietnamese delegation to attend this Conference. Sincerely, I would also like to express our gratitude to the delegates at this Conference for welcoming us on our reintegration to this important international Organisation.

As a member of the ILO, Viet Nam will have more opportunities for the furtherance of its international cooperation, especially in the sphere of labour and social affairs. The Vietnamese delegation has been listening with great interest to the introduction and evaluation of the Reports of the Chairman of the Governing Body and the Director-General of the ILO. These reports have touched on important, essential and burning problems of the labour sphere in almost all countries, including Viet Nam.

The solution to poverty, the creation of employment – which is in conformity with socio-economic development and population growth – the management of and solution to migration movements, the reduction of imbalances in various socio-economic fields and during structural economic adjustment, the raising of living standards and protection of the dignity of millions of people; all these have been and will continue to be the concern of our Organisation. Tripartism has been placed at the heart of labour relations especially by governments in developing countries in transition.

Viet Nam, for various reasons, remains poor and underdeveloped. However, since the 1980s, and especially from 1986 onwards, Viet Nam has been conducting energetic and comprehensive modernisation policies in its socio-economic life. As an initial but important result, a multi-component commodity economy is emerging and shifting towards the market mechanism; consequently the inflation rate is being reduced and contained. Workers' requirements for foodstuffs and consumer goods are more successfully met and progress has been made in international relations and economic ties with foreign countries. This paves the way for the implementation of modernisation and development policies in the socio-economic sphere.

In recent years, great changes have taken place in many countries. The lives of hundreds of millions of people in dozens of countries have been affected by structural economic adjustment and a rapid movement towards the market mechanism. Although this is a common trend, stemming from the dynamics of development of the world economy, as well as of international economic relations, a whole series of pressing labour and social problems have emerged and require effective solutions, such as social protection, poverty alleviation, the abolishment of social evils and the democratisation of labour relations through tripartism.

In Viet Nam, in order to solve the above-mentioned problems and to contribute to the modernisation of the country, our Government has recognised that it is the responsibility of the State to create jobs and employment opportunities. Indeed, our country has a national employment creation programme and annually allocates an appropriate percentage of its budget to help people create employment. Workers are free to exercise their trades and to find employment; and businessmen who are in possession of capital and technology are encouraged by the State to run businesses and strengthen cooperation with other social partners; and, in accordance with law, they have the right to hire labour.

We are carrying out reforms in our wage and social insurance systems. The Government of Viet Nam is making a great effort to establish labour legislation. However, despite initial successes, we are coming up against many difficulties. We are also finding it hard to train experts for labour management in market mechanisms.

Given this situation, we hope to be able to benefit from the cooperation and assistance of member States of the ILO and the International Labour Office, with a view to overcoming these difficulties. In this way, we might fulfil the modernisation needs of our country and the legitimate demands of our workers.

I do hope that the following few wishes of my delegation will be taken note of and favourably considered by the Conference, the Governing Body and the Director-General, and that they might find some response – as they do not only concern Viet Nam.

Firstly, it is necessary to further strengthen or give higher priority to assistance to developing countries which are undergoing structural economic adjustment and shifting to the market mechanism. Attention should be focused on human resources development, job creation, the formulation of a system of labour laws and the training of managerial staff.

Secondly, alongside the growing tendency of regional cooperation, the Governing Body and the Director-General should further consolidate and encourage ILO regional activities. We believe that the regional thematic exchanges of experiences on such issues as human resources development, minimum wages, reform of social insurance, etc., would be highly beneficial to all.

Now that it is committed to modernisation of its policies, Viet Nam would like to express its wish to be integrated in the international community, including the ILO, through mutual cooperation and assistance for development and social progress.

As an ILO member, we shall have a greater opportunity for strengthening international cooperation in the labour and social sphere and will join in common efforts to find solutions to problems of world concern.

Mr. YANKANA *(Employers' delegate, Guyana)* – The employers of Guyana would like to associate themselves with the congratulations on his election already expressed from this rostrum to the President of the 79th Session of the International Labour Conference. We recognise that the President and his able Vice-Presidents are persons of distinguished careers in the service of international understanding.

Once again, we share in this august gathering of statesmen, employers and workers, as the world moves from one conventional wisdom to another. It was not so long ago that the world was confronted with opposing ideas, one of which directed the ownership and control of resources. Some argued for state control while many of us held on, sometimes tenuously, to private intitiative, private ownership and the interplay of market forces.

In Guyana, over a period of 20 years, the basic areas of the economy passed into state ownership and the private sector was severely cut in size. The State became ever present in the lives of our people. Contacts with revolutionary regimes in Eastern Europe and in the Far East replaced some of the long-standing connections in trade, investment and culture which had been built up over decades with Western Europe and North America.

State control brought a decline in the exploitative viability of our natural resources of sugar, bauxite and rice. Difficulties in maintaining production levels brought with them reduced foreign earnings which in turn meant delayed capital replacement, lower wages, less income from taxes, which again affected the quality of the country's social infrastructure.

The growth of the informal market, a subject more than adequately analysed last year in the Director-General's Report, reached enormous dimensions, strangulating the formal sector.

We are all familiar with these repercussions, the conditions which precede all structural adjustment recovery programmes. The small private sector persevered, and today the swing of the conventional wisdom that an economy led on by market forces and less regulation is the way to go, following the demise of the controlled economies in Eastern Europe, has given us a new lease on life.

In our country, we have begun to see the wisdom of private ownership and less government. The productive sector has shown commendable growth and there is an optimistic sense of achievement among our workers. I did not come here to talk only about frustration, low investment, unemployment and all the tasks which we face as employers during structural adjustment programmes.

The private sector in Guyana has lost thousands of skilled workers to emigration, mainly to other Caribbean countries and to North America. Member companies in our Confederation have been engaged in comprehensive training programmes stretching from induction courses to management development courses. We have also provided courses in maintenance and information technology. Many employees are trained at company expense and, although some of these have migrated because they have become more marketable, the process of training has continued. Hence we welcome the inclusion on the Conference agenda of item VI – adjustment and human resource development.

Our employers have come to realise that the cake of profit must be divided in such a way that owners and workers enjoy a reasonable share, leaving sufficient to finance the growth and expansion of enterprises. During periods of high inflation, it was comforting for the private sector to know that its members were able to increase employees' earnings sufficiently to cover costs without the need for trade union intervention and confrontation.

The private sector in my country has been referred to as "the engine of growth". Growth for us means growth with equity. The private sector therefore wants to share actively in the management of better health facilities, in the development of appropriate education and in the increase of the capabilities of our workers by training, in the expansion of employment with better paid jobs. The private sector in such an environment cannot merely react to laws and decisions, it must be treated by government as a partner; it must therefore be concerned with the defence of human rights, with the holding of regular elections and with the conduct of elections without reproach.

We employers come here annually and we work on a tripartite basis to debate common issues. One thing that we can take with us from this experience is the fact that in our respective countries, where we face the common enemies of unemployment, low wages and slow growth, we have the experience that will enable the three social partners to attack these problems with understanding and in the same spirit of unity with which we debate our issues here.

I feel that the time is right for me to refer to a quotation of an employer member of a country to this august Conference some years ago. He said: "The defeat of poverty comes at the end and not at the beginning of economic development. In a modern society, poverty is more a social than an economic condition. The greatest opportunities for development now lie in undoing the policies that have not worked, policies which strangled free enterprise and free competition. Recovery rather than development is therefore likely to be the priority for the next few years."

On behalf of my delegation and on behalf of the employers of my country, Guyana, I concluded by wishing you and this Conference every success and I thank you for this opportunity afforded me to address this plenary of the 79th Session of the International Labour Conference.

Mr. KUDDO *(Minister of Labour, Estonia)* – On behalf of the Government and the delegation of the Republic of Estonia, I would like to congratulate Mr. Nascimento Rodrigues on his election as President and the Vice-Presidents of this 79th Session of the International Labour Conference. I am certain that their leadership will make this Session a successful and productive one.

I am very glad to represent my country – the Republic of Estonia – here in the annual International Labour Conference for the first time after the Second World War and after achieving independence from the Soviet Union in August 1991.

The Republic of Estonia joined the ILO in 1921 and took part in the International Labour Conference first in October 1921. Between 1920-40, Estonia ratified 22 International Labour Conventions. When studying the regulative Acts of that time concerning labour law and social policy, one can say that they were most advanced for the time, especially as regards leave, pensions and child benefits, etc.

The membership of the independent Republic of Estonia in the ILO was restored in January 1992. This involves a lot of obligations and responsibilities before the international assembly.

After the well-known historic events in 1940 in the Baltic countries, the economic and political development of Estonia was radically changed for half a century. One characteristic of the latter was that the economy, labour relations and social development of Estonia were made completely dependent on the processes in the Soviet Union. For instance, in 1991, Estonian exports to the countries in the rouble zone and the Republics of the Soviet Union accounted for 95 per cent of the total; similar imports totalled 85 per cent. In the 1930s these figures were around 4-5 per cent.

Economic and political changes in the above-mentioned region and, above all, in Russia (related with the economic collapse), the loss of most of the Eastern markets, the shortage of resources and difficulties in restructuring the economy as well as the reorientation to other markets have led to serious problems in employment and the social sphere. Quite new and serious problems for us now face the Estonian Government which need to be solved.

The industrial output of Estonia has decreased by 33 per cent in a year. And this is only the beginning. In June we intend to introduce our own currency – the Estonian crown. This will lead, as in East European countries, to an additional loss of the Eastern market and rapidly increasing unemployment.

For the first time in April-May 1991, after a lapse of 50 years, we started to register the number of unemployed people and pay them unemployment benefits. Though the number of unemployed registered officially is approximately 4,000 today and that of jobseekers over 10,000 – the total labour force of Estonia is approximately 800,000 – there is already considerable hidden unemployment. The problem is that nearly 85 per cent of the labour force are presently occupied in the State-owned sector where, regardless of the shortage of work, people are kept on as employed and often even paid salaries, even though many have been sent on so-called collective leave. Enterprises still hope that they will somehow manage to obtain raw materials and markets, or that the Government will start to buy their production and look for markets.

Another problem is that, in addition to economic and social aspects, we have to take into consideration the aspects of nationalities in our labour policy. During the postwar years hundreds of thousands of people of other nations were sent from other regions of the Soviet Union to Estonia. Today the share of non-Estonians is nearly 40 per cent of the total population. In former times, they worked mostly in so-called Union-subordinated enterprises – that is enterprises which were subordinated not to the Estonian Government but to the Soviet Union ministries, including the Ministry of Defence, which found a market for them, decided on such matters as output, etc. By today both the Soviet Union and these ministries have disappeared but the people – almost 60,000 – and factories with outdated production fully based on their markets are still in Estonia. The number of jobseekers is biggest in the mono-structured town and regions, and the problem has also a national colouring.

Due to the rapid dismissal of employees, the employment of young people will become a serious problem this summer. There are over 20,000 of these who will graduate from universities or vocational schools this year. They started their studies several years ago when needs for specialists were quite different and there was no talk of a market economy. Now these young people find themselves in a vacuum, where it appears that nobody needs them. In our society it is psychologically quite a new problem which is difficult for people to accept. There are no economic possibilities for the massive retraining of people, all the more since it is impossible to forecast the need for specialists in individual specialities even in the near future.

A problem which is much more acute than unemployment is the fast decline in the standard of living. Estonia was the first part of the Soviet Union to introduce a liberalisation of prices under administrative control in 1990. Today about 10 per cent of prices – mainly of natural resources, energy resources, some foodstuffs and medicines – are controlled by the Government. Other prices are determined by the market.

However, the liberalisation of prices has led to a galloping inflation and decline in the standard of living. For example, the cost-of-living index in the first quarter of 1992 was 26 per cent higher than that of the first quarter of 1991. The cost of foodstuffs has risen 38 per cent, fuel 40-50 per cent, housing costs nearly 70 per cent. Household incomes, however, have risen much less; the average wage nearly 6 per cent. Since we have not been able to influence the issuing of roubles (they are printed by the Central Bank of Russia), we have not yet been able to guarantee even the payment of wages, pensions and benefits over the last months since there is not enough cash. Thus everyone believes that we must introduce an Estonian currency as soon as possible.

The present economic situation is a serious trial for our people. The Government has tried to keep the tax burden on relatively low level, so that it does not exceed 36 per cent of the GDP. We are also trying, unlike Russia and many other former Soviet Union constituent Republics, to keep our budget in balance and not to take big foreign loans.

In the present situation the Government of the Republic of Estonia is facing serious problems. In the field of labour relations and the labour market, we are trying to work out as fast as possible a new labour legislation that will meet international requirements and those of the ILO. A lot of work has to be done in building up the social aid system and employment infrastructure, including the training of specialists. The problems can be solved, in our opinion, primarily by promoting new entrepreneurship and small businesses, in particular by creating the most favourable conditions for investment and for individual initiative.

The famous scientist, Albert Einstein, called the building of socialism in the Soviet Union the greatest social experiment in the history of mankind. I think that the next stage – how to proceed from socialism to capitalism or, more accurately, to a socially-oriented market economy society – will not be of less importance. We have little experience in this and the steps taken by East European countries cannot be directly copied either. It will probably take a long time to carry out radical structural changes both in our economy and in society as a whole. International assistance and support, including from the ILO, are of considerable importance here.

Original – French: Mr. MAINA *(Government delegate, Chad)* – I should like on behalf of my Government and the delegation which is attending the Conference with me to congratulate warmly the President for his highly deserved election to preside over this 79th Session of the International Labour Conference. His intellectual qualifications and his considerable experience in the field of labour which have motivated his election are all assurances of the fortunate outcome of our work. I wish him every possible success in his new task.

Similarly, I would extend very warm greetings on behalf of my delegation to all the other delegations – to the observers and special guests – present here. May I be allowed particularly to congratulate the Director-General for the quality of his very detailed Report, which will constitute the basis for discussion at this Conference, and for the importance of the items on the agenda.

Indeed, it is fitting to emphasise how very relevant it is to discuss topical issues within this Conference, particularly that of democratisation and the ILO itself.

ILO meetings are a highly appropriate framework for reflection on this question and for in-depth examination of future prospects, for various reasons.

First of all, the tripartite composition of the delegations fosters to a considerable extent the exchange of ideas among governments, employers and workers. The solution of democratic problems depends to a great extent on the contributions which they can make in their respective spheres of influence. Indeed, you cannot speak of an economic system unless there are structures for dialogue and participation to enable the discussion of fundamental options.

Next, its status of international agency specialised in questions of the fundamental rights of all citizens places the ILO in a privileged situation to deal with questions which reach beyond the territorial borders of countries and demand the resolution of all the nationals which make up the international community.

Finally, common reflection will stress the ILO's own task in this field with a view to more efficient action.

Our world has for some time been undergoing changes which show the will of nations for true democracy guaranteeing individual and collective freedom. The problems posed have been the subject of in-depth debate in my country.

It is true that democracy is linked to economic development and it is impossible to achieve durable development without taking account of the democratic process.

For the Government of the Republic of Chad, which was set up on 20 May 1992, democracy is part of its major concerns. In this respect the objective are security, dialogue and social well-being, inter alia.

Chad has suffered only too much from wars and settling of scores and it has realised that the use of arms is not the best way to put an end to our differences. Under the previous regime, the slightest comment was assimilated to opposition and treated as such with dire consequences for the author.

In order to put an end to the painful experiences of war the Patriotic Salvation Movement (MPS) took action on 1 December 1990. It promised true, total and pluralist democracy which would take account of the aspirations of the people. This democracy was the indispensable condition for the improved well-being of the citizens and for the achievement of social justice and, as a corollary, durable peace.

Should we recall here that the enemies of democracy in Chad have never ceased to put spokes in the wheel of the Government, making it impossible for it to achieve its programme of action.

The Government is nevertheless determined to lead Chad along the path to democratisation and that is why a new Government team has been set up by national consensus, in which opposition parties and trade unions both figure.

According to the provisions of the National Charter granting to all citizens of Chad freedom of opinion and the right to form political parties and other groups, as of now ten political parties have been authorised to operate in my country.

In other words, Chad is honestly playing the democratic game in an ongoing and constructive manner in order to find an acceptable solution to the problems of all. This task will not be easy. The requirements of democratisation together with a financial crisis which is unprecedented seem to be beyond the real possibilities of my country and call for international solidarity. The assistance of the ILO in this field will be welcome.

A nation can only participate in the management of public affairs and express its thoughts in peace and quiet. It is on that condition alone that there can be an improvement in the well-being of the population.

For a population which is 80 per cent agricultural one and 70 per cent illiterate, the Government of my country intends on the one hand to set up an economic plan adapted to ensure harmonious regional development and the creation of employment and the other hand to plan education and training with a view to eliminating illiteracy through the promotion of national languages.

The way of economic development must be closely linked to social development and political stability. The Government therefore calls upon all political and apolitical consciences to ensure the social and economic enhancement of the country.

Furthermore, the disorganisation of the modern sector of production due to the destruction of the very few existing industries during the civil war of 1979 contributed to the development of the informal sector in urban and rural areas. This sector was hitherto fairly unknown in Chad because no studies were available. Thus the Government has called upon the international community to ensure the promotion of that sector. Emphasis has been placed on the development of micro-enterprises.

In view of the importance of the informal sector, we must get to know it better so as to make better use of it.

As to the rural sector, it will above all be a question of protecting, increasing and diversifying production and of encouraging activities for the development and transformation of craft industries. In order to achieve this goal, such modernisation must take into account national know-how.

Let me recall that these projects will be illusory if they do not rely on the interested parties themselves. Indeed, the Government has this year organised a national consultation on association and cooperative movements in Chad, thanks to the assistance of the UNDP and the ILO. This consultation is the expression of true democracy. For five days the target representatives of the population, the donors, the NGOs and the Government met together to debate problems of associations and cooperatives.

I would like to seize this opportunity to express to the ILO, to the UNDP and to the other international organisations the gratitude of the Government of Chad for their contribution to the achievement of this important meeting. Because of the difficulties facing my country, democratic transitions will not be easy. The Governments, therefore, relies on the assistance of the ILO in order to construct a more open and fair society.

My country is unable to meet its commitments. This is a blow to the incipient process of democratisation and the Government therefore appeals to the international organisations to help it to right its ship, which is threatening to sink. I plead in favour of the present Government which is the result of national consultation and which is entrusted with managing the country until the national conference which will certainly be meeting soon.

In the field of human development, Chad is a country which is at a great disadvantage. Indeed, the life expectancy at birth is 46 years of age, and the death rate among children remains very high, 180 per thousand; furthermore, only 30 per cent of the population has access to health care – 26 per cent to drinking water.

This situation is a serious handicap to economic development. Thus the Government has emphasised human resources development, which aims at improving levels of education among the population and living conditions.

Obviously, plans to improve the standard of living of the population must not do so to the detriment of international standards. The Government shares your concerns with respect to freedom of association. It has never ceased to consult its social partners on questions which are directly of concern to the life of the State. Its concern is to eliminate discrimination in all its forms in order to build a society in which each citizen will have his place.

Need we recall that we are only transients in the present process, and that we must therefore act as good managers in order to bequeath to future generations a just State which we will have to prepare for them? The challenge is a big one but the stakes are worth while.

Mr. CHOWDARY *(Employers' delegate, India)* – At the outset, permit me to convey the good wishes of the employers of India to this Conference, and greetings to Mr. Nascimento Rodrigues for being elected as the President of this august gathering.

Since we last met in this historic city, many significant developments have taken place around the world. Some of the widely accepted ideologies have been demolished. This has been marked by the emergence of a democratisation process which has penetrated into some of the impregnable regimented political systems. As new-born democracies are roughing up the imminent political transformations with great courage, stoicism and pragmatism, we in India, fortunate to be the largest and one of the oldest democracies in the world, are convinced that individual initiatives can find a fuller expression only in an environment of freedom.

Democracy is not merely a political system, it is a philosophy, a cultural heritage and a way of life. This has to be tended and fostered with great care. The States should be helped to pull through the pangs of change, so that fragile, new-born democracies are not crushed under pressures of uncertainties and disillusionment. Indeed, it is thoughtful of the ILO at this critical juncture, to address itself to the problems and challenges emanating from the political restructuring and readjustment.

The exalted hopes and optimism in the basic values of democracy can be sustained only through building strong democratic institutions. These institutions should stand the test of time and weather political uncertainties and turbulence. For this, the structural changes in the political system should be associated with economic reforms. Human dignity and freedom may not flower in an atmosphere stifled with unemployment, scarcity and human sufferings. The new-born democracies and the existing ones have to be insulated from economic degeneration. Let democracy take root to signal increased world trade, investment, and above all peace in the emerging global village. At this crucial juncture the role of multilateral organisations like the ILO to combine the collective efforts of the community of nations to nurture democratic institutions cannot be overemphasised. Technical and financial support should flow to the new and existing democracies, with a view to ensuring economic and political stability.

As the world around us is increasingly committed to a market-friendly approach, we in India have been dismantling our controls and fetters. Our transition to a more liberalised economy was characterised by concrete steps towards industrial delicensing, lowering of tariff bariers, partial convertibility of currency, liberal laws to attract foreign investment and the like. We have made remarkable progress on many fronts, yet we still have a long way to go. We should generate more employment and increase the purchasing power of the people and, at the same time, we have to grapple with our growing industrial crisis. As we ponder about improving productivity and the quality of Indian products to penetrate into the global market, we have to take a hard look at the various legislations, including that of industrial relations, which seem to have become outmoded. No doubt the three parners of growth – industry, labour and the Government – should come forward, leaving behind their conventional hang-ups and reservations, to work jointly for a new India, an India full of hopes, aspirations and prosperity.

We are striving towards achieving a mutually agreed upon agenda for development. We are teaching ourselves to shed our confrontational approach and to take to the path of consultation for negotiated settlement. It may well take time, and I am convinced that in our efforts to achieve higher economic growth, attain better standards of living for the common man and the social good, many sacrifices and adjustments will have to be made from all sides, including industry and labour.

This brings me to the crucial issue of the crisis in industry. No doubt it is a global phenomenon, and yet the policy parameters to deal with crises in the developed countries are essentially different from those of the developing countries. The developing countries are often faced with certain socio-economic dimensions which compromise the more logical and rational winding-up of enterprises. We are examining this issue in the tripartite forums and hope to resolve it amicably, of course, by providing a safety net for redundant workers.

The ILO could implement some concrete initiatives which regard to the rehabilitation of enterprises in difficulty, and also for abating crises in industry. The road to recovery is no doubt a hard, but a rewarding one. As an industrialist I have had the privilege of turning around a few enterprises experiencing difficulties some of them in a remarkably short time. It is a question of drawing up a viable rehabilitation package and of retraining and redeploying workers. Many managers especially in the small and medium sectors, may not be equipped to grapple with this challenging task. In this regard, in addition to state functionaries, international organisations like the ILO have an important role to play in promoting entrepreneurship, drawing up rehabilitation packages and creating institutional mechanisms to provide easy credit to employers to tide them over crises.

Multilateralism is the key word for promoting global trade. We sugest bringing more products and services into GATT negotiations to ensure equal access to all on the global market. We are referring to agricultural products, services, IPR and so on. Is it not time to consider the free movement of labour from areas where there is a surplus to regions where there is a shortage, without going through the rigours of visas, work permits, etc.? Should not labour from countries like India and Pakistan be given free access to jobs in other countries where their skills are needed? Let there be minimum restrictions on their movements across countries. This would act as an in-built mechanism for containing the cost of production, since it would prevent the emergence of super-competitive wage prockets, especially in the developed countries.

Every year we assemble here and pass resolutions on multifarious issues concerning labour and industry. It is a moot point as to how many such resolutions are ratified by the contracting nations. For a variety of reasons, these resolutions are sometimes not implementable. It could be that they are not relevant to local conditions. There could also be a lack of good will on the part of governments to push through the legislation for political reasons.

What I would venture to say is that, while passing the resolutions, we should not lose sight of their relevance and practicality. Some flexibility should be provided in the resolutions to enable the governments of the respective countries to make adjustments, in keeping with local conditions.

This session of the Conference is taking place at a time when the Rio meeting on the environment is in progress. Rio is a meeting point where experts, businessmen and governments discuss and deliberate on matters relating to substainable development. Environmental protection for posterity is crucial and, at the same time, quite costly. I only wish the Rio Conference would drawn up a consensus on the agenda for the developed and the developing world on environmental protection, the sharing of implementation costs, and other issues.

No economic development programme would be successful without social dimensions added to it. Human rights are to be protected at any cost. Discrimination in the name of sex, religion, caste, creed or colour should be vehemently opposed. Population growth in many developing countries should be checked and something seriously done about it. It should be our endeavour to work for a world where there would be no illiteracy, hunger or denial of any basic need to the individual. Emphasis should be laid on providing the best health care and shelter for everyone. At the national level, the priorities should be well laid out and for no reason whatsoever dignity of life be sacrificed for the economic or political ends of the nation.

I am grateful to you for giving me an opportunity to share my thoughts with delegates attending this session of the International Labour Conference, and I take this opportunity of wishing the Conference a thumping success.

Mr. BASNET *(Workers' delegate, Nepal)* – At the outset, let me express my congratulations to the President on his unanimous election to the highest post of this august gathering. The other officers of the Conference also deserve my congratulations on being elected to their respective posts.

Democracy is fundamental for development. This is the notion which recognises the basic values of human beings and their importance in nation building and development. In this context, the Report of the Director-General of the International Labour Office which we have before us, has rightly illustrated that without democracy there cannot be sustained development.

The report, which focuses on the ILO and democracy, is a very timely and excellent work and I would like to congratulate the Director-General on it. Democracy gives people higher hopes and greater expectations. Lack of fulfilment may turn into frustration. The ILO should take appropriate action to improve the conditions of workers around the world before it is too late.

In Nepal, we have enacted a new Labour Law and Dispute Settlement Act. Our workers have high hopes of its full implementation.

The liberalisation policy is a worldwide phenomenon and with it governments are geared for rapid privatisation. The concerns of workers should not be ignored while privatisation is taking place. This policy should not concentrate only on the economic power of a section of society but also on social justice. In this context, we hope workers get their fair share of the development taking place in their countries. Social justice needs to be maintained appropriately.

Under our democratic policy in Nepal we believe in the greater role of harmonious industrial relations among all three partners in development. We attach great importance to each other's role in bringing about changes for the better in the downtrodden section of society. In this connection, the role of the ILO should be further strengthened through its technical assistance in Nepal.

Original – Spanish: Mr. SALAS *(Workers' delegate, Bolivia)* – I take the floor on this occasion, on behalf of the Central Bolivian Workers' Union the only trade union in my country which brings together workers, peasants and students, self-employed persons, employees in the public service, etc., in other words, the great majority of the Bolivian people.

The Reports which the Director-General has presented to past sessions of the International Labour Conference have always dealt with problems of great importance. This year, the subject selected speaks of the role of the ILO in the process of democratisation.

We consider it a most appropriate subject because we are living major changes throughout the world; changes which have modified the framework of relations between countries and regions of our planet, as well as social and production relations within each of our countries.

In general, we share the criteria voiced by the Director-General concerning the need for democracy as the *sine qua non* for development and progress. We consider democracy as a universal value in its own right, as well as the legitimate aspiration of every society, of every individual. Nevertheless, in order for democracy to be that which we think it is, it must be an integrated whole; that is, it must be political, economic, social and cultural, offering equal opportunity to all members of society with no discrimination of any kind.

In the same way democracy cannot be reduced to the mere exercise of the right to vote, granted by the authorities periodically. What we seek is the effective participation of peoples in the decision-taking process as it relates to all aspects of national life.

We are also deeply concerned that the emerging economic order will not be favourable to all countries in the same manner. It is obvious that, notwithstanding the changes, there has been no positive shift of economic and trade relations between industrialised and underdeveloped countries. The latter continue to be the object of irrational and unjust treatment on the part of major power centres and international financing agencies. It is therefore necessary to set up a new international economic order which is compatible with democratic changes and with our people's aspirations to justice and social progress.

In this framework, we consider the role to be played by the ILO in the thrust towards a just relationship between the developed countries and the so-called Third World countries of fundamental importance.

The ILO must also give sufficient attention to the problems deriving from the application of so-called structural readjustment policies in the underdeveloping countries.

To our mind, in Latin America, the appplication of these neo-liberal cast policies have worsened the conditions of poverty on which millions of people live, and each day make our countries more externally dependant.

Of all social sectors the workers are the most affected because readjustment policies are addressed first to reducing public spending or the public deficit, which means massive layoffs, the freezing or reduction of wages and the systematic elimination of social benefits, as well as the setting of new rules to govern labour management relations.

In my country the situation is very difficult because neo-liberalism has been applied without a consensus on the part of the population. We, the Bolivian workers, are convinced that living together in democracy requires the just treatment of social matters, of relations between workers and employers, be they private or public. In my country this is not as yet the case, because the appplication of neo-liberal economic policies exercises truly damaging effects on a majority of workers, indeed on the majority of the

Bolivian people. The weight of the crisis and of the structural readjustment policy is borne exclusively by the shoulders of the workers. As an example, according to the figures made available to us by the Confederation of Private Employers of Bolivia itself, a very high percentage of active workers earn less than the national average of 308 pesos bolivianos (80 US dollars), whereas the average family requires four times as much to meet its basic needs.

The wage bill has become virtually the only variable in entrepreneurial economy. Laying off or firing workers, reducing wages is widely used to reduce costs. State institutions show the purchasing power has fallen by 17 per cent over the last six years and worst of all, wage fixing is the exclusive responsibility of the employers who, as they see fit, may or may not compensate for cost-of-living increases, as is the case at present where large sectors refuse to grant wage rises.

Furthermore, the labour situation is aggravated by the continuing increase in unemployment. In the public sector alone, some 90,000 persons have been laid off, to which we must add some 32,000-odd in the private sector. They all went to swell that mass of people who, owing to structural problems in the economy, are unemployed. It is well-known that the informal urban sector is growing apace; in 1985 they were only 482,000; in 1989 some 618,000 found themselves in that sector. The sector in a marginal one as far as productive activity is concerned.

A consequence of this is patent in an ever-increasing trend towards precarious employment. Social security statistics illustrate this: in 1985 there were 343,000 active workers and 119,000 non-active workers covered; in 1988 the number of the former fell to 142,000. This confirms the prevalence of unemployment and the growth of precarious employment.

Rates of family participation on the labour market, or in the informal sector are constantly increasing. Recent surveys show that some 53 per cent of family income in those areas where manual workers or workers from the informal sector live is represented by child labour.

Situations such as the above give rise to protest and to popular resistance, often repressed forcibly. Nevertheless, far from any solution to this critical solution, greater sacrifice is imposed on the working classes; a 30 per cent increase in taxes and the elimination of the social security system in its present form, i.e. on the princples of social solidarity and universality.

Faced with this situation the Central Bolivian Workers' Union has drawn up a series of proposals, contained in a single national platform, the purpose of which is to achieve a substantial change on the guide-lines for the allocation of resources and ensure that production increases at the national level be encouraged in the major economic activities, such as mining, petroleum and its derivatives, manufacturing, the agro-industry, building and construction, in order to prevent the further impoverishment of the population.

We also request an increase in social expenditure, particularly on education and public health. We demand the employers comply with Convention No. 98 and make collective bargaining an institutionalised process. To date legal personality is applicable only to workers' organisations and not to employers' organisation.

Lastly, we submitted to the Ministers of Labour of the Andean Area, who met in Bolivia in October 1991, an Andean Social Charter to guarantee the conquests made of the workers with much sacrifice and effort and which neo-liberal policy tries to overlook.

We feel that the best guarantee for strengthening democracy is to consolidate the effective participation of the people and their organisations in the decision-taking process and to give a practical solution to the serious social problems from which millions suffer. This requires ever greater efforts on the part of the State and a change in attitude by the employers to ensure that economic activity is the job of all, and not just an easy way out to enrich the few.

Original – Portuguese: Mr. COSTA *(Employers' delegate, Brazil)* – May I congratulate the President on his election to lead this session of the International Labour Conference. May I also express the great joy of all Brazilians here present at having as our President such an illustrious representative of those who left us as heritage the beautiful Portuguese language.

The great challenge for the developing countries lies in simultaneously building a democratic political system, an economic system based on the laws of the market, and social justice.

Experience has shown that uneven progress on any of these points will imperil the final objective which, in the final analysis, is sustainable development and acceptable quality of life for all.

The evidence clearly suggests that the struggle cannot be carried out exclusively in the developing countries, but that the entire world community must play a role, and that the ILO has a leading irreplaceable part to play.

The wealthy countries must realise that they will have no lasting peace whilst there are millions of persons throughout the world living in conditions which are incompatible with human dignity.

Apart from the problem of the environment – which is planetary in scope and whose solution requires the eradication of absolute misery – the intensification of migrant flows runs the risk of doing away with the dream of a world without frontiers.

A frightening thought is the growth of racism and nationalism in the developed countries. This coincides with the rebirth of totalitarian doctrines which we had thought buried at the end of the Second World War.

The recent events in Eastern Europe cannot be interpreted merely as the end of the Cold War and an automatic new era of peace and prosperity. This would be simplistic and naive. The established order cannot be modified overnight without giving rise to a hurricane of political, economic and social consequences which take on their own dynamic and whose end results can be disastrous.

The world is living through a critical moment, typical of a transitional period which can either represent the consolidisation and generalisation of the liberal values or their exhaustion, accompanied by the triumph of totalitarianism throughout the world.

If it is often said that life imitates art; we should give greater thought to science fiction, which rarely presents future societies as a democratic paradise. Rather, they present them as empires with no room for the flowering of individual freedoms.

We must give greater attention to what goes on around us, and be careful in managing our road so that this very fertile and promising period does not go down in history as a mere "liberal spring".

I have already mentioned my concern of what is going on in the Old World. Now I would touch on the major contradictions which make the adjustment problems so painful in the developing world, in Latin America and in Brazil, whose employers it is my honour to represent.

We have advanced in a dangerously uneven manner along the three fronts I mentioned earlier. This has aggravated social tension and represents a constant threat to the achievements so painfully achieved in the political context.

In Brazil, after 20 years of authoritarian government, we held free elections and directly elected and installed a civilian President. We adopted a new Constitution which re-established those basic rules of behaviour which permit the consolidation of democracy.

The citizenry recovered its civil rights. The market economy has become a constitutional principle, and workers again enjoy guarantees. Workers, employers, the executive, legislative and judiciary and the armed forces – all have well-defined spaces within which to evolve.

Brazilian trade unionism is no longer subject to the interference of the authorities and it enjoys full freedom and autonomy. We even hope to ratify Convention No. 87.

The right to strike is guaranteed under the Constitution and the workers are fully free to decide as to whether or not to go on strike. The law merely defines essential services and provides for the essential needs of the community.

We are expecting a constitutional revision in 1993 which will make our political charter more pragmatic and less populist.

Notwithstanding, our past economic stabilisation policy based on monetary austerity gave rise to a severe internal recession which was aggravated by the external recession; this had negative effects on the short – and medium – term aspect of the country's social and economic situation.

In this difficult context, the shortage of resources for investment, whether public or private aggravates the recession; in addition, it impinges on infrastructural investment to harmonise social and economic policy, and limits the capacity of entrepreneurial investment, given high levels of interest and high levels of taxes, which reflects negatively on levels of employment and on the quality of Brazilian goods and services.

Notwithstanding this uncertainty, Brazilian employers' organisations have been dynamic; after more than 40 years, they have called on the workers to set up jointly managed funds, to set up social services within industry, services and trade in order to make available to workers basic social and medical assistance. These bodies and the activities they carry out in industry, transport, fisheries, communications, commerce and tourism are the result of the employers' genuine commitment to democracy, modernity and social justice.

In the light of the social, economic and political changes of a world in crisis, we must define the ILO's role as well as its future activities.

We are convinced that technical cooperation should occupy a very important place in relation to any other activities, without prejudice to the political mission which lies beyond the ILO's area of competence.

Overcoming the present problems arising from structural adjustment requires intense international cooperation, in particular on the part of bodies such as the ILO, which seeks to reconcile economic progress and the conditions of life of all human beings and social peace.

In our opinion, this cooperation should be directed to three basic programmes: vocational training, entrepreneurial development, in particular as regards small or micro-enterprises and occupational safety and health.

Vocational professional training, in particular in developing countries represents the chance to engage in socially useful work, and it opens the road to social progress. Small and micro-enterprises are the spontaneous expression of free enterprise and create the linkage between the formal and informal sectors. Their proliferation is a factor for revitalising the social body and permits a free choice of work and employment.

Improving conditions of occupational safety and health is a corollary to the aforementioned.

Alongside technical cooperation, the promotion of tripartism is an indispensable activity. Only the dynamic and permanent exercise of tripartism can lead the State, the employers and the workers to an effective and preventive balance which will not interfere the settlement of industrial disputes. Only tripartism will permit the trade union leaders and the employers and the workers to exercise their right to collective bargaining, subject, of course, to general interests.

It is therefore indispensable to review the ILO's standard-setting activity because its effectiveness is not a function of the quantity of the instruments but rather of their quality and generalised acceptance.

We must review and revise already adopted instruments not merely to update them but to consider their appropriateness to the present situation throughout the world and in developing countries.

We further consider of great importance the role played by the ILO within the international agency family. Only the ILO can, and herein lies its major political task, sensitise the governments of the wealthier countries and the international lending agencies. To the very serious sacrifices being born by countries involved and structural adjustment processes.

Any recession has ethical and political limits when applied without counterbalancing measures, it becomes a dangerous mechanism which generates social tension and destabilises democratic institutions in developing countries. This runs counter to a balance and a consolidation of the new world order, which in theory is based on freedom, prosperity safeguarding the environment, cooperation amongst peoples, integration of markets, and greater equality.

I would like to address the question of forced labour in Brazil, an accusation made by the Latin American Central of Workers.

There is no forced labour in Brazil – it may be the case elsewhere. In Brazil, we have a trade union movement which monitors enterprises and employment effectively and in cooperation with the labour inspectorate. There may be violations of labour law, but forced labour absolutely does not exist.

In conclusion, may I again congratulate the Presidents on his election and the Director-General for the excellent work which the ILO has carried out in its spheres of competence. Once again I wish to offer the support of Brazilian employers to the achievement of peace and social justice throughout the world.

Mr. WOJCIK *(Workers' delegate, Poland)* – It gives me great pleasure on behalf of the Polish workers' delegation, to congratulate Mr. Nascimento Rodrigues on his election to the presidency of the 79th Session of the International Labour Conference.

I am proud to be a representative of the trade union that bears the name Solidarnosc. It is a reflection of an ideal we uphold as a moral imperative and it determines our attitude towards the concerns and needs of other people, in Poland and elsewhere; those living today and future generations. The sense of solidarity extends therefore to all human beings. I would like to congratulate the Director-General for his extremely appropriate choice of the theme of his Report, *Democratisation and the ILO*.

The Report has highlighted the question of democratisation from the comprehensive view-point of ensuring the respect for human rights, the rule of law and social justice, with due attention given to challenges facing Eastern and Central Europe in their transition to democracy and a market economy. Let me, however, formulate a few remarks on these issues.

We support the idea of the Director-General that democratisation owes a great deal to the fact that it is identified with a system of participation. We believe that the arrangements for effective tripartite consultations are a contribution to that end. There are, however, impediments which we cannot overlook. On the one hand, the development of industrial relations in Eastern and Central European countries has not yet generated a full tripartism. The still dominant state-run industry means that we still have to deal mainly with indirect, and not direct employers. To achieve a genuine tripartism we, as trade unionists, ought to support the privatisation process. The transition process creates new threats and social tensions with a steep growth of unemployment and dangerous deterioration of living standards of the entire population. In our opinion the public authorities insufficiently and too slowly address these issues.

On the other hand, the concept of tripartism requires a more dynamic interpretation of the principle of the "most representative organisations". We draw attention to this problem since in new democracies there is a trend to comprehend the term in a very narrow sense. It is often assumed that the most representative organisation is the biggest one in terms of membership, and worse, it usually is an ex-communist trade union. It is sufficient to look at the list of participants at this Conference, to see how many new democracies are represented only by ex-communist trade unions. This practice deprives our brothers and sisters from really independend and free trade unions of their representation in the ILO. Likewise, in newly emerging tripartite bodies in Eastern and Central Europe a deplorable practice is that many independent trade unions are marginalised by denial of access to these bodies and procedures. We therefore call on the Committee of Credentials and the Director-General to restore the right proportion between trade union organisations in tripartite bodies on the national plane and in the ILO itself. The ILO should be consistent in promoting pluralism and not in perpetuating the old monopolistic trade unions.

Another area of the ILO's mandate is the respect for human rights and trade union rights. We lend our support to the idea emphasised in the Report by the Director-General that all political rights and social rights are indivisible and complementary. We would like, however, to point out how dangerous it is to assume that once democracy is restored human rights are automatically observed. It is exactly the case with regard to freedom of association. In post-autocratic countries a very formal proclamation of democracy and pluralism has appeared to be insufficient. Members of the ILO are obliged therefore not only to legislate on freedom of association, but also and most importantly to demonopolise former single trade union systems by dismantling their remnants. Freedom of association may become a meaningless principle if it is not followed by the establishment of and appropriate environment for its genuine enjoyment.

The most crucial problem for the establishment of a genuinely conducive framework and opportunities for the implementation of freedom of association is a fair redistribution of trade union property and assets. It is a problem in virtually all the Eastern and Central Europe countries and in many developing countries. Regrettably however, those ex-monopolistic unions undertake deliberate and coordinated actions aiming at avoiding the redistribution of their property among all established unions. For instance in Poland the ex-communist trade unions of OPZZ resort to different tricks to avoid material responsibility by, inter alia, concealment of property and changing their legal personality. All these symptoms point to a wide-scale action taken to avoid the application of the Polish legislation on revendication of property taken over by OPZZ. Similar situations exist in other new democracies. Therefore, it is deplorable that leaders of those ex-communist unions now claim that their property is confiscated for the needs of all trade unions, as Mr. Petkov did a few days ago in his address to this Conference. It is a sort of claim that is nothing but illegal and immoral.

We would like to emphasise that the securing of our property and assets is a vital question for all the democratic and independent trade unions. It is a question of their survival, and thus of real enjoyment of freedom of association. With the lack of efficient return of our property and assets, we have been put in a discriminative situation. In this way an unjustifiably privileged position of OPZZ was created and the rule of equality of arms of all unions disturbed.

We would like, in corroboration of our claims, to refer to the standards and jurisprudence of the ILO. With respect specifically to the Polish trade unions, one should not overlook the still valid and not entirely implemented recommendations of the Commission of Inquiry, which in its report of 1984 conclued in paragraph 577, inter alia, that the Government was "to study a system for the devolution of assets which would make it possible to attribute them to the true successors of the dissolved organisations".

More recently, the ILO made yet another firm step towards the protection of trade union property: In the report by the Commission of Inquiry to examine the complaint against Romania (Convention No. 111), its paragraph 616 spells out the recommendation that "the assets previously belonging to the General Federation of Trade Unions of Romania be distributed fairly among the new trade union organisations to enable them to establish themselves and to draw up the programmes called for by the current situation". We believe that due to the authority of Commissions of Inquiry, the attitude reflected in the Romanian case becomes a doctrine of the ILO in cases of devolution and distribution of trade union property and assets after periods of autocratically imposed single trade union systems. Since the ILO has demonstrated from its inception a consistent stand against the monopolistic trade union systems, it may legitimately be expected that the Organisation will continue to be no less consistent in dismantling their remnants, among which fair distribution of property and assets is of fundamental significance. Our stand on this issue has recently been supported by the resolution of the Caracas Congress of the ICFTU which claimed that the governments should take steps to remove all legal and practical impediments to fair redistribution of trade union property and assets.

For newly established, free and independent trade unions, freedom of association may become a dead letter if it is not extended by the active policy of governments in creating and contributing to the material existence and survival of workers' organisations.

There is also a need of understanding for legislative measures taken in Eastern Europe within the so-called "screening procedures". There is an unquestionable need to establish a completely new ethic of public service and this would require some examination of the fitness for employment. If such a screening is limited to persons who under the former regime committed crimes or other violations of law, it should not be found as discriminatory practice according to standards of Convention No. 111.

The trade union I represent has been for years a driving force behind the transformation process to democracy and market economy. With the greater help of the ILO, we would like to strengthen mechanisms for tripartite consultation. We find that consultation of social partners by the Government of Poland is still insufficient and we hope that the ILO will be of yet greater help in promoting effective tripartite consultations.

Mr. AFKHAMI *(Employers' delegate, Islamic Republic of Iran)* – In the name of God, the Merciful, the Compassionate! I would like to take this opportunity firstly to congratulate Mr. Nascimento Rodrigues on his election as the President of the 79th Session of the International Labour Conference.

I also wish to welcome the new member States to the ILO family. I am most appreciative to the Director-General for the valuable Report he has submitted to the Conference.

My speech concentrates on one of the most important subjects of this Conference, structural adjustment and human resource development, which no doubt will greatly influence the future of the developing countries. During the past few years we have faced extensive changes in various aspects of human life. The past few years have been the era of the fall of well-established ideologies and experiences. Events which were hard to predict were also hard to believe when they actually happened. Many new democracies have been born, and many suffering cultures have been freed of the shackles that confined them. It is the nature of many forms of social and economic change to create problems and suffering but in this case the outcome will benefit democracy and peace. Nations have the right to choose their own paths and to expect a minimum of problems. The authoritarian thinking behind planned economies and dictatorial society has been abandoned for the free market approach which must go hand in hand with democratic society. We now have the chance to use the world economy to help us resolve the major global issues confronting us: poverty, injustice, illiteracy, unemployment, disease, pollution, and so on. It is time that we began to wage the war against human suffering with the help of international cooperation, and the wise use of available resources, in order to create a world that we, as God's most advanced creatures, deserve. The hypothesis that a culture depends on its economy has lost its value. Now the influence of culture on future social and economic developments can be predicted. To harmonise our national economy with the world market economy, we need to take cultural aspects into consideration. The problem of the world is the problem of every society. The more developed a nation, the more responsibility it has. So in a wise world, rich societies should be more interested in international cooperation than poor ones.

It seems that in the light of recent worldwide developments, a better definition for development is called for. Maybe a combination of cultural and economic factors should be taken into consideration for a better understanding of development. To minimise the various social, economic, political and cultural losses involved in structural adjustment, we need to have a well-organised management system which is responsive enough to assess these various factors. Governments, employers and workers' organisations, together with international organisations, should play a serious and more effective role to speed up the process of transition to a market economy in as peaceful a manner as possible. In this regard, it would be advisable to consider the following points.

It is essential that governments provide the appropriate environment and infrastructure so that additional private enterprises can develop using new, productive investments which create employment. To minimise the negative impact of structural adjustment on living standards, education, employment and health, governments should concentrate on developing a support system for the poor during the transition period.

Tripartite consultation should be used extensively during the structural adjustment, and the managerial potential of employers for the successful implementation of restructuring should be highly appreciated.

Considering the high level of communications which facilitates the exchange of experiences, advanced countries should assist the developing countries to fulfil their market economy policies. To speed up restructuring, the developed countries should create an efficient and simple mechanism to grant financial and technical assistance to developing countries. Governments should eliminate existing obstacles and provide an environment conducive to international market cooperation to promote justifiable foreign investment possibilities in developing countries.

International organisations such as the World Bank, the International Monetary Fund and the International Labour Organisation should establish appropriate policies, including financial support, to ensure that development patterns meet the needs for structural adjustment and for social justice in developing countries.

It would be greatly appreciated if the international organisations, and especially the World Bank, the IMF and the ILO, joined together to bring into line their policies as regards principles of structural adjustment. Developed countries and international organisations should help developing countries provide the political and economic situations necessary for the realisation of democracy, the maintenance of living standards and employment, and finally the implementation of market economies.

In conclusion, and as an entrepreneur, I once again call for international cooperation capable of solving the complex problems the world faces. I wish all the nations of the world prosperity, happiness, progress and peace.

Original – Spanish: The PRESIDENT (Mr. Martinez Solórzano) – Before I give the floor to Mr. De Melo, Government delegate, Brazil, for the exercise of the right of reply to a statement made by Mr. Marius, representative of the Latin American Central of Workers, I would like to recall the rules concerning the right of reply.

The reply must refer only to the point in question. It should be brief, not to exceed two minutes, and shoud in no ways give rise to further remarks. It should be worded in correct and parliamentary language. Lastly, in order to avoid prolonging the discussion, it has been a practice of Presidents to refuse to allow replies to a reply.

Original – French: Mr. DE MELO *(Government delegate, Brazil)* – In exercising the right of reply to which we are entitled, I would like categorically to reject the regrettable and baseless statement made by the representative of the Latin American Central of Workers concerning the existence of forced labour in Brazil.

Brazil has a well-developed and active network of trade union organisations which closely monitors the rights and guarantees of the people it represents.

Brazil also has a rigorous labour inspectorate within the Ministry of Labour, as well as an effective and developed tripartite system of labour courts.

Brazil does not tolerate forced labour. Any violation of labour legislation once denounced is immediately investigated and corrected.

This explanation is necessary so as to dissipate any doubts concerning the erroneous nature of the offhand statement made by the representative of CLAT.

(The Conference adjourned at 6 p.m.)

CORRIGENDUM

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Page 1 left-hand column, 2nd paragraph, lines 5-7, read: "... representatives of Estonia, Latvia, Lithuania, the Republic of Korea, Azerbaijan, Kyrgyzstan, Slovenia and Viet Nam.

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13

Ninth (special) sitting

Tuesday, 9 June 1992, 10 a.m.

President: Mr. Nascimento Rodrigues

ADDRESS BY HIS EXCELLENCY MR. F. J. CHILUBA, PRESIDENT OF THE REPUBLIC OF ZAMBIA

Original – Portuguese: The PRESIDENT – It is an honour for me to open this special sitting of the 79th Session of the International Labour Conference. I would like to invite the Secretary-General of the Conference, Mr. Michel Hansenne, to introduce His Excellency Mr. Frederick Chiluba, President of the Republic of Zambia.

Original – French: The SECRETARY-GENERAL – Mr. President, it is a very great honour and privilege for me to welcome you here at the International Labour Conference. I am certain that it is also a very great pleasure for many of the delegates here in this hall, and particularly for those of the Workers' group with whom you are already acquainted, to see you in Geneva once again, for you are a regular visitor to ILO meetings.

Our guest at this special sitting is a fighter for human rights and human dignity and he has taken up the cause of the workers of his country. His record as a trade unionist is exemplary, dating back to 1967 when he joined the National Union of Building Engineering and General Workers of which he became President in 1971, an office that he held until 1987. In the meantime in 1974 our guest was elected head of the Zambian Congress of Trade Unions and he remained in this post for 15 years.

Mr. F. J. Chiluba was workers' delegate of Zambia at the International Labour Conference from 1975 to 1990 and during this period he was Vice-Chairman of Conference committees a number of times.

Mr. Chiluba's activities at the international level have not prevented him from concerning himself with what was happening in his own country. Having turned down the offer extended to him to become a member of the central committee of the party in power, he went on to become an opponent of the regime. Among other measures of intimidation levelled against him, he spent some time in prison and had his passport taken away from him after he was accused of trying to form an alliance with UNITA and the South African Government in order to overthrow his own Government.

A number of senior ILO officials still remember the missions they carried out at that time to try to negotiate with the Zambian authorities.

Today President Chiluba has honoured us with his presence in his capacity as President of the Republic of Zambia, elected democratically in elections which could serve as an example to the rest of the continent. His presence here today is a unique source of inspiration and encouragement to continue to fight for the cause of human rights and for democracy.

At a time when our Organisation is striving to respond better to the needs of its constituents, his message will help to confirm the cause of social justice which we continue to pursue; he bears witness to the way that this aim can be applied at the national level.

I am sure that the delegates of the 157 member States of the ILO here today, and there have never been so many, are very keen to hear your message and so I would like to conclude by assuring you of our total support in your efforts to ensure that the rule of law prevails in Zambia. I would also like to repeat our commitment to helping you to rebuild your country on the basis of social justice, freedom and justice for all citizens.

I invite you to take the floor.

Mr. CHILUBA *(President of the Republic of Zambia)* – Allow me at the outset, Mr. President, to congratulate you warmly on the singular honour of being elected unanimously to the presidency of the 79th Session of this assembly. Given your well-deserved reputation for diplomacy, and the ability to foster consensus, I have no qualms about predicting success for this session.

Congratulations are also in order to the Director-General for another year of inspired and determined leadership of the ILO. This Organisation, and indeed the international community, have benefited greatly from your unique brand of statesmanship over the past year. Thank you, Mr. Hansenne, for a lifetime of dedication and service to this Organisation and to humanity.

Having addressed this body previously and experienced the exhilaration of joint deliberations and consultations with friends and colleagues from around the globe over a period spanning a decade and a half, forgive me if I admit to considering today as special. I can humbly report that it is still possible for an ordinary worker to become a Head of State. Reflecting on my move from representative and spokesman of the workers in Zambia to leader and spokesman of all its people, it is in no small measure a result of exposure, experience and skills I gained directly and indirectly from my association with this body. For that I thank you from the bottom of my heart. Your friendship and support over many years is now one of my most cherished possessions, for which I am most profoundly grateful. Your continuing, persistent drive for social justice, the development of human rights, and freedom of association now finds acute expression in my daily labours.

The agenda of this session of the Conference confirms our alignment on the urgency of finding solutions to the most pressing social dilemmas of our time. Poverty, decay in the social fabric of even the most advanced nations, and a lamentable lack of freedoms are still evident throughout the globe. May you find inspiration in your deliberations on human resources development and the protection of workers' rights. These issues become particularly relevant in the face of a global recession.

For me, as Head of State of a southern African country, the Director-General's Special Report on Apartheid in South Africa is of particular importance. My fervent hope is that the present political events in South Africa will obviate the necessity to discuss this arduous subject except as an unfortunate relic of the past at next year's session.

The fundamental purpose of the ILO, which as we all know is defined in the Constitution and in the Declaration of Philadelphia, embraces so wide a range, including social justice and its contribution to lasting peace, and the rights of all peoples – regardless of race, colour, creed or sex – to pursue their spiritual development, material well-being and economic security on the basis of equal opportunity, that the limits of debate in the International Labour Conference can never be narrowly circumscribed.

The ILO has a continuing responsibility to focus attention on these objectives and on policy criteria, irrespective of political considerations. There is nevertheless an essential distinction between the purpose and proper scope of such debate in the International Labour Conference, and the discussion of political matters in such organs of the United Nations as the Security Council and the General Assembly.

In periods of acute political tension the ILO thus has a twofold responsibility. First, to uphold the cherished values of human freedom and dignity, enshrined in its Constitution; and secondly, to contain, rather than extend, the area of international tension by ensuring the fullest possible degree of cooperation in pursuit of its own objectives.

Zambia, I am proud to say, held this very position even during its own transition to multi-party democracy. Happily, the initial tentative steps towards democracy are on the verge of becoming an avalanche. I have a feeling, as I walk around the streets, as I go about my work, that in the sixties, seventies and eighties there was a period of decolonisation. I think that the nineties have brought a period of democratisation.

With an ever-increasing number of countries moving towards multi-partism, increasingly the role of government as a pillar of the tripartite edifice is being restored.

In this context I am advocating a change in attitude towards the relationship between government, employers and workers, particularly on the continent of Africa. I say this because, as a worker and leader of the working people, it seems as though trade unions in Africa have for too long been hypnotised to shout slogans about the fair distribution of wealth, while disregarding how that wealth must be produced.

The fist of fury, shaken by workers in anger at the employers and antagonistic in symbol and in essence, remains empty unless wealth is created. Common sense, rather than ideology, prescribes cooperation as the foundation of tripartism, where the objective of creating an environment of understanding is less of an ideal than a crucial necessity for progress. Workers must come to understand that tripartism is not an excuse for revolutionaries to overrun employers. After all, as President Lincoln once remarked, you cannot help the poor by destroying the rich. You cannot help the rich either by destroying the poor. This was as true then as it is now.

The antagonism between worker and employer was not decreed by any law of nature. Of course not. It was born in the unhealthy fumes and the abominable labour practices of the industrial revolution, which also parented socialism. To socialist thinkers – and I am included – the mere ascendency of socialism as successor to slavery, feudalism and capitalism was not only obvious but absolute.

Their belief in the overthrow of capitalists by the proletariat resulted in a Darwinian and survivalist situation, where the one could not live with the other. But, firm in my belief in the opposite – that the one cannot live without the other – I appeal to you today, workers of the world, to embrace coexistence and peace. If not for yourselves, then for your children.

As the only United Nations agency with a tripartite character, which to me subsumes cooperation, coordination and coexistence, the ILO is where a new era inculcating these qualities between government, workers and employers, has to begin. Reminding myself that this is the meeting point for workers, employers and governments, I can see no better platform for this message.

This is not only a plea to workers and their unions to broadly step into a new world of cooperation and coexistence, but indeed also a clarion call to action for employers.

It is ironical that the owners of capital (the party most in need of a stable investment climate – the employers) are so often the ones to create mistrust and to inspire efforts to overthrow capitalism, through an intransigent and shortsighted attitude of trying to grab everything for themselves. This "I keep that which I hold" attitude is evident in the propensity of employers to provide investment in new equipment or its upgrading, while neglecting their responsibility to invest in workers' education, fully knowing that labour can combine fruitfully with capital only through training and retraining, the litany of woe is long. Very few employers, I am afraid, give willing and voluntary attention to the social welfare of their workers, particularly in developing countries.

Distinguished employers, may I appeal to you to examine your consciences – or is the suffering of a worker, bent under the vagaries of the weather in makeshift accommodation, meaningless to you? The catalogue of workers' miseries makes arduous reading, while very little credit is generally due to employers for helping workers to cope. And yet, employers lament the antagonism of workers, little realising that they too have to change their ways. A fundamental realignment of attitudes between employers and workers is made necessary by the realisation by employers that they cannot wish workers away.

Just as there is no longer any place in the global scheme of things for communism, extremist capitalism has also had its day – it is gone. With the end of the Cold War and the demise of communism, the world is playing on a new stage with no place for Darwinian capitalism either. Against this background, we have to remould our ideas and ideals, and nobody is better placed or should be better motivated to create the facilities and enabling environments conducive to worker/employer cooperation than governments. I say better motivated because, as greater cooperation raises economic efficiency and living standards, the popularity of government will increase.

How sad then, when, as so often happens, workers discover to their chagrin, the collusion between employers and governments. Governments must note that once caught in fraternity with employers, their ability to play independent empire will forever be compromised and their credibility tarnished.

These principles ring true for everyone, but perhaps, as a result of recent experience, especially for us in Africa. A sad example – the ruination brought about by over-indulgence in flights of fancy and the famine of commonsense – is my own country, Zambia. Bequeathed a healthy economy and sound financial base at independence in 1964, Zambia should have been a showcase today, rather than the basket case it was up to November last year, when democracy at last returned after two decades.

The movement for multi-party democracy won a resounding victory last October, but after a long but blessedly peaceful campaign for a return to democracy, the thrill of democracy, the thrill of victory was soon replaced by an ominous realisation that the country was not only run-down and ravaged by mismanagement, but indeed that the treasury was bare.

Ominous and exceedingly dark as we found our position, my Government and I, grimly determined for our people to survive, still decided that we had no choice but to liberalise the economy, reduce government involvement in commerce and industry, remove subsidies, down-size the civil service and broaden the tax base; harsh medicine indeed, and distasteful, but we swallowed it and we are swallowing it.

Now we are scratching the soil with empty hands, finding succour only in our undiminished belief that we are doing the right thing and that this will bear fruit for us. Sweet will be the fruit borne of justice, freedom and human dignity, for we have tasted the vile, bitter fruits of lies and deception fed us by dictators.

In our darkest hour, we now turn to you. Not to beg for the last crumbs on your table, but to request the tools to do the job. Poor but proud, a pride not born of ignorance, but founded upon the knowledge that we are taking the difficult road and suffering the pain of convulsions, not terminal illness.

In these circumstances, my Government finds itself in extreme difficulty in its struggle to develop the enabling environment in which progress, stability and peace can be built. We have the will, we have proven our determination to wrestle with the most difficult problems, untiringly, until victory. We do not have the tools, unfortunately. All our good intentions will be painfully ground to dust unless we receive help urgently, and it is this that I ask. We do not expect aid as a right. Our plea is for you to recognise both our plight and our promise. The Zambia of today is committed, but we need your help to realise the promise and get back to where we can help ourselves.

The ILO – cradle of ideals which triumphed in Zambia – is where we turn now for the tools to build a society unknown in Zambia for three decades. We used the ILO blueprints (if I may boast); now help us to build a working, living, breathing monument to justice, freedom and dignity, and let us share the excitement, the glory and the peaceful contentment that there is hope for Africa after all. You will prove so in Zambia, if you help us.

I am thus optimistic that, despite our problems, workers, employers and governments can enter a new era of tripartism, where cooperation, coordination and coexistence will be the norm. An era where cooperation will bring justice and antagonism will fade; where coordination will create wealth and conflicts subside; and where coexistence will bring peace even to adversaries locked in battle today.

Mr. President, distinguished ministers, excellencies, my lifelong friends here seated: I greet you, finally, not as a Head of State at all, but as a fellow worker, labouring for the benefit of all in Zambia and, I am sure, in the world at large.

Original – Portuguese: The **PRESIDENT** – I believe that I can speak on behalf of all of the delegates present at this Session of the Conference when I extend our vote of thanks to President Chiluba for the very profound message that he has just given us.

It has been a great honour to hear you, Mr. Chiluba, and also a great lesson to listen to your message. It was a lesson because of its content, a message which will stay with us long after we have left this hall. It was a lesson because of the remarkable significance of your personality.

In many ways you are a symbol. First of all, a symbol of freedom itself. Those who in flesh and blood, and even in their souls, have suffered the ignomy of prison and political persecution simply because they wished for their people basic political freedom have a very special moral authority when they state that without democratic freedom a people cannot be sovereign. It is a moral authority which acquires even greater legitimacy because the sovereign will of the people of Zambia led you, in 1991, through free elections, to the presidency of your country.

Secondly, you are a symbol of the struggle for social justice. As President of the Trade Union Congress of Zambia since 1974, your permanent and unswerving dedication to the trade union movement confers on you the very well-earned status of trade union leader emeritus, and a fighter for basic social rights which dignify workers.

Thirdly, you are a symbol of participatory democracy because you are expert in the exercise of dialogue, through which man seeks to achieve understanding and forge a consensus that will lead to peaceful solutions. As a workers' delegate of Zambia to the sessions of this Conference from 1975 to 1990 without interruption, and chosen by the Workers' group to lead several important committees, you have acquired extraordinary experience and made an immeasurable contribution to tripartism, all of which is a very solid guarantee of your loyalty and dedication to the broadest values of social dialogue.

And so you are in fact a symbol of the victory of democracy in the political, economic and social fields and a living example of the universality of democracy.

Your message resounds as a symbol of the voice of the peoples of the African continent. Victims of decadent and falling dictatorial regimes, devastated by natural catastrophes, suffering from famine and endemic disease, the poor and the suffering of Africa find in you a trustworthy defender. And for this reason, too, you are a guarantee of the urgently needed support for the poorest, and for the transparent and rational distribution of available resources.

Today the ideological logic, which was in the past so often merely a cover for oppression, has now been broken. The time has come for the logic of mutual assistance and loyal cooperation to triumph on the basis of a common understanding that peace among all will be achievable only through economic progress and social justice in a permanent battle against poverty wherever it exists.

All this means that we need a renewed vision, a multidisciplinary and global vision, of development. It means that we need a far closer and more fruitful cooperation between the different international organisations, each in their own specific field, to develop education, health, communications, financial rectitude, the economic restructuring of our societies as well as social justice. And therefore we need to find that interrelationship between these organisations so that human rights can reach their full dimensions. Fate has decided that the President elected for this session of the Conference should be a European, a citizen of Western Europe, of a country with over eight centuries of history, Portugal. But our roots go back to a beautiful and great brother country in Africa, Angola. I have a clear memory of the teachings of the old traditions of the peoples of Africa and in particular of the age-old practice of the village elders who gather the people of their village around them to listen to their complaints, to mediate in their disputes, to bring justice to the persecuted, to punish the guilty and to bring peace to their communities.

Allow me to express the sincerest wish that you, Your Excellency, who are young, a politician in the prime of life, an African of great international prestige, will always hold dear to you that calm, deep wisdom of the elders of Africa. May that wisdom always guide you on the straight and narrow path of peace.

The meeting is adjourned.

(The Conference adjourned at 10.45 a.m.)

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Tenth sitting

Tuesday, 9 June 1992, 11.15 a.m.

President: Mr. Decosterd

FOURTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original – French: The PRESIDENT (Mr. DECOSTERD) – The first item on our agenda is the fourth report of the Selection Committee which is contained in *Provisional Record* No. 6C.

The report contains only changes to the composition of the committees and it is presented to you for adoption. If there are no objections I shall consider that it has been adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – French: The PRESIDENT (Mr. DECOSTERD) – We will now continue our debate on the reports of the Governing Body and the Director-General.

Mr. ATASAYAR *(Employers' delegate, Turkey)* – I have great pleasure in extending to the President on behalf of the delegation of Turkish employers and on my own behalf, sincere congratulations on his election as President of this session of the International Labour Conference.

It is with great interest that I have read the Director-General's Report and I would like to thank him for having provided us with a lot of food for thought, with a text which can easily be included in the reading list of any social sciences faculty anywhere in the world.

Having said this, I must make it very clear at the outset that Mr. Hansenne's Report is far from being a purely academic work and, in fact, contains many practical views and recommendations which should be thoroughly examined, discussed and put into operation by the ILO and its constituencies.

Nothing is more comforting to see than the situation today where by towards the end of this century, which has witnessed more bloodshed than any other century in the history of mankind, democracy has ultimately become the universal value and watchword of the world. We owe this development to the collapse of the so-called "socialist" regimes. But democracy has also played a decisive role, by proving to be the only regime in which all segments of a society can freely pursue and promote their interests. Therefore, if we sincerely want it to reign in this world from now on, we must all support the efforts of the countries that are currently going through the process of democratisation. In this connection, the Director-General's Report has created a genuine opportunity to discuss this problem at length in this truly international forum. As Turkish employers, we particularly appreciate and support both the Turkish Government's and the ILO's efforts to search for ways and means to contribute to the smooth operation of the process of democratisation.

Democracy, economic development and social progress are inseparable from each other and in a way they can be likened to the three sides of a magic triangle. If you try to achieve only one or two of them by neglecting the other, you can never complete that magic triangle.

In our opinion, it is wrong to conceive democratisation only as a political phenomenon. In fact, social rights cannot be enhanced without promoting economic development. Similarly, economic stabilisation is a prerequisite for lasting democracy. Developing countries abound in examples of this interdependence.

Therefore, I would like to point out that the first step to be taken to promote democratisation is to base it on a sound economic structure which is also the precondition for social progress. Here, we face a fundamental choice between the widening or deepening of social rights in a country. We are convinced that, in this respect, widening should be preferred to deepening. We believe that this view is also valid for Turkey.

In response to the Director-General's views expressed in his Report to this Session, I would like to make the following points in the light of Turkey's experiences.

We believe that all international organisations, including the ILO, should take a firm stance against terrorist acts threatening democracies today. International terrorism can only be dealt with through international cooperation and solidarity.

The ILO should provide all the necessary assistance to countries that have already embarked upon policies conducive to market economies. Symposiums and other international gatherings similar to the one which was recently held in Brussels should also be organised for the new independent States of Asia. I take particular pleasure in expressing our preparedness to support such initiatives.

In support of the Director-General's views, I would like to emphasise that tripartism is perhaps the best way through which democratisation can be promoted. However, to achieve this end, we need genuine adherence to practices of tripartism. Tripartism should not remain as a "facade" only. Obviously, this will require a considerable amount of goodwill and mutual trust on the part of the parties concerned. Efforts by governments to impose one-sided policies based on their political views on the problems and issues of working life can only be counter-productive. This kind of attitude will weaken and even damage the operation of tripartism in solving those problems.

I am pleased to inform you that in Turkey we have all the institutions of tripartism. However, it is hard to claim that we make efficient use of them in the face of the problems besetting our working life. We sincerely believe that for a well-functioning tripartite mechanism to exist, the parties thereto should pay more attention to its substance than to its appearance. This in turn, means that their views should be thoroughly assessed and taken into consideration when tackling the problems. We maintain that with certain classical, and to a large extent, outmoded approaches, it is virtually impossible to face today's economic and social realities.

To conclude, we would like to reiterate, as representatives of Turkish employers, our preparedness to support fully the ILO's efforts in contributing to democratisation through enhancing respect for fundamental human rights, promoting employment for healthier economic structures and developing tripartism among employers' organisations, trade unions and the State. Problems created by democracy can be solved by the principles of democracy. It will make us very happy to see the ILO adding this to its basic principles.

Original – Hungarian: Mr. KISS *(Minister of Labour, Hungary)* – First of all, permit me to congratulate Mr. Nascimento Rodrigues on his election to the presidency of this 79th Session of the International Labour Conference. I am quite certain that our Conference will complete its mission and will successfully carry out all the tasks before it.

On behalf of the Hungarian Government, I would like to express my appreciation for the effective and pioneering work of the International Labour Office. I would also like to convey our Government's gratitude to the Director-General for the preparation of his Report, which addresses issues of high importance to us, and to thank him for the generally high standard of the documents prepared for the Conference.

For us, the theme and issues discussed in the Director-General's Report, *Democratisation and the ILO*, are vitally important. Its message that the political climate in all regions of the world shows signs of democratisation is very encouraging. It brings us to realise that we can build democracy in Hungary as part of a global process, with the contribution of other countries and the International Labour Organisation. At the same time, the Report warns us that democratic changes and market liberalisation often incur enormous social costs: inflation and unemployment. On the basis of our example I can safely say that under these conditions the responsibilities and tasks of labour administration are excessively difficult. Its success – which is quite obviously influenced by various factors – can be viewed by measuring the amount of social justice, social security and, finally, democracy prevailing in both society and the conscience of the people.

As for the Republic of Hungary, halfway through its mandate the first freely elected democratic Government has made progress of historical proportions in the development of a new society. Our fundamental institutions are solid, and the transformation of the economy and the development of the market are, according to statistics and in actual fact, taking place at an appropriate rate. However, the consequences of the inherited difficulties, the world economic recession and the regional crisis in central and eastern Europe are to a large extent increasing the social burdens of economic transformation.

The best way to alleviate these burdens is the establishment of an effective economic policy, which also simultaneously calls for an effective social policy. The fundamental issue is the creation of new jobs to replace those that gradually are disappearing. Nevertheless, our confidence in the healing process of an ill economy cannot preclude treating the painful symptoms still besetting it as it recovers. To make these burdens more bearable the labour administration cannot neglect its power to influence the complex consequences for employment of structural transformation. Unemployment is increasing, and it currently stands between 9 and 10 per cent. However, this is still manageable for our society and despite further increases in unemployment I believe that we will be able to handle the situation. In order to achieve this goal, our main responsibility is to enforce an active employment policy with continuous employment and to encourage effective employment promotion. Therefore, in the coming years, we will place special emphasis on quickly providing timely and useful information for people taking part in the labour market, in the exchange of labour, in career counselling, support for entrepreneurs and training and retraining programmes.

I would like to emphasise that the Hungarian Government also supports the realisation of the labour market system and its institutions by means of legislation. In our legislature, we pay considerable attention to the principle of tripartism, which we regard as the guarantee of economic transformation. We believe that the tripartite system is an essential element of political democracy and the market economy, since only a dialogue between the social partners can ensure a supportive social consensus, which is necessary to achieve the objectives of economic policy. In this spirit, we wish to enable both the employers' and workers' organisations to play a more significant role in finding solutions to labour problems. Our Employment Promotion Act of 1991 has been further developed with this aim in mind. It corresponds to European labour standards, and enhances active means to prevent and reduce unemployment while protecting the living conditions of the unemployed. With respect to the increasing demands of economic transformation, the Act, which enforces the principle of social justice more consistently, defines the rights and responsibilities of the social partners – employers and workers, the State and the minicipalities – and encourages them to establish new forms of cooperation.

The Labour Code approved by Parliament this year introduces a new relationship between the tripartite system and the world of work. Amongst the multitude of labour issues it deals with, the Labour Code aims to establish a new market-oriented regulation of cooperation between employers and workers. The basic principle of the regulation is the retreat of the State from the world of labour. This does not, however, mean a complete withdrawal. The regulatory function of the State is clear in two areas: on the one hand, in guaranteeing to a certain extent the employment of workers; on the other hand, in ensuring their collective action in a normative way. Thus, legal provisions concerning workers are confined to the establishment of norms and minimal standards.

The new Labour Code also establishes an institutional system for the reconciliation of labour interests. Workers are eligible to participate in the management of the company in the form of a workshop council. The trade unions, for their part, play a major role in negotiations concerning social matters, reconciliation of interests and collective agreements. So far as institutions are concerned, we have thus separated the reconciliation of interests from participation in management, following the model employed in most developed market economies. It is of no surprise that the introduction of workshop councils brought about some bitter disputes, as many people considered their establishment an attack against the trade unions.

I strongly believe that this is not the case. We need effective protection of the workers' interests. This requires the protection of the interests of trade unions and also the protection of the workshop councils, each of which represents a given group of workers.

I would like to emphasise two points regarding the relationship between Hungary and the International Labour Office. First, Hungary will uphold and strengthen its commitment to respect and apply the international labour standards in every way possible to help attain the noble objectives and ideals of the ILO. I would also like to stress our very great appreciation for the contributions made by the International Labour Office to solving our domestic labour problems, and first and foremost the technical and professional assistance that we have received in the framework of ILO projects. The invaluable support of the International Labour Organisation will greatly assist the Hungarian Government in finding solutions which are acceptable for our society in the areas of structural transformation and consistent changes in ownership. To a certain extent, we regard the International Labour Office's intention to establish in our capital a central and eastern European multi-disciplinary ILO team as an acknowledgement of our efforts so far. I am quite certain that this step, which is highly appreciated by both my Government and me personally, will greatly contribute not only to the Hungarian transformation but to the other democratic processes in central and eastern Europe as well.

Mr. CASTILLO *(Government delegate, Belize)* – I am indeed honoured and it gives me great pleasure on behalf of the Government and people of Belize to be afforded the privilege of addressing this august assembly.

May I join the many other speakers in congratulating the President and Vice-Presidents on their election and wish them all success with their deliberations.

Permit me also to congratulate the Director-General of the International Labour Office for his excellent Report which we have read very carefully. The theme of the ILO and the process of democratisation is a timely one and Belize fully supports all the ILO's efforts to achieve lasting peace and happiness for all through the democratic process.

Before addressing myself to the Director-General's Report, permit me once again to express my sincere thanks and gratitude to the International Labour Organisation, its Regional Office and also the Caribbean Labour Administration Centre for their continued assistance to Belize, particularly in the areas of advice and training. We look forward to their continued support in the future.

The protection of workers' claims in the event of the insolvency of the employer is of great importance at this time because of the rapidly changing economic situation world-wide. Bankruptcies, although undesirable, are a frequent phenomenon and workers should not be deprived of their wages because of this unfortunate situation. There is the risk every day of workers not only losing their jobs but also their pay for work already performed. The protection of workers' claims affected by bankruptcy is an essential question since their salary is the only income upon which workers can depend for their livelihood. Workers should not have to suffer because employers choose to settle their other debts before meeting their claims. It is therefore necessary for the ILO to prepare a new instrument which will offer better protection for workers' claims threatened by non-payment because of the adverse financial position of their employers. In other words, employees are preferential creditors of failed enterprises.

The following has been accomplished by the Government of Belize over the past year:

1. The Labour Code of Conduct was reprinted and updated.
2. A minimum wage for manual workers was established. It is $2.00 per hour for manual workers engaged in agriculture, agro-based industries or export-oriented industries, and $2.25 for manual workers engaged in other industries. The reason for this is to allow for expansion and competitiveness on the international market. In areas where the hourly rate may not be applicable or effective, piece or task rates are to be used. These must be determined mutually between the employer and the employee. It is only in the event that there is disagreement between the two with respect to what is considered a reasonable piece or task rate that the Labour Department will intervene to resolve the issue.
3. The discussions of the proposed amendments to the Labour Act have recently been completed by the Labour Advisory Board.
4. In order to continue to improve the lot of the working class I have recently appointed a wages council to examine the wages paid to shop assistants and domestic helpers with a view to increasing their minimum wages.

Before concluding, I should like to mention some very important events which occurred during the latter part of 1991 and early this year. These were as follows:

1. Belize participated as a full member at the 21st Regular Session of the General Assembly of the Organisation of American States which was held in Santiago, Chile, during the week 3-7 June 1991.
2. Belize's Ambassador to the United Nations represented Belize at the 10th Conference of the Non-

aligned Movement held in Accra, Ghana, 2-7 September 1991. He delivered an address on behalf of Belize.

3. Guatemala and Belize established full diplomatic relations on Wednesday, 11 September 1991. Guatemala immediately named its Ambassador to Belize. This dramatic event occurred exactly six days after the President of Guatemala announced the recognition of Belize as an independent state.
4. Belize's Ambassador to the United Nations was elected to serve as a Vice-President of the United Nations General Assembly during its sessions which opened on Tuesday, 17 September 1991. It is the first time since its admission ten years ago that Belize has held a Vice-Presidential seat in the United Nations General Assembly. On 8 October 1991 Belize's Ambassador addressed the 46th Session of the United Nations in New York. He took the opportunity to apprise the world community of Belize's position on issues of international concern, and also brought the United Nations up to date on recent developments in Belize, foremost of which was the outcome of the negotiations between Belize and Guatemala.
5. Belize participated for the first time in the 4th Conference of Labour Ministers from Central America and Panama held in Guatemala City on 9 and 10 September 1991. Initially we were invited to participate as observers, but upon our arrival there we were accorded full membership status in this regional organisation.
6. I also attended the 5th Meeting of Ministers of Labour of Central America and the Dominican Republic held in Panama from 9 to 11 April 1992, and a symposium on Employment in the Public Service in Costa Rica from 23 to 24 April 1992.

In conclusion, I would like to assure you of my Government's fullest support for the efforts of the International Labour Organisation to contribute to a better working environment, safe and equally secure for the social and financial well-being of all mankind. It is our sincere desire that the deliberations of this 79th Session of the International Labour Conference should be successful.

Mr. BUNNAG *(Minister of Labour, Thailand)* – On behalf of the delegation of the Government of Thailand, and on my own behalf, I would like to extend greetings to fellow delegates and others attending this 79th Session of the International Labour Conference. As in previous years, we appreciate this opportunity offered by the ILO of meeting and exchanging views with delegates from all over the world.

May I start by congratulating Mr. Nascimento Rodrigues on his election as President of the Conference. I am confident that under his able and dynamic leadership the Conference will make significant contributions to the attainment of the ILO's sacred principles of social justice and human welfare, which have always been upheld by the Royal Government of Thailand. I would also like to congratulate the distinguished representatives who have been elected to their respective positions.

The Director-General as usual has presented us with an excellent Report, which not only covers the activities of the Office but also provides future guidelines for promoting equitable socio-economic development. Thailand, as a founding Member of the ILO, has always adhered to the principles enshrined in the ILO Constitution, the Declaration of Philadelphia and the Conventions and Recommendations adopted subsequently.

Very recently we had the privilege of hosting the ILO Asian Regional Conference in Bangkok, which was attended by all the Asian regional member States, the Director-General and officials of the ILO. We benefited substantially from the deliberations of the Asian Regional Conference, which encompassed such current issues as structural adjustment and workers' safety and health. Free and frank opinions were exchanged and delegates were able to gain first-hand knowledge of the economic growth and social progress achieved by Thailand in recent years. We thank the delegates who appreciated our organisational arrangements and hospitality, and for their interest in our efforts to promote the private sector and in our real concern for workers' welfare and social justice.

For the last several years Thailand's economy has been growing at near double-digit rate. Although the growth rate slowed down slightly in 1991 it is still quite high. The success of our macro-economic policies is also reflected in the maintenance of relative price stability in the past two years. The minimal increase in price levels, combined with the high rate of growth of the GDP, has made it possible to lower the rate of unemployment and raise the standard of living of workers through effective administration of minimum wages and new regulations on occupational safety and health.

The Director-General, while referring in his Report to the need for upholding democratic principles, rightly emphasises that tripartite consultation is a democratic practice. We, in Thailand, are promoting social partnerships with the cooperation of employers' and workers' organisations, as well as the active participation of the Government, for the resolution of industrial disputes through tripartite consultations. The recent government policy announcement in Parliament affirms that both the Tripartite Wage Committee and the National Advisory Council on Labour Development will be strengthened for the protection of our workers. Implementation of labour laws, including those on minimum wages and workers' safety, has also improved substantially and labour law violations reported in 1991 were much less compared to earlier years.

In this context, I would like to refer to the problems faced by developing economies in securing the participation of employers' and workers' organisations in appropriate training programmes. The Director-General's Report mentions that training institutions are often geared to a captive formal economy market, but must also adapt their programmes to meeting the skills training needs of the informal sector. Thailand has initiated "Improve your business training" for self-employed workers in target areas. To boost the informal sector we have undertaken several measures, such as encouraging formal sector workers and employers' organisations to come into contact with their counterparts in the informal sector through subcontracting programmes. Small and cottage enterprises in urban and rural areas are being supported by large enterprises in their mutual interest. This is more evident in the agro-processing, garments, jewellery, tourism and other labour-intensive industries. Training is also being provided to the self-employed in rural areas, and technicians in the armed forces.

A recent development in Thailand is the creation of two separate departments, namely the Department of Skill Development and the Department of Labour Protection and Welfare. In the area of skills development, the needs range from common farming skills to technical skills for advanced technology. Employment promotion activities are being undertaken to enhance access to information on the demand for certain skills and training facilities to individuals, particularly the socially disadvantaged. In this context I refer to the report on adjustment and human resources development – agenda item VI – which states that there is a clear need for international technical support in education and training. Although the ultimate responsibility rests with each country, we hear of reorganisation of the ILO field structure and its role in technical cooperation activities.

I would like to reiterate that Thailand values the role played so far in rendering technical assistance by the ILO's regional centres and the Regional Department for Asia and the Pacific, particularly by ARPLA, APSDEP and ARTEP. We believe that these institutions have acquired the expertise and insights into regional situations which are difficult to substitute. I very much hope that the technical capability to provide assistance to countries in the Asian and Pacific Region will be strengthened in future.

Technical cooperation support will also be required by the Department of Labour Protection and Welfare, especially in the field of occupational safety and health. Prevention of industrial disasters is an area where such technical assistance is much needed. Our experience in implementing the ILO-aided project on major hazard control reveals that there is a global shortage of expertise in this area.

With the assistance of ARPLA and other regional centres we have trained a limited number of persons in safety procedures, including major hazard control. The needs, however, are much greater than the attention it has so far received. Without developing the expertise, the draft Conventions and Recommendations under discussion (agenda item V), will have only academic value.

As regards the protection of workers' claims in the event of the insolvency of their employer (agenda item IV), we would like to mention that the insolvency-related problem in Thailand is within manageable limits. The number of business failures is not yet significant and, in many cases, workers' claims have been settled amicably by using the existing channels of redress, including the conciliation mechanism.

Among the agenda items before the Conference, the item on adjustment and human resource development is of great significance to Thailand. The Report on the subject, prepared by the Office, is quite informative. However, inadequate attention is paid to the situation in developing countries. In a small section, it reviews creation responses in developing countries, mainly the experience of Africa – but no coverage is given to the Asian and Pacific Region.

In Asia there are a number of countries with a high economic growth rate, as well as a high incidence of absolute poverty. There are several success stories in the region, notably those of Singapore, Japan and the Republic of Korea.

In Thailand also, the education and training process is under constant review and innovations have taken place in the formal and informal channels of education.

In developing economies, such as Thailand's, efforts are devoted to developing and upgrading the technical skills of workers, as well as supervisory and managerial talents. We feel the ILO should help develop the technological competence of its members at all three levels – workers, supervisors and managers. This approach will also help to strengthen and popularise the role of tripartite institutions.

Therefore, while the Report is useful, we would greatly benefit from a more intensive review of the situation in the Asian region.

I would like to conclude by assuring the Director-General of our wholehearted cooperation in supporting the principles and policies of the ILO.

Once again, I thank you and the delegates for your patient hearing and wish you every success in achieving the objectives of the Conference.

Mr. IJAZ-UL-HAQ *(Government delegate, Pakistan)* – In the name of Allah, most compassionate, most merciful!

At the very outset, I would like to congratulate Mr. Nascimento Rodrigues on his election to the high office of President of this august assembly. I bring warm greeting from the people and the Government of Pakistan to him and to the distinguished delegates attending the Conference. I am confident that, under his sagacious leadership, the deliberations of this Conference will be a greater success.

The International Labour Organisation is two years away from completing three-quarters of a century of existence. I would like to go back into history and highlight the international labour standards enumerated by the holy Prophet of Islam – peace be upon him! In one case he showed it through personal example. When trenches were being dug to protect the holy city from outside invasion, he joined others in the digging work. It was not because there was a shortage of workers and an additional hand was required. He joined the workers as head of the Government to establish the dignity of labour. He showed that there was no dishonour in work. Similarly, he laid down one of the finest international labour standards by stating that a worker should be paid his dues before his sweat dries on his brow. The implied meaning indicated the mutual rights of workers and employers.

On behalf of my Government, may I commend the efforts put in by the Director-General in preparing a comprehensive Report which focuses upon the process of democratisation in member States, and the role of the ILO in this process. The Director-General has rightly pointed out that democracy is an "instrument of freedom", as well as a "symbol of the aspirations of humanity and repository of its hopes for a better life". His analysis of the current trends towards democracy and the assertions of civil liberties successfully bring home the message that observance of basic human rights is the key to world peace. It is heartening to note that the ILO has inspired the international struggle to uphold the values of human freedom and dignity and to advance social justice.

Pakistan is one of the several countries in Asia where rapid economic and political changes are taking place. The transition, though difficult, promises a more prosperous and just society. We are determined to further the democratisation process, together with social justice. We are fully aware of the need to establish a genuine connection between democracy and development.

It has been rightly pointed out by the Director-General that political constraints reduce the chances of economic success, and every collapse of the economy leads sooner or later to political upheavals. We fully concur with the view that the fate of the democratic system is closely linked with economic development and that "genuine political democracy has little chance to survive without social justice".

In order to provide support to the democratic system and to achieve economic freedom, the Government of Pakistan has introduced far-reaching reforms, including deregulation and privatisation, which aim at full utilisation of the potential of the private sector to accelerate economic growth and to provide basic services to the deprived segments of the population.

Pakistan recognises and appreciates the ILO's valuable contribution in promoting respect for fundamental human rights, freedom of association, tripartism, freedom of vocation, equality of opportunity and treatment, the right to work and right to adequate conditions of work. We share the views of the Director-General that progress towards the realisation of human rights requires changes in social relationships and conciliation of conflicting interests.

Pakistan shares the perceptions of the ILO in almost all areas of its activities. We have ratified and are adhering to the fundamental ILO standards. We do not claim perfection, yet we fully subscribe to the philosophy inherent in these instruments and are making sincere efforts to implement them in letter and spirit.

In pursuance of the United Nations' Convention on the Rights of the Child, the Pakistan Government has enacted legislation to prohibit the employment of children in hazardous occupations and processes injurious for their health and safety. The Act regulates the conditions of work of workers between the ages of 14 and 18. Violation of the Act is punishable with imprisonment of up to one year or fine of up to Rs. 20,000, or both.

Another major step taken by the Government for the protection of basic human rights is the abolition of the bonded labour system. Under the law, bonded labour has been made a cognisable offence punishable with imprisonment for a term which may extend to five years or a fine of not less than 50,000 rupees, or both. The law provides for the setting up of vigilance committees to monitor its implementation.

In the process of privatisation of state-owned enterprises, the Government has ensured full protection of the rights of workers. The package of measures offered to employees includes the payment of five months' wages for each year of service as a golden handshake to those opting for it. Workers rendered unemployed involuntarily are entitled to receive reasonable unemployment allowance for a maximum period of two years. In addition, 10 per cent of shares of the enterprises have been reserved for the workers.

A number of harsh realities of the present-day world remind us that we are still far from achieving the cherished goals of freedom, justice and peace, which require the recognition of the inherent dignity, and the equal and inalienable rights of all members of the human family. Despite the enhanced stress on human rights in international relations, instances of gross violations of human rights continue to occur in various parts of the world and threaten the livelihood of working populations.

The denial of the right of self-determination of the people, as recognised repeatedly by United Nations resolutions, is a glaring example of such harsh realities and has led to violence, paralysed normal civic life and increased the sufferings of the workers in Indian-occupied Jammu and Kashmir. Thousands of innocent workers have been arrested on false charges. Hundreds of thousands of workers have become jobless. In order to conceal the havoc that it has played with the working class in Kashmir, the Indian Government has persistently refused permission to international groups to enter the occupied territory and to see the agony of an honest and diligent working population.

The plight of Kashmiri workers in this disputed territory poses a challenge to the international community. We call upon the Government of India, through this Conference, to restore normalcy in occupied Kasmir by accepting the just demands of the Kashmiri people, in accordance with United Nations resolutions. This would help the Kashmiri workers to contribute to the progress and well-being of their people.

The people of Afghanistan have finally assumed control over their destiny. We sincerely hope that the restoration of peace and stability to that war-torn country will enable all Afghans in Pakistan and in the Islamic Republic of Iran to return now to their homeland and to enjoy the dignity and honour and safety to which they are legitimately entitled after their long struggle.

Pakistan hails the recent success of the brave people of South Africa. My country has consistently supported the heroic struggle of the people of South Africa for freedom, equality and justice. We hope that the overwhelming reform vote in the 17 March referendum, will encourage President F.W. de Klerk to take the necessary steps for the complete eradication of apartheid and the introduction of genuine multi-racial democracy.

In conclusion, I would like to convey the Government of Pakistan's appreciation for the ILO's efforts to help workers throughout the globe. We hope that the ILO, in keeping with the Director-General's Report, will lend more attention to the improvement of working conditions around the world, and particuarly in those regions and areas where we still see persistent denials of fundamental human rights, including above all the very right of self-determination.

Original – Arabic: Mr. BOZO *(Minister of Social Affairs and Labour, Syrian Arab Republic)* – Allow me first of all to congratulate Mr. Nascimento Rodrigues, in the name of the Syrian Arab delegation and also in my own name, on the confidence that has been placed in him by this Conference in electing him as the President of this session, which is a particularly important one, given the subjects on its agenda. We are hopeful that our discussions will culminate in constructive results that consecrate the principles of the International Labour Organisation and go towards achieving its noble objectives.

I take this opportunity to thank Mr. Michel Hansenne, the Director-General of the ILO, and all the officials of the ILO for their work, activities and efforts in 1991 as described in the Report before the Conference. These activities were spread over a number of countries and covered important programmes concerning international labour standards and human rights, freedom of association, the equality of rights, labour law information, international migration, vocational training, industrial relations, labour administration, the working environment, as well as sectoral and regional activities.

We hope that the need to strengthen and extend this programme in order to meet the requirements of the social partners, in particular of the Arab countries, will be taken into consideration by granting them a larger share of financing. We are pleased to say that we are now implementing a safety and health at work programme within the framework of technical cooperation with the ILO.

We would like to mention the supplementary measures, described in the Director-General's Report under the heading "Equality of rights", taken in order to carry out technical cooperation programmes in the occupied arab territories, and also the new report that has been prepared on the situation of workers in those territories on the basis of the conclusions reached by missions to those areas.

The first Part of the Director-General's Report entitled *Democratisation and the ILO* is admirable for it deals with a subject that affects the whole world.

This study shows that defending and strengthening freedom and equality are two of the aims of democracy, and that democracy also embraces, a form of power involving institutions, political parties, the free press, parliaments, etc., as well as the principle of recognising the oppositions rights. The democratisation process always goes hand in hand with a new economic regime or at the very least a definite change of the State's role in this area.

This study also shows that the international political climate has changed radically, and that certain countries which have moved towards democratisation are now threatened by the fact that their peoples, who have just begun to enjoy political freedom, now feel that they are suffering more misery than ever before. They realise that they have only gained the outward signs of democracy. In addition, racial tensions and conflicts have surfaced once again with a vengeance and are now taking their place in ideological conflicts.

The Report goes on to outline the areas in which the ILO can be of assistance such as in the field of human rights, in particular in the world of work, in strengthening the tripartite system and in collective bargaining.

We congratulate the Director-General on the information and the democratisation projects contained in his Report and on the ways in which the ILO can contribute to their success. In this connection we would like to refer to the huge importance that the Syrian Arab Republic gives to democracy, as reflected in the following passages quoted from a speech by Mr. Hafez al-Assad, President of the Syrian Arab Republic: "The formula for democracy is not a commodity which can be imported from one country or another, but a framework within which citizens exercise their rights and fulfil their obligations in accordance with their situation" ... "For a people to lead a democratic life, it is imperative to strike an extremely clear balance between the formula, or the structure and laws, and all of the people's cultural, historical, political, economic and social traits. Any imbalance engenders a loss of democracy" ... "Alongside democratically elected official institutions, the community councils and people's councils, there are also people's institutions, the nucleus and hierarchies of which are democratically elected; there are trade unions, with democratically elected leaderships and cores; there are political parties, with their democratically elected leaderships. Everyone takes part in the political process, shares power and participates in taking decisions: workers, peasants, teachers, students, women, merchants, doctors, engineers, and lawyers each participate in the functioning of the State and of society, in the framework of trade union organisation." ... "Democracy does not mean political anarchy, rather the creation of better conditions, allowing citizens to exercise free choice, even of the representatives they elect."

The Syrian Arab Republic is trying to develop fully in all economic, social and cultural spheres, with a view to providing a better life for its people, based on rules enshrined in the Constitution, out of which stipulates that: "it is every citizen's right to work, and his duty. The State guarantees equality of opportunity for all citizens, and guarantees women every possibility to make a full and efficient contribution to political, social, cultural and economic life."

President El-Hassad also said that "it is an honour for man to work, and the essence of life. The working class is the basis upon which the development process can be built. Those who work enrich life itself, and are enriched by life. Life has no meaning without work, and there is no progress without workers." The working class in our country has an essential role to play in taking economic and social decisions so that it may participate, with the social partners, in establishing and strengthening a sound national economic structure guaranteeing the increasing needs of man.

If progress in society is measured by the development of its legislation reflecting social relations, the laws and regulations in our country, with regard to labour, social insurance, the organisation of agricultural relations, vocational training and incentives to investment in the private sector to enable it to supplement the public and mixed sectors, can quite rightly be considered as being instrumental in such progress.

There can be no peace in the world as long as people are deprived of the right to self-determination, and their territories are occupied. The Syrian Arab Republic, which believes in the principles of freedom and justice, calls for a just and universal peace in the region based on international law.

Syria which opened the door to peace, when it agreed to the peace initiative based on the implementation of Security Council resolutions 242 and 338, and on the basis of exchanging land for peace. But Israel, which had rejected this initiative went back on its decision and opted for taking part in the peace negotiations, not in the interests of peace but because it is not in Israel's interest to boycott the peace initiative when the whole world was watching, especially since the world is calling for peace and the implementation of international resolutions worldwide. Instead of thwarting the peace process by means of the boycott which would have upset the international community, Israel decided, as can be seen from its behaviour in the negotiations, to block the peace process by taking part but at the same time preventing any chance of success. The entire world is convinced that Arabs want peace and Israel is rejecting it.

It is obvious from the peace negotiations that Israel refuses to discuss any withdrawal from the occupied Arab territories and avoids any discussion on basic issues. It buries itself in procedural questions to buy time and fly in the face of other parties.

It is clear that the brutal aggression waged against Southern Lebanon is, for one thing, aimed at derailing the peace process initiated by leading world powers and which was supported by people everywhere in the world.

We call for the implementation of resolutions passed by the international community, in all areas of the world where there is conflict, and one standard must apply to all.

This issue strengthens the feelings of regret and bitterness because of the discrimination seen with regard to the implementation of international resolutions. This is what recently happened with respect to the Libyan Arab Jamahiriya...

The **PRESIDENT** (Mr. DECOSTERD)– A point of order has been raised. I give the floor to the Government delegate of Israel.

Mr. **KEREM** *(Government delegate, Israel)* – As in previous years, may I ask that the distinguished Minister be asked to stay with the rules of procedure as laid down by the Selection Committee concerning discussion of the Middle East issue, that is that that discussion be confined to the special sitting?

Original – French: The **PRESIDENT** (Mr. DECOSTERD – You may continue, Mr. Bozo.

Original – Arabic: Mr. **BOZO** – Mr. President, I was simply discussing the question of the peace negotiations.

We call upon the ILO to redouble its efforts to respond to those who have the greatest need of our assistance in South Africa, confirming its commitment to an end to apartheid and create a just society.

The South African authorities continue to infringe the rights of Black workers, to imprison them and flout their personal freedom, depriving them of their most elementary rights to work and practising discrimination in respect of wages, social security and residence.

We welcome the new member States, whose tripartite delegations are taking part in the meetings of this session.

Finally, may I wish every success to this Conference and hope that we may advance further towards the attainment of the noble objectives of the Organisation.

Mr. **DAL KING** *(Minister of Labour, Sudan)* – On behalf of the Sudanese delegation and on my own behalf, may I congratulate the President on his election. We have every confidence that his wisdom and guidance will lead this session of the Conference to a successful conclusion. Our felicitations go also to the distinguished Officers.

As we all know, the 79th Session is taking place amidst profound changes in the international arena. The pages of a new global system are now being opened, leaving behind us the turbulent decades of the Cold War. In this connection, we all hope that the future will be endowed with social justice, equality between nations, respect for different cultures and ultimately the narrowing of the horrendous gap between the North and the South in terms of well-being and quality of life.

The ILO, which is unique, will continue to have a central role in our collective endeavours and pursuits for a new and just international system. Indeed, human resources will always remain a focal element of the process of economic and social development, hence the paramount importance of this Organisation. The Director-General was indeed right to pose the question to all of us as to how we see the future of the ILO. We see it in terms of a more intensified role in technical assistance to developing countries, with more training for their labour force, preferably with a more regional focus, and naturally more resources mobilised for training.

The theme chosen by the Director-General in his Report to this session, *Democratisation and the ILO*, commands our attention and remain of great interest to my delegation. the reason for this is that my Government of National Salvation had already embarked on a democratic political and social system that caters for the aspirations of our people and draws from their cultural and national heritage. To this end, the National Salvation Revolution has conducted a transparent and democratic dialogue in all areas, culminating in the adoption of peace and economic strategies as well as a federal administrative structure for our country.

Furthermore, we adopted far-reaching policies of economic reform and adjustment last February, fully liberalising our economy. Exchange controls were abolished, subsidies lifted and prices deregulated. At the same time, more incentives were given to boost production and investment.

These measures were adopted along with successful agricultural policies that led to self-sufficiency in wheat, sorghum and sugar, within the context of our year 2000 overall national strategy.

Not only this, but also the important issues of trade unions and labour legislation were freely discussed in a tripartite format and in accordance with international labour standards. The outcome of this process was the enactment of the 1992 Trade Union Act. Meanwhile we are preparing for the elections of the trade unions scheduled for August 1992, and I take this opportunity to invite the ILO to attend these elections as an observer.

Let us hope that democratisation at the ILO will lead to a more meaningful and effective Organisation. Democracy can remain as an empty slogan unless social justice and eradication of poverty are achieved. We also call for democratisatiion at the international level, by making the international system truly universal and democratic in its decision-making processes.

We commend the noble work of this esteemed Organisation in prohibiting child labour and avoiding its tragic consequences for human societies. The International Programme on the Elimination of Child Labour is of course, a testimony to this task. However, the southern part of my country, witnessed a grave tragedy when fifteen thousand children were forcibly recruited by the rebel movement (SPLA) and uprooted from their families in an unprecedented manner. We left no stone unturned in calling upon all humanitarian organisations to assist in ending the plight of these children, and I personally, happen to have five dependents among them. We once again declare from this rostrum that the international community must shoulder its responsibilities in freeing these children from the horrible grip of starvation, disease and untold suffering.

I have just returned from the southern part of my country, and we are trying our best to protect our civilian population from the atrocities of the rebel movement.

Let me assure you that the Sudanese Government continues to search for peace and stability in the south of our country. We are happy to note that the first round of the Abuja peace talks, which have just been ended under the highly appreciated auspices of President Ibrahim Babangida, have moved the peace process forward. It was agreed in Abuja that all parties will meet again to discuss the question of political interim arrangement for the transition period. We will continue our peace objectives and believe that a peaceful solution is attainable.

Our delegation congratulates the ILO for inviting a dedicated son of Africa, Mr. Frederick Chiluba, the President of Zambia, to address this session. We also welcome the new eight members who have joined this Organisation and indeed their contribution to our work will be greatly appreciated and makes the ILO more universal.

Finally, we lend our unflinching support to the process of dismantling apartheid in South Africa. Our delegation also looks forward to the special sitting on Palestine next week, and we hope that this process will lead to a special committee on Palestine, in recognition of the just and legitimate rights of the Palestinian people under the PLO leadership.

Mr. **RWEGASIRA** *(Minister of Labour and Youth Development, United Republic of Tanzania)* – It is an honour for me, my delegation, and the people of the United Republic of Tanzania to be accorded this opportunity to address this 79th Session of the International Labour Conference.

Allow me, first of all, to congratulate Mr. Nascimento Rodrigues on his election to the presidency of this Conference. I am optimistic that under his wise leadership our deliberations will undoubtedly be fruitful. I would also like to extend, on my own behalf and on behalf of my delegation, congratulations to the other Officers of the Conference on their election.

May I commend the Director-General's Report, *Democratisation and the role of the ILO.* Democratisation is currently a world-wide phenomenon but is having very contrasting effects and repercussions in different countries. For countries like the Republic of Tanzania, this process has meant the democratisation of a new dimension. It has entailed not only the adoption of political pluralism but also austerity and stringent policies in the public sector. The adoption of structural adjustment programmes has brought about extensive liberalisation of the key sectors of the national economy, removal of price control systems, readjustment of exchange rates resulting in a steep devaluation of the national currency, eradication of subsidies, restructuring of parastatal companies, retrenchment and several other measures of far-reaching social consequence.

These measures have already begun to have an effect on the area of human resources and the socio-economic well-being of the country. In adopting these measures, the state of unemployment is bound to worsen. These policies are admittedly geared to reduce public expenditure and increase production; but at the same time they result in the layoff of enormous numbers of workers, thus denying them employment which is a basic human right.

Whatever we do, trade liberalisation, structural adjustment, unfavourable terms of trade and the debt burden are bound to make the lives of the majority of our people difficult. They will not appreciate the benefits of democratisation unless they obtain the basic needs of life such as food, health, shelter and employment. The workers must, therefore, be assured of adequate wages, while the peasants must be assured of remunerative prices for their produce so as to earn a decent living.

Thus democracy to a hungry and suffering populace might mean more political, economical and cultural chaos. To support global stability, the North must be willing to transfer resources to the South in order to supplement the meagre resources of developing countries.

Unless measures are taken to alleviate this situation, poverty and instability are bound to engulf the enforcers of these policies. As stipulated in the Preamble of the Constitution of the ILO: "universal and lasting peace can be established only if it is based upon social justice". Steps will have to be taken to ensure that those affected by policies adopted still have means to survive and earn a decent living in spite of retrenchment. This we believe is the whole idea of social justice: improving the living standards of our citizens, be it through giving them jobs, salary increases and – where formal employment is not available – the granting of credit at favourable terms and other economic boosting measures for those forced to turn to the informal sector for self-employment.

Undoubtedly these issues are crucial and the ILO has a definite role to play if democratisation is to have any meaning to countries like the United Republic of Tanzania. I am happy to say that our country has already started taking measures to make the process of democratisation more meaningful. The informal sector has been given more thrust to expand its activities at all levels. Vocational training programmes are providing individuals with skills to enable them either to seek formal employment or venture into self-employment undertakings – individually or on a cooperative basis. It is in this context that I would like to express the Republic of Tanzania's profound appreciation to the ILO and other agencies for the technical, financial and moral assistance in making these endeavours not only possible but also successful.

I would like to draw your attention to the prevailing conditions in South Africa. While we rejoice at the positive developments to bring about change and think that the measures taken so far are encouraging, we are of the strong opinion that it is still too soon to do away with the ILO Declaration concerning Action against Apartheid in South Africa, and sanctions against the minority regime, as racial discrimination is still in place. We should not take it for granted that apartheid is no more, for it may be recalled that the recent "white only" referendum reflects the fact that apartheid is still very much alive. The United Republic of Tanzania would like to call upon other member States to keep up the pressure of sanctions to speed up the process of change in South Africa, in line with United Nations resolutions.

Allow me to comment on the agenda item on the prevention of industrial disasters. Discussion of this issue is certainly timely, not only for industrialised countries – especially those which have already suffered industrial disasters – but also developing countries such as the United Republic of Tanzania which is still in the early stages of industrialisation; indeed, a discussion of this item gives these countries the opportunity to prepare for any possible disasters. As the saying goes: "prevention is better than cure."

Original – French: Mr. ABOULAHCEN BENYAHIA *(Employers' delegate, Morocco)* – I would like to begin by endorsing what has been said by many previous speakers in warmly congratulating the President and the Vice-Presidents on their election to high office in this Conference.

I would also like to take this opportunity to pay tribute to the activities undertaken by the International Labour Organisation, which constantly seeks to reconcile the twin aims of development and social process on a solid and credible basis, namely tripartism. At the same time, I would like to extend to Mr. Michel Hansenne, the Director-General of the ILO, my great esteem and my thanks because in his Report, which deals with one of the most important topics of our time, he has been bold and frank, and has sought to define the methodology of a strategy which, as far as possible, gives us a clear picture of the immense changes taking place in the world today. These changes can foster economic development and social progress only if they are backed up by the existence of real and effective democracy.

Democracy is the sure path which leads to a better future for all of us; in practice, it can satisfy the aspirations of all economic and social partners only if it is implemented and practised properly. This is the keystone of all that we do, and the aim which we constantly seek to attain.

In the world of today, we welcome the international détente achieved in the realm of international relations. This leads us to urge the ILO to try even harder and to make a greater contribution to addressing the concerns of the various economic and social partners.

We are fully convinced that it is vital to establish a climate of concertation and dialogue so as to develop a spirit of understanding and, at the very least, to avoid worsening the social problems experienced in many countries. It is also necessary to construct an environment in which democratic processes in political and economic life can flourish and social justice can reign supreme.

It is clear that we are now witnessing rapid and profound changes in the world economy. This economy is characterised, among other things, by liberalism, privatisation and by a new spirit of enterprise.

The free market economy assuredly represents a vital component in the implementation of democracy. Hence, in many countries signs of democracy are beginning to emerge and the climate has become considerably more favourable for private entreprises, whether national or foreign. Undoubtedly, the private sector has a fundamental role to play as a source of economic growth and technological development. But we must not forget its primary function in the process of dialogue and concertation, and its contribution to social progress.

Aware of the role played by the private sector and aware of the process of liberalisation and democratisation in political and economic life, the Moroccan authorities, under the enlightened guidance of His Majesty, King Hassan II – may God glorify him – have long sought to establish an effective structure to develop and expand the various processes aimed at promoting liberalism, privatisation, respect for human rights, social dialogue, and so on.

Our country's policy is to give the private sector a more active and wide-ranging role so that enterprises may become the engine of development. This attitude is reflected in an increasingly liberal economic environment which opens up new prospects for employers and enables them to contribute to national growth and development. In this environment, our Chambers of Commerce and Industry and their federation are gradually becoming one of the key players in economic and social development.

Alongside these achievements, we should note the strengthening of the ongoing dialogue between the Government and the economic and social partners. For Morocco, dialogue has always been part of our democratic tradition, but in recent years it has been enhanced by the incorporation of tripartism.

This process of tripartism is nothing other than the transposition into social relations of the principles which lie at the heart of political democracy: freedom, pluralism and the participation of interested parties in decisions which concern them, as has been emphasised by the Director-General.

Indeed, the Moroccan Government and the Moroccan employers attach great importance to social questions, particularly those relating to workers and enterprise, as evidenced by substantial wage increases, family allowances, the revision of benefit schemes, greater social security and the revision of pension schemes.

As regards employment production, new arrangements have been made for loans for the creation of small and medium-sized enterprises.

In short, ongoing contacts have provided an opportunity for an exchange of views in which trade union representatives are informed of the Government's intentions, and in which the Government learns more of the concerns of the various social and economic partners.

As an employers' representative, I am encouraged to note that the dialogue which has begun is being conducted smoothly and responsibly, and in the light of the national interest.

In the democratic environment, the Chambers of Commerce and Industry and their federation have originated many proposals, thanks to the support and backing of their members, and thanks also to the help they have received from the Government. Indeed, the Chambers now have the opportunity and means to play an active part in events and to influence what happens by defending the general interests of commerce and industry.

In our view, the progress that has been made will enable our Organisation to develop further and to contribute to consolidating democracy in our country. We hope that our federation will see greater technical cooperation with the ILO, and that this will encourage us in performing our task and in addressing our problems. Indeed, our problems are very similar to those faced by employers' organisations in all African countries: how to foster a spirit of enterprise; how to develop small and medium-sized business in urban and rural areas in order to provide employment for young graduates; and how to develop social security and a welfare system during periods of structural change.

Before concluding, I would like to say that the agenda of this session includes some very important items which directly concern the improvement of living conditions and working conditions, the promotion of employment and social progress, human rights, and individual and collective freedoms.

I am convinced that our work will be crowned with success.

Mr. COLUMBUS (*Workers' delegate, Fiji*) – I would like to join the delegates of the countries assembled here in congratulating the President on his election to head this session of the International Labour Conference.

I would also like to take this opportunity to extend best wishes and warm fraternal greetings to the ILO and the Director-General from the workers of Fiji, and our thanks for the support which the workers have received from the ILO in recent years.

Fiji is returning to the International Labour Conference this year after an absence of six years. I am pleased to be part of the tripartite Fiji delegation, and I hope that Fiji's return to the Conference bodes well for Fiji's future membership of the ILO, and for its commitment to consultation and cooperation on a tripartite basis to foster and facilitate a climate of industrial relations which will promote development and progress in Fiji.

Workers in Fiji welcome the Government's renewed relationship with the ILO and trust that this will be further manifested by the ratification of several international labour Conventions by the Government of Fiji – a matter which has been neglected for many years. The Government must now devote itself to the implementation and application of the provisions of those Conventions which have been ratified.

As many of you are aware, Fiji has just emerged from a difficult period. For the past five years we have been without a parliamentary democracy. It was only at the end of May that elections were held, and the interim Government which had ruled Fiji since 1987 has now been replaced by an elected parliamentary Government and a new Constitution which was promulgated in 1990.

Following the military coups of 1987, which shook the democratic foundations of our country, the interim government strove to restore the economy of Fiji. While their intentions were laudable, their economic policies and programmes were largely at the expense of workers on the premise of emphasis on exports and their cost-competitiveness. The interim Government instituted reforms deregulating the economy. These reforms have had serious short and long-term negative impacts on workers which we brought to the attention of the interim Government. It was a classic case of the rich getting richer and the workers getting poorer. Economic policies must address the expectations of both employers and workers.

In this tenuous situation, the interim Government nevertheless proceeded to implement labour decrees which suppressed workers' rights. Workers in Fiji, led by the Fiji Trades Union Congress, and with the support of other bodies, including the International Confederation of Free Trade Unions, oppose these so-called labour reforms which seriously diminish the hard-won rights that workers in Fiji had acquired and exercised over many years. We believe the reforms breach certain international labour Conventions. A complaint has been filed with the Committee on Freedom of Association of the International Labour Conference concerning the labour decrees which were promulgated in November 1991.

I must state, in no uncertain terms, that the entire Fiji Trades Union Congress rejects the labour reforms as it believes that suppressing the rights of workers and taking away facilities which the trade unions have achieved over several years of struggle is a negative approach which is bound to be counterproductive. We call on the Government of Fiji to withdraw the suppressive legislation imposed on the workers of Fiji in the guise of labour reforms.

I call on the Government of Fiji to recognise the Fiji Trades Union Congress (FTUC) as the national centre representing the workers of Fiji and to enter into dialogue with us without delay. This consultative process is a priority for workers in Fiji. It should be carried out within a reactivated tripartite forum where meaningful and substantive consultations can take place and firm agreements can be reached by the social partners for the betterment and progress of the country.

Fiji is embarking on a new era. We now have an elected parliamentary government. There has just been a major change in the composition of the FTUC Management Board. We are looking ahead. The workers of Fiji count on the ILO to provide technical support for the consultations between the social partners. There are serious issues ahead of us in Fiji, especially concerning the constitution of the Republic of Fiji and the rights of workers. Workers in Fiji are committed to working together in good faith with the new government and with employers to resolve these issues in the best interests of workers and their families and the nation as a whole. A satisfied worker produces more; more production means increased economic and social progress.

Workers in Fiji appreciate the support which the ILO has provided for workers' education programmes. It is only through workers' education that a workforce is aware of its rights and obligations. The workers of Fiji trust and pray that the ILO's support for workers' education activities will continue.

I wish to congratulate the ILO for its vision and foresight in selecting democratisation as the theme for the Director-General's Report to the Conference. This Report is particularly relevant to Fiji since the 1990 Constitution violates many of the democratic precepts so eloquently explained in this Report. From my personal status as a son of two principal communities in Fiji, I can attest to the intensity of feelings in the country over the 1990 Constitution. Provision exists in the constitution for a review before 1997. During the national election campaign, many candidates expressed a willingness to pursue a dialogue on the constitution. In order to re-establish a harmonious balance among the peoples of Fiji, the workers – and indeed all persons who wish to see our multi-racial society coalesce and progress – are anxious that this dialogue should take place. International labour standards and those sections of the Report of the Director-General in particular which relate to human rights, indigenous people and trade union rights, should be a major reference in any dialogue on the constitution.

Without the ILO, I wonder where the workers of the world would be today, especially in developing and underdeveloped countries of the world? As a representative of the workers of Fiji, I therefore welcome the opportunity to speak to this august assembly. We, the workers, undertake to work with the ILO so that our rights can be strengthened and our conditions improved.

In the final analysis, and in closing, may I say that we the workers are not anti-national, but are dedicated to the improvement of our working conditions in which every government also claims to be interested. The solution, therefore, as we see it, is for all of us to work together, since our goals are the same.

(The Conference adjourned at 1.15 p.m.)

Eleventh sitting

Tuesday, 9 June 1992, 3.15 p.m.

President: Mr. Solórzano Martínez

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – Spanish: The PRESIDENT (Mr. SOLORZANO MARTINEZ) – We will now continue with the discussion of the reports of the Governing Body and of the Director-General.

Original – Spanish: Mr. POSADA DE LA PENA *(Government delegate Colombia)* – I praise the Director-General for having chosen the the role of the ILO in the present democratisation process as the subject of his Report, and I am pleased that this topic is the main item on our agenda. As Mr. Hansenne clearly stated, democracy is different from other forms of political organisation because of the value it ascribes to freedom and equality, basic principles of this Organisaiton.

Last year, at this same Conference, I mentioned the deliberations which were being carried out in my country by a popularly elected Constituent Assembly convened at the initiative of the present Government. A new Constitution was promulgated in order to broaden popular participation and to consolidate the rules of democracy, which, as I expressed on that occasion, have always guided Colombia.

According to article 1 of our new Constitution, "Colombia is a State of law, organised in the form of a unitary republic, decentralised, with autonomous territorial units, democratic, participatory and pluralistic, based on the respect of human dignity, on the work and solidarity of the individuals who make it up and on the prevalence of the general interest."

We Colombians are therefore in full agreement with the words contained in the Report of the Director-General of the ILO.

As the Director-General states in his Report, countries subject to totalitarian regimes considered that the material well-being of their peoples could not be improved without modifying the economic model; they have therefore firmly undertaken a transition towards a market economy, because they have considered this to be a guarantee of prosperity and a necessary complement of their new political freedom. Certainly, the fall of the Berlin wall, as noted by the Director-General, is the symbol of this change.

It is also important that the Director-General commented on the tendency of States to reduce their participation in productive and trading activities in order to devote greater attention to the regulation of economic activity. My Government is no exception. By explaining the Government's policies to the Congress elected last year, President Gaviria explained that the objective was not to dismantle the role of the State, but to transform it so that it might accomplish its proper task, not interfere in areas outside its competence, and offer the citizens what they truly need. Privatisation, said President Gaviria, is not an indiscriminate therapy nor a cure for all diseases.

I should also like to recall the Director-General's statement to the effect that the law of the market cannot be the law of the jungle. As noted by Pope John Paul II, it is necessary to keep capitalism in check, given that we have to struggle for a society based on free work, on enterprise, and on participation.

I consider of equal importance the statement by the Director-General of the ILO advocating the reorganisation of public administration and its reduction to reasonable proportions.

The Colombian Government is undertaking great efforts to modernise the State. This implies, naturally, the restructuring of some government agencies, the suppression of others, and the reduction of staff payrolls, with the associated difficulties. The Congress of the Republic and the Government have provided measures to protect public servants, compensating them adequately when they are left jobless. In this connection, I agree with the view expressed by the Director-General, to the effect that administrations should be reduced to the "reasonable proportions".

The Director-General has said that the end of the Cold War, and the progress made in the field of disarmament, should allow for peace dividends and the wise use of these resources, that is, for social purposes we hope this call will be heeded by rich countries because, as Mr. Hansenne notes, "There would be little point in introducing or restoring democratic values if doing so did not offer a cure for poverty, inequality and exploitation."

The Director-General affirms that the best guarantees for internal stability and social peace lies in the appropriate protection of the most vulnerable groups of the population, and advocates the extension of social security to the entire population.

By declaring that social security is a compulsory public service, the new Colombian Constitution adds that the State, with the participation of individuals, will progressively extend its coverage. Naturally, like many other countries, we face difficulties because resources are scarce, and the expansion of these services demands great economic sacrifices. In this respect, it is interesting to note the Director-General's argument on the role of international organisations, including the ILO, as regards the assistance needed in many countries, since the international community "cannot afford to ignore the matter of social protection: political stability is at stake".

The Director-General has identified three important fields of action for the ILO: (a) the respect for basic human rights, particularly in the world of work; (b) a strong action to foster a market economy with social dimension; and (c) the strengthening of tripartism and collective bargaining.

Regarding the first item, the Government of Colombia has been carrying out a singular task. It demands that all authorities and the Ministry of Justice, headed by the Attorney General, an autonomous official, protect human rights and ensure their effectiveness, with the support of the Defender of the People. The main function of this new public servant is to ensure the promotion, exercise and information of human rights.

Regarding the second item, enterprises in my country as the basis for development, have a social funtion that implies certain obligations. Thus the Constitution stipulates that "economic activity and private initiative are free, within the limits of common well-being", and that "free economic competition is a right for all, but implies responsibilities".

Colombia is applying the model of political liberalisation in an effort to enhance its integration with the world community and to keep up with the new trends of market liberalisation, referred to in the Director-General's Report.

Finally, tripartism also deserves our support. We think that the ideal thing is to reach a consensus on social and labour policies with capital and labour. The Colombian Parliament, in discussing legislation, is calling for dialogue and the participation of all sectors concerned. Both the Congress and the Government are advocates of reaching the greatest degrees of concertation, without avoiding their own responsibilities.

Allow me to refer, in conclusion, to the right to strike, long recognised by the Colombian Constitution, but not yet the subject of an ILO Convention. The Director-General points out that, regarding universality, the Organisation has had to work with countries governed by very different political systems; and the adds that sometimes, to conciliate its universal character and the authentic values of tripartism, it has had to act very pragmatically. Perhaps this pragmatic attitude explains the absence of a Convention on the right to strike. But now that the Berlin wall has fallen, a historical fact noted by the Director-General in his Report, there is no reason for the Organisation not to deal with the right to strike. It is true that ILO's Committee on Freedom of Association has interpreted that the Conventions on freedom of association and the right to organise implicitly recognise the right to strike of the workers as a means of defending their economic interests. But this is a simple interpretation by a committee, indeed a very generalised interpretation, without the force of an international instrument.

These are the reasons that led my Government to urge the Director-General, in October last year, to include the question of a Convention on the right to strike on the agenda of this Conference. The Governing Body considered that, given the complexity of the subject, it would be better not to discuss it directly but to include it in a possible general discussion on the settlement of labour disputes. My Government trusts that its proposal will be considered at a later date.

The Committee on Freedom of Association has stated that in matters of strikes in public services, for instance, the interruption of activities may be allowed, with the exception of services whose interruption would endanger the life, security or health of all or part of the population. On other occasions, the same Committee has admitted that the right to strike may be subject to restrictions, including prohibitions, in the case of public functions or essential services, to the extent that the right to strike may cause major prejudice or problems to the national community. The Committee has considered that strikes of a purely political nature do not fall within the principles of freedom of association, thereby timidly suggesting that they should be prohibited. It has also expressed doubts on the legitimacy of strikes which are not decided by the majority of workers, and has observed that in cases of prohibition one should have recourse to compulsory arbitration procedures.

There are other items that should come under an instrument on the question of strikes: the condemnation to acts of violence, terrorism, or sabotage against the property of enterprises; the serious consequences that strikes of long duration may have on the national economy. These are items, which, given their importance, should not be subject to simple conclusions of a Committee, regardless of its importance. The ILO, 73 years after its inception, has not been able to deal with this fundamental right of the workers, while other questions of less importance for the latter have deserved the attention of a Convention. I believe the time has come to deal with this subject.

I wish to extend my compliments to all delegates to this Conference, and my congratulations to the Officers for their deserved election.

Original – Spanish: Mr. **FERRER DUFOL** *(Employers' delegate, Spain)* – First of all, I would like to congratulate the President on his election at the head of this Session of the International Labour Conference. For the Spanish employers, it is a great satisfaction that the Presidency has been entrusted to a neighbouring country, Portugal, and to such a renowed person so experienced in social dialogue, which no doubt is the best safeguard for the smooth conduct of the work of the Conference.

Likewise, I should like to extend my congratulations to the Vice-Presidents and the Director-General for the wisdom of having included, for general discussion in this assembly, a subject so topical and important as *Democratisation and the ILO*.

The Report of the Director-General is a topical and committed analysis of the situation of democracy in the world, of the respective responsibility of governments, employers and workers to develop it throughout the world, and of the role that the ILO and other multilateral organisations must and can play in this process.

I am sure that this text, enriched by the contributions of the three groups in this general discussion, will be an essential benchmark, both for standard-setting and for the technical cooperation activities and other programmes of the ILO.

Personally, I shall attempt to contribute to this discussion from the employers' viewpoint, taking into account the experience of Spain.

As the Report of the Director-General so aptly points out, democracy and the market economy are two concepts which are inextricably linked. One of the most important challenges, therefore, which face countries making this transition towards political democracy is, precisely, a change in the economic system. One of the key elements of the democratic model is the definition of an economic and legal framework which will foster the creation of undertakings and guarantee the proper functioning of market mechanisms.

A social structure of groups organised to defend legitimate interests is a fundamental principle in any democratisation process.

The independence of such organisations from interference by public authorities is another factor to be taken into account if a true dialogue is to be sustained in the social and economic field on the basis of tripartism.

With legal restrictions to collective autonomy and an interventionist attitude on the part of public authorities, there is not much to be hoped from consultation.

Social dialogue is only possible, by definition, in a free system in which employers' and workers' organisations which are free, representative and well-structured, negotiate and seek a consensus.

We welcome the efforts of many employers throughout the world, and particularly those of the Eastern and Central European countries, to set up free organisations which represent the plurality of the employers and contribute to the economic development of countries with a philosophy based on initiative and a spirit of enterprise.

In the Spanish Employers' Confederation Organisation (CEOE), we are seeking to cooperate with the employers' organisations of those countries, contributing not only our recent experience in restructuring the organisation of Spanish management, but also financing specific programmes for the training in Spain of executives from undertakings in those countries.

Consultation then is first and foremost a method of making democracy function economically and socially which, assuming autonomy, freedom to make decisions and the protection of different interests, facilitates agreement on those objectives to be reached which are of paramount importance for the economy of a particular country.

Allow me to restate before this Conference our commitment to a model which is essential to such principles. We see it proved, not only through our most recent history but on a daily basis through negotiation of more thant 4,000 collective agreements which are signed in our country each year.

However, today an attempt is being made to devalue the beneficial effects which consultation has had for Spain in the past decade. This is all the more disquieting when my country has problems of capacity and competition with its partners in the Community and is committed to a strategy based on dialogue and not on tension lack of communication and radicalism.

Some recent experiences which we have had in Spain reveal a change in the nature of organisations which must focus their activities on the social and economic field.

It is quite legitimate to be opposed to social and economic policies formulated by governments. But this opposition should not make us set aside resolutions by the highest sectors of the State which are part of the democratic system and guarantee the legitimacy of decisions. Such opposition generates a sterile process of social conflicts.

It is useful for the democratic development of a country to have institutional frameworks which will allow an ongoing social dialogue.

In Spain, where there is rich and varied experience of negotiation and agreements at summit level, the Economic and Social Council for which legislation was enacted one year ago has not yet been set up.

This situation cannot be considered positive. In the face of these facts we must recognise that social dialogue is becoming rare and is converging into political struggle far removed from the interests of the groups which such organisations say they represent. The political reservations and preconditions that precede decisions lead to paralysis, while in other countries efforts are made to improve economic and social well-being.

The Spanish employers have always defended the supremacy of dialogue over interference and confrontation, despite the fact that we have been merely passive subjects of the agreements between the government and certain trade unions of my country, even though they affect us directly. This Organisation is familiar with some recent examples of what I am pointing out.

However, democratic systems are built on institutions set up to defend damaged interests. This should not be taken as an obstacle to maintaining an attitude fully open to dialogue, taking into account the opportunities which are opening up to our country within the framework of European construction.

Our society is becoming richer and more complex. The role of the undertaking as a means of creating the wealth from which the whole of society benefits is being strengthened. This evolution that we are witnessing is alarming to some who oppose the variety which dominates in our society today with greater homogeneity and uniformity.

If we wish to build up a free society, we have to have a voluntary, responsible membership and accept common values as well as the cooperation of the individual, perceived as a unique resource to be developed, enhanced and professionalised.

Hence, the importance of training demands the entrepreneurial spirit that the International Labour Organisation wishes to promote in the immediate future.

Today, in all countries throughout the world, we are trying to stimulate the spirit of enterprise. Innovation in the ILO must respond to the requirements of its members, extending its programmes in these fields, particularly in respect of entrepreneurial training and management training and the development of small and medium undertakings.

The recent resolutions adopted by the International Labour Conference in these fields and those adopted by the United Nations, in particular the International Development Strategy, constitute an obligatory benchmark and sufficiently clear guidelines for both the ILO and its member States.

In this way, we, the employers' organisations, support the democratisation processes which are being undertaken currently in many regions of the world. We are aware of the need to encourage private initiative as a model for the creation of wealth. Let us not forget, however, the importance of continuing with this process in a spirit of constructive dialogue and consultation with the other social partners, which will lead to greater progress, as has been demonstrated in Spain during the recent past.

Original – Spanish: Mr. DIAZ *(Minister of Labour and Social Security, Argentina)* – I would like to take this first opportunity of taking the floor at this Conference, to congratulate the President on his election. We are sure that our work will be successful under his guidance. I should also like to congratulate the other Officers.

I also congratulate the Director-General on the choise of subject for his Report this year, which offers us the opportunity to discuss one of the most important issues of our time – democracy and its globalisation as a dominant political system. This forum is the legitimate and proper place to discuss this subject. For more than 70 years of its history the ILO has seen many other political systems born and throughout this time the ILO has given its support to democracy with its professional realism and its untiring energy. As regimes which sought supremacy now disappear, democracy moves forward vigorously to the next millennium and the ILO continues to be a valuable witness of the close interaction between labour, democracy and justice.

Democracy as a value, as a utopian vision of a political order, which is felt to be good and desirable, has become part ot the modern order at a practically global level for some time now. But the question concerns democracy as an historical political regime and it is here that the battle has not been universally won. This is why it is so important that the Director-General has selected this subject as the focal point for his Report and this discussion.

In essence, at this level where few adjectives and no reductions are possible, democracy is the institutionalised exercise of popular sovereigty in the search for the common good. It is a specific dialectic between these two elements – popular sovereighty and the common good – which can be expressed in various ways: democracy and development, participation and efficiency, the democratic process and democratic effects, etc. This is not merely a theoretical argument. Our perception of the way of fighting for democracy and defending will depend on the way we understand the relationship between the democratic process and democratic effects.

In the present state of affairs, there is a certain tendency to emphasise the undeniable importance of democratic "effects" – development, human rights, the modernisation of the economy, social policies, etc., and to underplay the decisive relevance of the democratic "process". An example of what I am saying can be found in the Director-General's Report which says "there would be little point in introducing or restoring democratic values if doing so did not offer a cure for poverty, inequality and exploitation."

I know that the Director-General is asking this question in the interests of democracy and I in the interests of social justice would like to say: yes, it would in fact be very useful and indeed has been very useful to restore such values.

Let us take a look at the experience of history. Eastern Europe is a clear example: for decades the democratic process as such was subordinated to the achievement of social and economic objectives; today we know the results of all this: Gulag and poverty. Another clear example of military authoritarianism, which supposedly sought social and economic progress although it was a negation of the democratic process, produced equally negative results: more poverty, more backwardness, more social exclusion, accompanied by legal arbitrariness, repression and even war.

It is not possible to separate democracy as a political process from democratic effects. The democratic process as an appropriate political order is now a condition of development and justice. Only when we stimulate and defend democracy as a process can we create the conditions for the respect of human rights, freedom, the modernisation of the economy and justice.

In this respect I would like to make one or two other clarifications. When we speak of "democratisation" we are not speaking of an abstract process. We are speaking of the actual life of people and of their struggles. Democracy and the institutionalisation of the exercise of popular sovereignty are not automatically the fruits of the development of societies but the results of the deliberate efforts of peoples. And this result, the establishment of democracy, is a conquest. And so to support democratisation is to support the political struggle which it implies; and to defend democracy is to help preserve this conquest.

The Director-General, in the introduction to his Report, asks the Conference how the ILO may help in the task of overcoming obstacles and meeting the challenge of democratisation. And the same Report points out in its conclusions some suggestions which I share and support and which in substance refer to a programme of action which gives priority to promoting democracy, providing assistance in the struggle against poverty and encouraging the protection of workers.

However, I believe it is necessary to develop a second line of action concerning the defence of the democracy which has already been achieved. Because the effective exercise of representative democracy is the best and almost the only guarantee for the full respect of human rights, development and justice; and the existence of parliaments elected directly and freely by the people on a multi-party basis is, as the Report emphasises, its most powerful characteristic.

This defence is based essentially on the people and we must not supplant them but collaborate with them in this. It is not a question of importing foreign political models but neither is it a question, in the name of originality, to accept flagrant contradictions of popular sovereignty. We must be aware of the importance of international action when it is exercised collectively for the defence of commonly shared values to keep at bay any unacceptable return to any form of authoritarianism or dictatorship.

In this sense and with a view to providing the ILO with the institutional instruments enabling it to provide an effective defence of democratically representative regimes, I put the following proposals to the Governing Body: (1) that it make the necessary arrangements to hold specialised meetings to draw up and preparate a set of effective timely and expeditious procedures to ensure the promotion and defence of democracy in the member States of the Organisation; (2) that a set of proposals and initiatives for the preservation and strengthening of democratic systems be drawn up on the basis of international solidarity and cooperation, within the framework of the principles enshrined in the Preamble of the ILO Constitution and the Declaration of Philadelphia; (3) that it study the possibility of amending the Consitution of the ILO to permit the suspension of those governments of member States of the Organisation in which acts occur resulting in an abrupt or irregular interruption of the democratic institutional political process or the legitimate exercise of the power of a democratically elected government.

In the same way, the Government delegation of Argentina will submit amendments to the resolution concerning the development of democracy.

I am not unaware of the complexity of the subject or the difficulties of my proposal. But the risks of anti-democratic regression exist and have materialised; and the International Labour Organisation must by its nature and its tradition be prepared to confront these risks and defuse them.

Original – Italian: Mr. CANDUCCI *(Minister of Labour and Cooperation, San Marino)* – Before turning to the topics under discussion at this session of the Conference, allow me to express my congratulations to the President of the 79th Session of the International Labour Conference.

The delegation of the Republic of San Marino takes note of the Director-General's Report and appreciates the efforts made by the Organisation in 1991 to promote development throughout the world, in the light of the ILO's guiding principles.

We are convinced that in addition to continuous efforts to improve the technological and economic situation of all countries, it is very timely to attach special importance to the defence of human rights, the improvement of living and working conditions and greater equity between North and South.

The democratisation process in various countries must be coupled with a free market to achieve a genuine liberalisation of the economy and complete democracy. Economic progress and the free market are therefore two absolutely interdependent concepts.

It is up to the State, particularly in countries where democracy is new and in developing countries where private initiative is weak, to strengthen and promote democracy and free markets.

To avoid the growing imbalance between rich and poor countries, international organisations such as the United Nations must play a more active role and seek to foster a more balanced development, since market forces alone are not enough.

The rights of minorities, which face the risk of increasing exclusion, and of the poor, whose numbers continue to grow, even in developed countries require, a major effort of cooperation and solidarity amongst all the countries.

The Republic of San Marino, which a few months ago became a fully fledged Member of the United Nations, intends to do its share to ensure that the weak are not crushed by the harsh laws of the market.

Our country, small in size but with a long history, has always tried to subscribe to the fundamental principle of democracy: freedom, human dignity and social justice.

The laws in our country which protect the disabled, women and the aged, have been amended recently to meet new requirements more fully. Our social policy will be enhanced soon through pension legislation which will provide a better balance between wage-earners and self-employed workers and complement the provisions which already guarantee a secure future for all retired people.

Recently, new legislation on occupational safety and health has entered into force.

A vocational training Bill aims at helping young people to enter the labour market with a proper preparation, in part by making education compulsory up until the age of 16.

Vocational training must also play a fundamental role in the world of work so as to help new jobseekers and to provide retraining to enable workers to adapt to industrial restructuring.

A new Act on cooperatives seeks to offer incentives to young people who wish to work and yet retain a measure of autonomy.

Employers' and workers' organisations have recently reached an agreement on a new system to maintain the purchasing power of wages, thereby discarding the obsolete sliding-scale system. The Government has concluded a similar agreement for public servants.

These agreements will enable us to achieve a better balance in labour costs, and to eliminate automatic wage adjustments, which introduced an independent variable in the setting of wages.

This improvement is the fruit of improved relations between workers and employers. A similar effort is being undertaken between the trade unions of public servants and the Government.

These agreements, which reflect a collaborative approach by all parties, establish new procedures for the settlement of disputes and for the renegotiation of collective agreements, with the objective of fostering well-balanced development.

In San Marino tripartsm is an established practice; representatives of employers' and workers' associations participate in committees responsible for social and economic issues and in the Governing Body of the Social Security Institute which handles health, prevention and social insurance.

The Government, together with employers' and workers' organisations, manages a social fund for canteens, day-care centres, housing and the financing of refresher courses.

The Republic of San Marino is happy to greet the new countries that have just become Members of the International Labour Organisation – the new Baltic States, the Slavic States and the Far Eastern States. At the same time, we express our serious concern as regards the conflicts that afflict entire populations and are leading to death, forced migration and poverty and causing great suffering, particularly for the aged and for women and children. Within our possibilities, we are ready to cooperate to put an end to so much injustice, and to look for ways to contribute for the economic growth of developing countries and countries which have recently introduced market economies.

Our country is already preparing bilateral agreements for vocational training and exchanges in the tourism and hotel sector.

San Marino is in favour of an international Convention for the protection of workers' claims in the event of the insolvency of their employer, and it is greatly interested in all measures which seek to combine economic economic development and the conservation of the environment by preventing pollution and the risk of environmental disasters.

Our delegation reiterates its appreciation for the work carried out by the International Labour Organisation and for the future programme which will undoutedly attempts to harmonise the process of democratisation and the introduction of market economies with a wise social policy which will enable citizens of all countries to take part with equal dignity in the distribution of wealth. Markets are the means, but human development is the end.

Original – French: Mrs. SMET *(Minister of Employment and Labour, Belgium)* – First of all, I should also like to take this opportunity to congratulate Mr. Nascimento Rodrigues on his election to the Presidency of this 79th Session of the International Labour Conference.

The success of this Conference depends on the quality of the deliberations, the smooth running of business and the ability of the Conference to arrive at conclusions as regards the items placed upon the agenda. I am certain that under his guidance our Conference will be successful in its work.

It is my honour to participate for the first time in the work of the Conference and I hope that I shall be able to make a contribution to your deliberations. I greatly appreciate the remarkable spirit prevailing here, which brings together the representatives of the Governments, employers and workers.

I welcome the fact that the ILO Director-General has put forward as the main topic of the Conference, *Democratisation and the ILO*. We have noted that for several years the process of democratisation has been accelerated, not only in Europe but also in other continents. In this forum, it is not necessary to dwell upon the implications of the concept of democracy and the implementation of democratisation throughout the world. I agree with the conclusions of the Director-General who in his Report states that a political democracy has little chance of survival if it does not go hand in hand with social justice.

For social justice is the cornerstone of any democratisation process and no form of discrimination in this area can be accepted. It is in this context that I feel that the International Labour Organisation has a vital role to play, in particular through its cooperation programmes which must become integrated within the socio-economic policies of its member States.

Just as there cannot be democracy without social justice, so there cannot be democracy without the respect of fundamental rights. In this respect, I believe it is essential to remember that the respect for human rights is a universal principle enshrined in international law and has for several years gained great recognition and status in international relations. In this area, whatever progress is made in democratisation, there can be no reason for compromising. Indeed this is how I understood the Director-General's Report and this is how I see the synergistical relationship between the respect for human rights and technical cooperation.

The ILO has always had a keen interest in these basic rights and I welcome the work which it has done, for instance, in the area of child labour. This issue is important to me and I have submitted a Bill to the Belgian Parliament on child labour in order to oppose the development of child employment for advertising and show business.

The ILO must update its own standards. Standard-setting must become more efficient and better adapted to the present-day conditions If we ignore this need, then we will run into conflict with more recent standards set by other international organisations.

The issue of the prohibition of night work for women has clearly pinpointed this problem. Is this not a good time to consider this in detail?

Conflicts can also arise from the manner in which standards are set. Within the International Labour Organisation, the social partner participate actively in the decision-making process. The social dialogue carried on in this forum makes it possible – in the case of all subjects under discussion – to take into account many different points of view and interests; and this gives balance to the solutions which we find to the problems before us. However, this form of social dialogue does not exist in the same way within the European Community. And this is why I welcome the agreement on social policy within the context of the Maastricht Treaty on European Union. This Treaty will, I am sure, enter into force on 1 January 1993. In this agreement, the contracting States have agreed to leave a degree of contractual responsibility to the social partners to replace legislative work by the community or to supplement such work; and here I would appeal to the social partners to organise themselves better at the European level so that they can grasp these new opportunities before them as soon as possible.

Before coming to the end of my speech I should like to make a point which to me is extremely important. Since the advent of international détente, Belgium has supported the work carried out by those countries which to engage upon a process of democratisation. However, co-operation with the countries of Central and Eastern Europe should not make us overlook co-operation with developing countries.

The young democracies of Latin America and Africa deserve our attention just as much. We feel that the ILO could further stimulate this North-South dialogue by creating possibilities and opportunities for meetings between ministers and social partners. For instance, I recently signed in Prague a joint Declaration with my colleagues from the Ministries of Employment and Labour of the Czechoslovakia and of Tunisia concerning co-operation in labour. Under this Declaration, three countries from three different regions will implement technical co-operation in the field of labour through an exchange of experiences and resources. Belgium, I believe, is a good country to work in such a context because of its experience and relationships with other countries.

Convinced that the ILO must update its objectives and activities, I should like to urge the Conference to support the Director-General's guidelines for action from now until the end of this century. These guidelines set out to promote tripartism and stress that democratisation is a pre-requisite for development. I feel that they are particularly relevant because they do not neglect the social dimension of structural adjustment in countries which are forced to carry out drastic reforms of their economies.

These guidelines revive the war on poverty through initiatives to support employment and social protection.

They muster the full use of human resources, especially in the informal structure without forgetting that protection of workers and respect for their dignity is a permanent concern of this Organisation.

In conclusion, I should like to wish the Conference every success in its work and encourage the Director-General in his work to promote his policy.

Original – Hungarian: Mr. SIMSA *(Employers' delegate, Hungary)* – Please allow me to extend the congratulations of the Hungarian employers to the President and the Vice-Presidents upon their election to these important posts. The subject of the Director-General's Report is of great significance to Hungary. Application of international labour standards worked out by the ILO may help to mitigate the inevitable shocks of the process of transition.

The economic and social changes in Hungary produce transitional situations. Legislative regulations covering areas of labour are non-existent or cannot cope with new demands. The phenomenon of mass-unemployment is something new to us.

Work on legislation and methods to deal with it is still in progress.

It is also something new for a significant number of state-owned enterprises to have insolvency problems. A Bankruptcy Act was adopted recently. Under this Act, workers' claims are protected by a privilege that places them before all other creditors.

Another item on the agenda that may be of paramount importance to Hungary is that of structural adjustment and human resources development, this country being deeply engaged in the struggle for adjustment. And it is all the more significant given Hungary's relative lack of natural resources, and that intellectual capacity represents our most serious chance of emerging from our crisis. We need a workforce with better basic training, flexibility and mobility.

One positive result of government work is a check on inflation. The efforts made in this regard are obviously related to one part of the negative phenomena.

In word and principle, the Hungarian Government supports enterprises, expects them to boost the economy. But in practice the Government engages mainly in crisis management in an effort to reduce the budget deficit. So, enterprises are heavily burdened with taxes and contributions that deprive them of the resources needed for expansion, and thus a vicious circle begins.

At the same time, the significant resources at central Government's disposal are not used efficiently. While the level of taxation is exaggerated, that of social security is unsatisfactory.

Hungarian employers are conscious of their responsibility towards employees, those who lose their jobs, and towards society in general, and raise objections only when it is clear that newly introduced taxes and contributions only serve a short-term improvement in the government budget, but do not further the interests of employees and are a waste of our very limited resources.

An employment policy of clarity and foresight, and opportunities for job creation are needed. Jobs can only be created by enterprises – but only in a much better economic climate.

Employers and employees must have a say in the principles governing the distribution and utilisation of national income, if for no other reason than our experience and our immediate interest in the matter.

The "we know everything" and "we know better" mentality of the Government is bad policy, as shown nearly 50 years ago, and we should not fall into the same trap again.

It is absolutely essential that the Government increases its, and its institutions, efficiency. In this process, it should determine its role in the economy in social developments – a real division of labour between Government, citizens and economic agents should be created. Adequate distribution may be formed on the basis of such a division of labour.

Employers are viewing the contraction of industry and the related fall in GDP with distress. The Government was not successful in stimulating and making possible a change in production structure. This is mainly due to a restrictive monetary and fiscal policy. Branches of material production have great difficulties in finding a way our of their problems, with no adequate industrial and agricultural policy to help them – greater difficulty than the more flexible trade and services sectors. All this is of grave consequence as regards employment, given that the industry-heavy employment structure cannot be changed overnight.

Change cannot be brought about by a central adjustment strategy but by privatising economic property. Unfortunately, the pace of privatisation is slowed down considerably by political and practical factors, like fear – unjustified in our opinion – of a high proportion of foreign ownership, or the big appetite of the budget.

In Hungary, economic transition is helped along by several employers' organisations. Nine of them take part in conciliation at the national level.

The employers' movement is in too early a stage for a unified, fully representative, confederative organisation to have been created. We are aware that this must be our goal in the longer term, but this process cannot be forced. Only organic development can produce a stable, broad-based, united organisation.

Employers' organisations are unanimous in their views on the most important questions. They function without any serious conflict between them.

As a whole, our organisations represent State and private sectors, cooperatives, industry, agriculture and trade.

Among employers' organisations some are more representative than others.

It is to be seen from what I have said so far that the relationship between employers and Government is characterised by a continuous debate on the proportions of social contributions and on the distribution of the funds created from them. The debate may be centred on a draft legislative text or even the distribution of a specific amount in a fund.

Our main objections to the Government's conduct in the process of conciliation is their practice of starting discussions with an excessively rigid point of view, thus practically presenting the social partners with a take-it or leave-it situation. This results in badly thought-out legislation and regulation. Proof of this may be found in the frequent corrections and modifications, which also impair the legal stability of the conditions of enterprise.

The employers can only count on the Government to obtain the necessary information in order to prepare for the negotiations or to give access, in due time, to the bills to be discussed. It may not be deliberate, but cooperation is not flawless in this respect. These problems seriously question the level of professional reasoning and preparation. Therefore we try all ways and means to persuade the Government to abandon its paternalistic practices.

The relationship between employers and employees at national level negotiations is well balanced. Their respective points of view are close in most debated questions. The Government is the partner who represents the opposition to employers' and workers' aspirations in the majority of cases.

This is due, on one hand, to the high proportion of state property still in existence (around 80 per cent) and, on the other hand, to the fact that many questions under debate have to do with government expenditure and the magnitude thereof. Thus, even though the underlying reasons may differ, employers and workers stand side by side.

In spite of the difficult, and worsening, situation of workers, trade unions have, so far, in our opinion, demonstrated a down-to-earth, responsible attitude.

As you have seen, Hungarian conditions are not problem-free. We hope and we believe that this session of the Conference will give us experience and help in relieving our worries and improving our handling of the problems.

I hope all participants are able to draw on this session of the Conference for contributions to the success of their work.

Mr. KEARNEY *(representative of the International Textile, Garment and Leather Workers' Federation)* – May I first congratulate Mr Nascimento Rodrigues on his election as President of this 79th Session of the International Labour Conference.

On Plaza Mayor outside the Presidential Palace in Guatemala City, María Chávez suckles her month-old baby under a makeshift tented structure. Her other two young daughters sit beside her. The family is dignified in their poverty, but unbowed by the repression that had driven them and hundreds of other clothing, shoe and farmworkers to march to the city two months ago to focus attention on how democracy was failing them.

Illegally fired by their employers for belonging to a union, these workers have exhausted all means, including the courts, in attempting to secure their reinstatement. The employers concerned hold themselves above the law, beyond the courts and untouchable by the Government.

Successive Guatemalan administrations bear the blame. Years of inaction and continuing bureaucratic delays encourage abuses of workers' rights. The Labour Code provides for a decision on union registration within 60 days of application. Some women at the clothing company "Camisas Modernas" were still awaiting registration of their union a year after application. Some! Most had been harassed, intimidated, threatened or bribed out of their employment. Each day's delay heightened the pressure on these women, destroying their democratic rights.

Workers' democratic rights are denied in textile, clothing and leather workplaces throughout Central America. For example, in neighbouring El Salvador, two-thirds of the 3,500 workers fired by the ADOC shoe company in February are still jobless. Sacked for trying to form a union, their employer has now demanded that no other company in the country employ them. The Government turns a blind eye to their plight.

In these and other cases where Labour law is not enforced and where workers' rights are denied, there is no justice. And without justice there is no democracy.

Central to the problems facing workers in Guatemala, El Salvador and throughout Central America is the mushrooming of free trade zones in the region. Desperate to attract foreign investment and faced with fixed production costs other than labour, governments have abandoned sovereignty over many such zones, allowing labour legislation to be ignored, labour standards to be eroded and workers to be abused and denied their rights. Efforts to unionise are met with government disapproval, or worse, and with company threats to relocate free trade zones in neighbouring countries.

In reality, democracy is already dead in these and many of the other 500 zones world wide. Despite the democratisation process of the past few years, it is during these years that workers in the textile, clothing and leather sector have suffered the greatest abuses – greater than at any time in the past two decades.

In textiles, clothing and leather, the historic changes in Central and Eastern Europe were seen not as a victory for democracy but as a passport for managers to ride roughshod over their workforces, threaten governments and force a withdrawal of established workers' rights.

The lead players in this exercise have been multinational companies, particularly the new generation of such companies originating in Korea, Taiwan and Hong Kong. These now operate in every continent and their inhuman treatment of their workers has already led to social unrest. Unchecked, their activities pose a threat to democracy in many countries. Repression and exploitation breed resentment and build social tension. Fragile democracies are vulnerable when frightened and threatened governments overreact in quelling such tensions while ignoring the causes in case the culprits quit the country.

Many of the companies now operating in the textile, clothing and leather sector are more powerful than the host governments, and when this power is abused – as it is being abused – democracy is subverted and threatened.

All this is occurring in spite of the more than 150 ILO Conventions, the countless Recommendations, a Code on Multinational Enterprises and other instruments. Enforcement of all of these is entirely based on persuasion. Has persuasion worked? Ask María Chávez. Ask her children. Ask her fellow workers in Guatemala, El Salvador and Central America, and heed their answers.

The international community has a responsibility to protect democracy and all its elements, including human and workers' rights. New mechanisms need to be established to aid this process. The International Textile, Garment and Leather Workers' Federation believes that since trade development has created many abuses of workers' rights, trading procedures should be used to restore, maintain and build workers' rights alongside a strengthening of developing economies. We strongly support the linking of trade and workers' rights through a social clause in all trade agreements, providing rewards and sanctions aimed at enforcing the principal ILO Conventions and establishing effective safeguards against exploitation and repression.

Claims that such mechanisms would be protectionist no longer hold water. Textile, clothing and leather jobs in developing countries are never going to relocate back to the industrialised world. The only loser will be governments, either too unwilling to respect basic human and workers' rights.

The ILO should take the lead in this, developing a dialogue with GATT and other relevant international agencies with the aim of securing mechanisms for the linkage of trade and workers' rights based on a system of awards and sanctions centred on the principal Conventions, which cover such areas as collective bargaining, the elimination of child labour and forced labour, and non-discrimination.

The application of these basic workers' rights cannot be negotiable. The ILO must be more interventionist in seeking to secure their implementation. Formal investigations of compliance should be undertaken in the same way that GATT examines the trade practices of member States. ILO technical assistance should focus more on aiding countries like Guatemala and El Salvador to guarantee workers' rights to their peoples.

The ILO should also seek and play a central role in the process of economic integration now under way around the world. All such integration agreements should include a social dimension, making provision for consultation with workers' representatives as they evolve. Democracy demands that economic integration should go hand in hand with social integration. The ILO needs to encourage governments, particularly at the regional level, to develop cooperation in their approach to issues such as free trade zones and cooperation in promoting the introduction of common legislation aimed at securing adherence to the main ILO Conventions and Recommendations.

Such cooperation would not only help to halt the present cut-throat competition on labour costs between developing countries, but would also secure greater rewards for involvement in export trade. Just how beneficial is El Salvador's current emphasis on exporting when the labour costs of producing a shirt there, which retails for US$55 in New York, is only 6 cents.

The impact of the growth of free trade zones on workers' rights must be addressed urgently. A wide-ranging examination of the operation of such zones should be undertaken by the ILO with the aim of establishing an internationally acceptable code of practice for the defence of workers' rights in existing zones.

The ILO must also expand its activities relating to the operations of multinational companies. The application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy must be strengthened and enforced.

Finally, the ILO must recognise that the 1990s are not 1919. ILO structures and procedures need overhauling to tackle more effectively the growing abuse of workers' rights as a weapon in the battle for a share of world markets. Textile, clothing and leather workers across the world have difficulty in understanding how the ILO so frequently awards high office to representatives of governments whom workers hold responsible for their repression and exploitation.

The impressive march of democracy in the 1990s has freed millions from repression, but millions more, including huge numbers in the textile, clothing and leather sector, still await release. The democratic process must be further bolstered, with constant attention to the enhancement of workers' rights and the eradication of abuses. This can best be achieved by every government respecting and applying ILO standards, and the ILO must insist that they do.

María Chávez, at this moment sitting in the heat of Guatemala City, may not immediately benefit, but we must all ensure that her children never again face the fate of their mother. With work, freedom and justice, they may enjoy real democracy.

Mr. SHEHI *(Government delegate, Albania)* – It is a special pleasure for me to take part at the 79th Session of the International Labour Conference.

Speaking on behalf of the delegation of the Republic of Albania at this meeting is a great responsibility because, for the first time, I am entitled to represent my country as Minister of Labour, Emigration, Social Development and Former Victimes of Political Persecution. I would like to thank you once again for the right you gave to Albania to rejoin the ILO after it left in 1967.

The year 1991 in Albania witnessed great political and social changes as in other Eastern and Central European countries. The move towards democracy reached a peak in March this year when the democratic forces overthrew once and for all communism in Albania. The creation of political, democratic institutions, the election of the Parliament by the free will of the people and a multi-party system are but an expression of the establishment of a democratic system in Albania. Political freedom will be the only guarantee towards a more advanced and modern society.

The new Government, being aware of the difficulties in solving the problems, has prepared and is putting into effect a programme for stabilising and restructuring the economy, with a view to settling a quickly as possible any ambiguities inherent in the political and economic changes of our society.

Today, Albania is presented as the country with the lowest income per capita in Europe. Its foregn debt has reached US$500 million and its internal budget deficit has reached 16 billion leks. Inflation is roughly 10 per cent every month. The number of unemployed is expected to reach 250,000. Foreign assistance is playing an important role. I should like to avail myself of this opportunity to thank the representatives of the European Community, the United States, Turkey and some other countries for everything they have done for Albania.

As I mentioned above, Albania, now that it is finally in the process of moving towards a market economy, has created the Ministry of Labour, Emigration, Social Development and Former Victims of Political Persecution an institution with which the European countries have been familiar for 100 years. This places a great responsibility on us because, on the one hand, we are very late in confronting these difficulties and, on the other hand, our structures must be built on a logical organisational basis.

It is clear that organisational restructuring will be carried out taking account of the current problems in this area. It should be based on qualitative work and be guided by the objectives of labour administration. Of course, these objectives will be determined with the help of foreign counsellors in our country in the form of technical assistance.

We are of the opinion that as regards the various forms of funding we must – aside from our internal funds – strive to secure financial aid from the International Monetary Fund, rhe World Bank, the International Labour Organisation and other intergovernmental bodies and neighbouring countries.

Nevertheless, the economic reform will be put into effect with all its inherent problems. The transfer of large enterprises to medium and small-sized enterprises, the privatisation of agriculture, employment, migration, the training of workers and the application of the tripartite principles are all problems we shall have to takle. In addition, we shall have to cope with the vast issue of social assistance.

The problems I mentioned in this discussion are very complex. They each have their own organisational, financial and social aspects and need to be dealt with in such a way as to avoid corruption. To this end, it is necessary to outline and review as soon as possible a number of draft laws, thus establishing an appropriate legal basis on the foundation of which all people may enjoy equal rights under the law and be free from discrimination on account of their political opinions. All this may be achieved by greatly relying on world experience in this area and on the financial budget possibilities of our State.

As the Director-General has already stressed in his Report it is the duty of the highest authority of the Organisation, the International Labour Conference, to decide how the International Labour Office may help its members overcome the obstacles confronting them. I appreciate these comments.

All this makes me believe that the isolation of Albania and its neglect of this participation are a thing of the past.

I am optimistic about the special and very positive role that the International Labour Office has undertaken to play in helping Albania come forward with definitive programmes.

Original – Russian: Mr. BADEI *(Government delegate, Belarus)* – Please allow me to associate myself with the congratulations extended to the President by other speakers on his election to this high post as leader of this Session of the International Labour Conference, and to express the deep satisfaction of my delegation with the organisation of the Conference's work. We have no doubt that under his guidance the Conference will take wise decisions in accordance with the noble aims of the ILO.

Our Republic has been a member of the ILO for nearly 40 years. Nevertheless, this session is a special one for us and for the other republics of the former Soviet Union. For the first time our delegation is representing a sovereign state, the Republic of Belarus. This is not just a change of name. It is truly a new State with its own principles, characteristics and ideology. The declaration of state sovereignty adopted by the Republic's Parliament gives the highest priority to values common to the whole of mankind, proclaims equality and the country's neutrality, and calls for integration into the world economy. It also stipulates the supremacy of international law.

My country has always shared the ideals of social justice and has tried to raise the standard of living of its people. But we now must recognise the fact that the ways and means chosen to achieve these noble aims were not the best, to put it mildly. And now, as we restructure the whole of the social and economic system, the international community's experience which the ILO has preserved is invaluable to us.

We have read the material provided by the International Labour Office for the 79th Session of the Conference with great attention and care, and I must say that in each of the reports we find very insightful thoughts, conclusions and proposals which can and should be used in our practical work. Clearly, this usefulness is the main virtue of the material presented to us and also the very sense of the work of the International Labour Office's experts. On behalf of the delegation of Belarus, I would like to express my gratitude to the Director-General and all the experts who participated in preparing the material for this session.

The statement is the Director-General's Report, *Democratisation and the ILO*, that "for the first time in many years the ILO is no longer the scene of ideological clashes and is able to offer to all its constituents the opportunity for close cooperation" is, I think, a conclusion that will be supported by all delegations. We are counting on cooperating with all our partners in just such a spirit.

The report quite clearly describes the situation in States adopting the transition to a market economy. It is indeed an extremely difficult situation. The organisational and structural rebuilding of the economy, the liberalisation of prices and the breakdown of numerous economic links built up over a period of many years have caused a drop in production, growing unemployment and a reduction in the population's standard of living.

The Republic's Government and Parliament are doing everything possible to mitigate the effects of the crisis and speed the introduction of a market economy. Legislative acts have been adopted which ensure the irreversible nature of these transformations. Equal rights have been extended to all forms of ownership, enterprises and housing have been privatised, and the conditions have been established for the development of entrepreneurial activities. The development of such activities is one of the key conditions for both structural change and job creation, and as such is also an important prerequisite for balancing the market, fighting inflation and increasing the population's income.

The Government is paying a great deal of attention to the question of labour relations. We are laying the foundation for social justice and democracy within the country. The basic legislative acts have already been adopted or drafted in order to regulate these matters. A law on minimum wages and state guarantees for labour remuneration has already gone into effect. It generally is in line with the proposed Convention on the protection of workers' claims in the event of the insolvency of the employer. The draft law on labour protection takes into account the provisions of the Occupational Safety and Health Convention, 1981 (No. 155). We are also basing other instruments being adopted by Parliament and the Government on international labour standards.

This is the main thrust of the improvement of our labour legislation. Before the end of the year we intend to bring before Parliament, the ratification of ten ILO Conventions. The necessary preparatory work has already been carried out, with the participation of ILO experts. I would like to express my profound gratitude to the International Labour Standards Department for the expert help it has given us.

Employment is occupying more and more of our attention. This is not just a question of the number of registered unemployed, since there are a number of allied issues. For exemple: the absence at a time of economic crisic of the means to create new jobs due to the need to make structural changes to the economy, the convertion and reduction of the armed forces, a disproportionate distribution of labour and capital, training and of course the absence of any experience in working under market conditions.

In order to provide effective solutions to all these problems the Government has approved a special employment programme which, provides for material support for the unemployed as well as job creation training and retraining for unemployed skilled workers and employers and employment services. More than one billion roubles will be allocated to the implementation of this programme.

However, this may not be enough since the symptoms of the economic crisis are spreading.

We are particularly concerned with the lack of training for workers in the employment service itself. Together with ILO experts we have prepared an excellent project, making it possible to upgrade the work of the employment service and resist the vocational training system. But because we do not have enough donors we are not yet able to implement this programme. Following the collapse of the USSR, developed countries ceased giving assistance to our republic for training workers in the employment service. So, I would call upon Ministers of Labour to look again at the possibility of collaborating in the aforementioned ILO project and assist us in training our workers.

We were very pleased to read in the Report of the Director-General that "the ILO will have to help these member States to formulate policy and to set up institutions for dealing with these problems and shortening this painful transitional period to a minimum".

We believe that this direction taken by the ILO must find its rightful place among the plans and budget of the Governing Body and the International Labour Office. Moreover, it also appears that the time has come to move away from one-off projects and measures, even though they are needed, and undertake a permanent programme of cooperation.

In conclusion, I would like to wish all the delegates and participants in this session every success and prosperity.

Original – French: Mrs. BANAKOYE *(Government delegate, Niger)* – It is for me a genuine pleasure to associate myself with the previous speakers in order to congratulate the President, in my own capacity and on behalf of my delegation, on his brillant election to the Chair of this 79th Session of the International Labour Conference.

The confidence shown in him by this august body bears testimony to his great personal and professional abilities and we are sure that under his guidance we will be successful in our work.

The questions put before the Conference for its consideration are very topical. I should like to congratulate the members of the Governing Body for having chosen such very relevant topics and I should also like to congratulate the Director-General of the ILO and his team for the very high quality of their work in analysing each of these topics.

Before I address the Report of the Director-General, I should like to set forth some of our views on the technical items placed upon the agenda of this session of the International Labour Conference.

The protection of workers' claims in the event of the insolvency of the employer was already discussed at the 78th Session. For us, during this session, it will be our responsibility to adopt texts which establish guarantees for the payment of wages. My country has already submitted its comments on the content of the texts submitted to the member States. These texts do not run counter to our legislation and national practice as regards the provisions set forth in Parts I and II of the proposed Convention, and my country favours the adoption of a legal instrument because of the difficulties of paying wages in times of economic crisis.

As regard the subject of the prevention of industrial disasters, this item has been submitted for first discussion by the Conference,. We welcome the choice of this topic at a time when our planet is threatened on all sides by this phenomenon which is now beyond human control. We support the Director-General in recognising that the profound anxiety felt by the public as a result of the industrial disasters which have occurred in recent years makes it necessary for us to embark upon constructive discussions on ways of coping at both the national and international levels, with this danger. Consequently, we support the Director-General's wish that we should implement effective measures to prevent industrial disasters and to protect the population and the environment as a whole. And we hope that the conclusions of this Session will enable us, along with the ILO, to introduce specific measures to combat these causes of these industrial catastrophes in the world.

There is another equally important item on our agenda, namely structural adjustment and human resources development. At this point in time this topic is central in the minds of our statesmen. Given the political and economic upheavals throughout the world, developing countries in general, and the countries of Africa in particular, are facing serious difficulties as regards their attitude to structural adjustment programmes and their social and other repercussions. We welcome the work done by the ILO to assist our countries in overcoming the difficulties connected with structural adjustment. We hope that the Report submitted by the Director-General for consideration by the Conference will enable this august body to analyse objectively constraints inherent in structural adjustment and to propose to our member States and to the ILO strategies which will be conducive to the implementation of genuine development policies.

The 79th Session also has before it the Director-General's Report on the Application of the Declaration on Action against Apartheid in South Africa. In spite of progress made by the Government of South African, the situation which continues to prevail raises a challenge to those peoples throughout the world who love peace and justice. The frequent and flagrant violation of human rights in this region of Africa are morally unacceptable. This is why the Conference Committee on Action against Apartheid must lend increased vigour and vigilance to measures taken against apartheid.

I should like to congratulate the Director-General not only on the quality of his Report but also and above all on the very apt choice of topic, namely *Democratisation and the ILO*. For in recent years most of the African member States of this Organisation have embarked upon the path of the democratisation of public life.

It is commonplace to say that democracy is positive because it fulfils the deep aspirations towards freedom and social justice and can thus further the self-fulfilment of mankind and man's full participation in his own development.

But democracy is not necessarily synonomous with development. If it is to be so then democracy must be based upon an economy which if not strong is at least healthy, because man also needs economic and social welfare. Now in developing countries such as ours, which are concerned with the re-establishment of macroeconomic balance which is essential to our economic recovery, emerging democracies will be threatened if they are not supported by coherent investment and development programmes and educational and training measures.

You will, I am sure, understand how difficult it is for these States to steer their course when they want on the one hand to establish a genuine democracy and on the other hand to create economic and social conditions which will ensure their survival.

In this connection the ILO and other institutions should help our States which are in a democratic transition with the preparation and implementation of recovery programmes which do not have negative social repercussions. The countries of Northern Europe should, in a great upsurge of international solidarity, support the young democracies by assisting them in creating conditions conducive to their survival.

The ILO should in particular support our States by helping them to organise better the sectors which are the most sensitive in these critical times, especially the employment sector, by restructuring employment services, organising the informal sector which provides employment in urban and rural areas; promoting the employment of women who are very important, in particular in the rural context; holding seminars on carefully selected topics to help the social partners fulfil their rule in a multi-party democratic society, and finally, training labour administration officials.

After a courageous struggle by our people we have held our National Conference. We are currently in the full swing of transition. The National Conference has assigned to the transitional bodies, in particular to the Supreme Council of the Republic and to the Government, the mission of finding ways to meet the challenge facing our country. At the political level, essentially we must establish the conditions for the growth of democracy and a State based on the rule of law; restore the Republic and organise legislative and presidential elections. These goals are noble and will lead our country towards genuine democracy. But in fact the apprenticeship for democracy will be difficult. As the Director-General so rightly stated in his Report, the transition from authoritarianism to democracy is a perilous one. There is lack of security, a flouting of the authority of the State, a lack of commitment to work and a lack of respect for public affairs. This is the situation which threatens the current attitude towards democracy in our States.

In this context we feel that employers' and workers' organisations have an important role to play and that all governments which strive for the economic and social development of their nations should take this parameter into account and promote tripartism. The role of the ILO in the struggle for democracy is thus a crucial one.

I should not like to conclude my statement without welcoming the accession of new Members to our Organisation. This adds testimony, if such testimony were still needed, to the very high credibility of this specialised agency of the United Nations.

Mr. MOHAMED ABAS *(Workers' delegate, Malaysia)* – On behalf of the Malaysian Members' delegation, it gives me great pleasure to address this 79th Session of the International Labour Organisation.

Among other things this Conference will discuss the protection of workers' claims in the event of the insolvency of their employer the prevention of industrial disasters, adjustment and human resources development – along with the Director-General's Report *Democratisation and the ILO*, and the Director-General's Special Report on the application of the declaration concerning action against apartheid in South Africa.

These matters are timely and bear particular relevance to the changing situation – in the developing countries. I feel proud to be associated with this work.

As regards the protection of workers' claims in the event of the insolvency on their employer, a proposal to this effect is being discussed at the National Labour Advisory Council in Malaysia. This proposal is in addition to the existing legislation concerning workers' protection. Upon implementation it will be a great relief – especially to non-unionised workers in Malaysia.

The prevention of industrial disasters is another area which is being seriously looked into. I recall a tragic local disaster which occured in a fireworks factory where many workers lost their lives. CUEPACS firmly believes that this is one area where the three partners can take a common stand. It also supported the setting up of an independent panel of enquiry to establish the causes of such disasters and recommend proposals on ways to avert them.

In this connection, the Government has approved the setting up of an institute known as the National Institute of Occupational Health and Safety which will encompass all aspects of the problem. Workers feel that this long awaited institute will hopefully address all shortcomings.

As regards adjustment and human resources development, I am pleased to state that this matter is being actively discussed by the National Labour Advisory Council. This Council is a joint responsibility of Government, employers and workers but the major contribution has been from the Government. Employers should also play an increasingly active role in human resources to develop countries, as highly trained workers are their main asset.

The existence of a tripartite system in Malaysia has helped us to resolve many problems. Nevertheless there are still unresolved issues due to certain circumstances. A case in point is the failure to set up a national union for electronic workers. The Malaysian Trades Union Congress stated that attempts by the electrical workers' union in the country to organise electronic workers under its fold had failed. Some time later, a group of electronic workers formed a committee for registering the proposed National Union of Electronic Workers. The all-MTUC efforts which backed the attempts of this committee were not successful. Meanwhile, some workers went on to form in-house unions.

What I would like to tell the Conference is that my Congress will explore whatever avenues we can with the social partners in the country with a view to solving the electronic workers' issue – bearing in mind our principle that workers enjoy the right to unions of their choice within the framework of the country's law.

There are three national centres in Malaysia, namely the Malaysan Trade Union Congress, CUEPACS, and the Malaysian Labour Organisation. The latter is a new entry in the field.

Given this situation, there are bound to be differences of opinions where political ideologies sometimes emerge. CUEPACS may differ in its style of approach on issues compared to the MTUC, but we have reached a consensus on our working relationship.

CUEPACS' main aim is to concern itself with workers' interests and progress, eradication of poverty, sound wages and terms and conditions of employment, workers' security and social progress. We, as a nation, are developing fast and do not wish to be left behind.

We have a tripartite body – the National Labour Advisory Council – which meets regularly and attains consensus on major issues among the three social partners, namely the Government, employers and the workers. One such consensus arrived at is the National Labour Policy.

In the public sector, the existing National Joint Council machinery is undergoing a reform – although it does not have collective bargaining rights which we are seeking to be restored. The existing machinery does provide the platform to discuss and we have solved a number of problems and issues by virtue of being a public sector trade union centre.

We would nevertheless prefer further improvement with an ultimate view to collective bargaining rights, and will continue to put forward our case.

Malaysia is continuing to undergo tremendous economic growth, and with this in mind, economic policies are being overhauled and restructured to suit changing needs. CUEPACS will attempt to ensure that the recently approved National Labour Policy will complement the other major policies, so that workers may be given a fair share of the economic cake. It is my belief and hope that the ILO will continue to provide technical assistance, so that workers in this region can continously update their knowledge, skills and performance.

Orginal – French: Mr. PEIRENS *(Workers' delegate, Belgium)* – The Director-General of the ILO, in his Report on *Democratisation and the ILO,* has highlighted the major challenge facing the modern world. Democracy is not a slogan, neither is it a concept that can be adapted to circumstances. The Director-General gave an unambiguous definition by linking political freedoms, guarantees of citizenship and equality of opportunity with rights to participate in power and economic responsibility.

He has – we would like to stress this particularly here – highlighted the intimate relationship, the inseparate nature of democracy and social justice.

We fully subscribe to this. Democracy is not a set of political laws or economic rules. We know this because we have, in our own lifetime, seen how democracy has fallen into the trap of demagogy and dictatorship and has been incapable of responding to social injustices such as unemployment, food shortages, the lack of health care, discrimination towards minorities and political exclusion.

Those who witnessed the rise of fascism know what I am talking about and are, together with us, concerned about seeing a revival of authoritarian tendencies within our own democratic societies.

Democracy and the market economy are not in themselves synonymous. Too often these different concepts are confused. The market economy must be organised in such a way that international labour standards are fully respected. Therefore we can only be shocked in this connection by the repeated official rejection by the Government of Malaysia to observe international standards in practice.

Social justice, therefore, remains for us a *sine qua non,* whether we are speaking about Central or Eastern Europe, Africa or Latin America, Asia or western societies. Democracy is not a title which you hold, neither is it a diploma which you obtain. The process of democratisation is an ongoing mission.

Before coming to the specific proposals concerning the ILO's activities, I would like to make a few preliminary comments.

The disappearance of ideologies or the aggressive trumpeting of one sole ideology can only, we feel, strengthen the need to give a specific form to the basic philosophy of the ILO, which is that of social justice, economic democracy, and to consolidate tripartism at all social and economic levels.

This tripartism is not a theory but a practice: to give a structure to society, there are several possible approaches.

First of all we have the hierarchical approach inherent to authoritarian regimes in which the State lays down the law, and on the other hand there is the individualised, contractual approach, which is the way which has been adopted by ultra-liberal States, with inevitable consequences of flagrant inequalities and an excess of conflicts between individuals.

Some countries, however, have been able to combine State rules and contractual relationships. In the socio-economic area this mixed system has led us to a symbiosis between the market economy, public intervention and representative trade unionism, a symbiosis which has made it possible to achieve a certain degree of prosperity, while limiting crises within the system. The ILO philosophy is therefore not a myth, but a possible and desirable practice.

However, a number of dangers and new challenges are arising. The construction of the single European market runs a risk of leading to a revival in all the countries concerned of authoritarism, because there is a lack of democratic control, and purely economic relations because of an absence of a social dimension. The internationalisation of the economy leads to similar effects at the global dimension: a loss of control by the main political and social actors, the challenging of national sovereignty, the instrumentalisation of democratic institutions. We also have to take into account the permanent effect of the external debt and structural adjustment plans.

In countries which are in the process of democratisation, governments tend to promote a liberal policy with authoritarian means, with the absence or real employers and without recognising trade unionism (trade unions are sometimes dealt with as a despised, or at least negligible, entity).

It is in this new context that we are now called upon to act in favour of a living, updated and credible tripartism.

I would like to highlight the priority necessity for new democracies to achieve a basic social pact which enshrines the principle of consultation, lays down the delineation between tripartism and bipartism, and guarantees the autonomy of the social partners.

We insist on this because almost everywhere where tripartism exists, a social pact has been concluded the starting point of social democracy. We also know that this cannot be decreed but establishing a model or a system of equitable relationships is the result of a great deal of effort, of a daily struggle and even today we must remain vigilant – we must seek ways to strengthen ourselves, to improve the model and to develop it further.

Now, I would like to come to the specific role and mission of the ILO.

We hope that the ILO will be able to provide itself with the resources, first of all and, in the light of what I have said, to strengthen its action in the field by means of technical cooperation to strengthen trade union and employers' organisations, which are the very basis for economic democracy. Secondly, to follow closely the development of reforms in central and Eastern Europe, as well as the policies of structural adjustment on the various continents with particular attention being paid to the informal sector. Thirdly, to promote tripartism and bipartism, in particular by means of technical cooperation. Fourthly, to study the effects of the internationalisation of the economic and financial apparatus and the creation of sovereign supranational areas.

We request in particular that the ILO play its role in forums directly linked with international programmes of restructurising and democratisation, in order to avoid a situation whereby tripartite and bipartite principles and institutions are emasculated progressively and thus voided of their content. We are thinking in particular of the IMF, the World Bank, the OECD and G-24, as well as regional supranational organisations such as the European Community and its international policies, such as the Lomé Convention.

With our statement we wanted to emphasise to what extent, in practice and not in theory, we need today the philosophy and the methodology of the ILO. We would like to see them strengthened, not just at the national level, in particular in the new democracies, but also vis-à-vis international relations and in the practices of international institutions. The internationalisation of our economic and political relations, on the one hand, and the North/South imbalance, on the other hand, oblige us to do this as a matter of urgency.

We know that we will have to fight to make sure that these orientations are actually put into practice and we would like to assure you of our commitment as a workers' organisation because, as the Director-General has said in his Report, it is our duty to carry out these activities with the ILO in order to establish social justice, which is the only basis for universal and lasting peace.

Original – Spanish: Mr. HUILCA TECSE (*Workers' delegate, Peru*) – I am pleased to transmit to you the greetings of the Peruvian workers and, in particular, of the General Confederation of Peruvian Workers, which recently, in its IXth National Congress, renewed its executives and redefined its activities in the light of the difficult situation in our country. We are suffering our worst economic, political and social crisis of this century, and the situation was made even worse by the coup d'état on 5 April, when the President of the Republic decided, with the support of the military commanders, to close the National Congress, reorganise the judicial power and take over the supervisory bodies of the State, leaving as the sole authority in the country his own individual mandate.

As a consequence of these events, which have had repercussions on international public opinion, there has been a new variation of dictatorship in Peru. The Head of State has not been overthrown, but he has overthrown all the other authorities elected by the people, and has proclaimed himself as the sole representative of the peoples' will, establishing a new authoritarian model in our country. This model differs from those seen in other countries in the region in the use of less violent methods. With it he intends to impose by force a neoliberal economic system which will ensure a capitalist solution to the crisis, brutally transferring the crisis onto the workers and the national majorities. The dictatorship is flying moralising flags to gain popular support and has decried the inefficiency of representative democracy – not to correct it, but to justify his unconstitutional act. Under pressure from the Organisation of American States (the OAS), and from internal democratic resistance, he has been forced to commit himself to re-establishing constitutionality through the convening of elections for 18 October of this year, and to elect a constituent congress, as a way of putting an end to what has turned out to be a dangerous political adventure.

Neither the workers not the country are convinced however, that the head of the *de facto* regime will fulfil the commitment made before national and world public opinion.

Events in Peru since July 1990 have given us reason to doubt the seriousness of the regime. This is why we are renewing our appeal to the international community to keep a close watch over what is happening in Peru.

The situation being as it is, we agree with the concern expressed by the Director-General of the ILO, Mr. Hansenne, when he submitted his Report to this assembly. Indeed, as he stresses, throughout the world there is tendency to democratisation and towards the confirmation of civil freedom, but this is eclipsed quite dangerously in Peru. As the Director-General says, the ILO should do everything in its power to safeguard democracy and therefore it must move from words to action, adopting specific measures which will help the Peruvian workers and the Peruvian people to free ourselves from the dictatorship which has been imposed upon us.

We would like to refer quite briefly to four topics which we deem to be of the most crucial importance: labour reforms; structural adjustment (which is being carried out); the relationship between the government and the trade unions; and the problem of human and trade union rights in Peru.

In 22 months of government, the regime of President Fujimori has carried out reforms within the labour relations system, distinguishing it from the one in force since 1990. This reform focuses basically on the area of individual labour relations, leaving collective relations pending. The main aspect of the reform thus initiated has considerably strengthened the employers' power. In a country which does not have a Labour Code the reform has replaced the obligation which promotes individual independence in labour relations with the concept of the so-called flexiblising of prevailing standards. A host of provisions have been introduced to enable the employers to alter internal labour regulations, to make employment contracts of restricted duration, and even to freely dismiss 5 per cent of fixed staff who work in factories every year. Within the scope of entrepreneurial activities, they have prevented adherence to collective Conventions that have already been signed, they have forbidden the holding of future negotiations, and they have imposed drastic wage ceilings. At the same time, the Government has ordered the dismissal of over 350,000 civil servants, including trade union leaders of all levels.

Recently the Government announced that it has a bill ready regarding collective bargaining which no one is familiar with. Existing labour and entrepreneurial organisations have not been consulted at all. It has also unveiled a so-called "strike law" which would abolish this universally recognised right, as well as legislation on the right to organise which, it appears, will deal a hard blow to trade unionism in Peru.

Structural adjustment has led to dangerous and humiliating measures for workers. The flexibilisation announced by the Government has reached the field of employment and the setting of wages. It has considerably reduced paid employment, both in the public and private sector, incrementing the power of the state enterprises, which represent 38 per cent of the national economy. The informal sector is growing uncontrollably and has absorbed 79 per cent of the Peruvian labour force. State workers' salaries have fallen to 10 per cent of what they received in 1979, thus swelling the ranks of the extremely poor. In 1986, 17 per cent of the households lived in poverty. This percentage grew to 44 per cent as a consequence of the first economic measures dictated by the Government in August 1990, and has now risen to 47 per cent, without any prospects that this percentage will decrease.

Government-trade union relations have seriously deteriorated. The Government systematically denigrates the trade union leaders, but also qualifies the workers as being privileged inasmuch as they have a job. All labour claims aimed at establishing a fundamentally democratic dialogue have been ignored by the authorities at all levels. The President has never met with the main trade union organisations to examine the problems of the country, or the situation of the workers, despite the constant requests for dialogue from all trade union organisations.

In the light of these serious problems I request that this Conference authorise the ILO to send representatives of the highest level to visit Peru and investigate the serious violations to freedom of association and to the rights of the workers which are taking place today, and which take the form, not only of economic measures which are greatly detrimental to our interests, but also of administrative and legal measures which run counter to rights and achievements we have fought so hard to secure.

One example alone illustrates this anti-union behaviour on the part of the Government. In 1945 textile workers signed a collective agreement establishing a system of automatic wage adjustments. However, a legislative decree supposedly invalidates this agreement, even though the agreement has the force of law. This violates our political Constitution, as well as the decisions of the Supreme Court of Justice and international Conventions such as ILO Convention No. 98. Similar situations occur with other trade union organisations.

The workers, despite all these problems, and aware of our responsibilities, have in various forums put forward specific proposals to modernise the country and restructure the industrial sector. We are proposing a development project in favour of the great national majorities and an authentically democratic State, as an alternative to confrontation and the fatalistic view that the South is doomed to poverty.

In this light, the agenda of this Conference is of great importance. In fact, we cannot protect workers' claims in the event of the insolvency of their employer or ensure the prevention of industrial disasters, or guarantee the development of human resources without taking into account the situation of workers in the developing countries, particularly when the dominant sectors resort to violence to impose neo-liberal policies.

We are sure that the ILO shares this point of view.

(The Conference adjourned at 5.30 p.m.)

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Twelfth sitting

Wednesday, 10 June 1992, 10.15 a.m.

President: Mr. Nascimento Rodrigues

Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986: Ratification and Acceptance

Original – Portuguese: The PRESIDENT – Before we start this morning's work, I should like to give the floor to the Clerk of the Conference, who will make an announcement concerning the ratification of the Instrument for the Amendment of the Constitution of the ILO, 1986.

Original – French: The CLERK OF THE CONFERENCE – I have pleasure in announcing that the Director-General of the International Labour Office has registered the ratification by Suriname of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986. This brings the total number of ratifications and acceptances of the Instrument to 83.

Communication of the Officers of the Conference

Original – French: The PRESIDENT – I should now like to read you a communication from the Officers of the Conference.

The Conference has before it a resolution submitted by the Finance Committee of Government Representatives, to be found in the *Provisional Record* No. 11, concerning the granting to Paraguay of permission to vote under paragraph 4 of article 13 of the Constitution.

Under paragraph 5 of article 19 of the Conference Standing Orders, a record vote must be taken on this resolution.

Following a question raised in the Finance Committee, the Officers of the Conference were asked whether, in order to save time, it would be appropriate to suspend this requirement under the terms of Article 76 of the Standing Orders.

Considering, on the one hand, that Paraguay lost its right to vote because of an accidental delay of a few days in the payment of a minimal outstanding balance of its current contributions, and that in these circumstances the restoration of its right to vote would seem to be non-controversial, and, on the other hand, that the suspension of the record vote would contribute to the orderly and expeditious functioning of the Conference, the Officers of the Conference concluded that such an action would meet the criteria laid down in article 76 of the Standing Orders. They consequently unanimously recommend to the Conference to suspend the application of paragraph 5 of Article 19 of the Standing Orders to this resolution, and to adopt this resolution by consensus or, if there is a request to this effect, by a vote by show of hands.

It is understood that steps will be taken to bring this recommendation to the attention of the Conference sufficiently in advance for it to be acted on, in accordance with article 76, when the vote on the resolution is taken, and for appropriate announcements to be made.

Fifth report of the Selection Committee: Submission and adoption

Original – Portuguese: The PRESIDENT – The next item on the agenda is the fifth report of the Selection Committee, which appears in *Provisional Record* No. 6D.

This report concerns changes in the composition of the Committees. I put it to you for adoption.

If there are no objections, I will consider it as adopted.

(The report is adopted.)

Request to the Presidency

Original – Portuguese: I give the floor to Mr. Al-Jassem, Employers' delegate of Kuwait.

Original – Arabic: Mr. AL-JASSEM *(Employers' delegate, Kuwait)* – I ask for your indulgence in taking the floor, but I would like to point out that the report of the Selection Committee, contained in *Provisional Record* No. 6D, omits a proposal I made yesterday within the Employers' group.

Tomorrow is the first day of Eid al-Adha. This is a very important Islamic holiday for a great number of the countries attending the Conference, in as much as the Islamic countries represent more than one-third of the ILO's member States. This is why I requested that the work of the Conference begin two hours later than usual tomorrow.

The Selection Committee examined this proposal, but unfortunately it took no decision. That is why I wish to repeat my proposal in the hope that it will be considered by the Officers of the Conference. I hope you will take account of the Islamic religion's practices, because we must go to the mosque at a particular hour in order to pray the customary prayer of Eid al-Adha.

It is only once every ten or 20 years that this holiday coincides with the Conference. The reason why the Selection Committee was unable to come to a decision is that some members said that they were unable to contact their respective groups. We do not in any way wish to hold up the work of the Conference; that is why we did not ask that Thursday be declared a holiday. We are only asking for a two-hour recess so that Muslims attending the Conference may go to the mosque and pray.

Original – Portuguese: – Sir, we take note of your request, but I would remind you that the Selection Committee did not adopt your proposal. Furthermore, the Officers unanimously considered that it would not be possible to accept your proposal because the Conference, as you know, has a very heavy workload. Therefore, on 11 June, the morning sitting will start at 10 a.m., as usual. I should also like to add that this decision taken by the Selection Committee is a final and not subject to appeal. The Officers, therefore, cannot reverse this decision.

REPORT OF THE STANDING ORDERS COMMITTEE: SUBMISSION AND ADOPTION

Original – Portuguese: The PRESIDENT – The next item on our agenda is the report of the Standing Orders Committee.

I give the floor to Mr. Beranek, Government adviser, Czechoslovakia, Chairman and Reporter of the Standing Orders Committee, to submit the report.

Mr. BERANEK *(Government adviser, Czechoslovakia; Chairman and Reporter of the Standing Orders Committee)* – Before I proceed to the report of the Standing Order Committee, please allow me, on behalf of the Committee, and on my own behalf as well, to extend our warmest congratulations to you, Mr. President, and to all the Officers of the 79th Session of the International Labour Conference, on your election to these highly responsible and prestigious posts. We wish you all success.

I now have the honour to submit to the Conference the report of the Standing Orders Committee. The report was distributed in advance and is found in *Provisional Record* No. 9.

The business of the Standing Orders Committee consisted of draft amendments designed to introduce into the Conference Standing Orders the procedures which are in fact already being followed at the Conference this year to shorten and simplify the proceedings. These amendments were carefully prepared by the Governing Body and were unanimously approved by the Committee.

The amendment to Article 14, paragraph 6, of the Standing Orders reduces the time-limit for speeches in plenary from 15 to ten minutes. This reduction was already made last year and again this year. It enjoyed general support, but under the present Standard Orders it required each time a special decision of the Conference on the proposal of the President who had to consult the Vice-Presidents. This amendment will therefore make such a special decision unnecessary in the future and the ten-minutes rule will become standard procedure.

The other amendments, namely to Articles 25, 72 and 75 of the Standing Orders, are designed to enable the Conference to start its work on the afternoon of the first day of the session instead of only on the second day. This was also already done this year, under the existing Standing Orders, and all who were present will recall that it led to a rather complicated and frustrating first morning. I can assure you that, once these amendments are adopted, this experience will be avoided because the Conference will be able to proceed straight to the appointment of the committees on the basis of the proposals of the groups without these having to go through the Selection Committee.

On the other hand, the Selection Committee will remain responsible – as provided for in the amended text of Article 9 – for proposing to the Conference changes in the composition of committees. It will also continue, under the specific provisions of Articles 5 and 6, to submit to the Conference nominations for the membership of the Credentials Committee and the Conference Drafting Committee.

A further amendment to Article 4, paragraph 2, is designed to eliminate the need for daily meetings of the Selection Committee by expressly empowering it to delegate in particular its routine functions to its officers. Although this is possible without amending the Standing Orders, it was felt desirable to provide for it expressly since it will be done more systematically and more frequently than in the past.

Finally, a technical addition is proposed to Article 72, paragraph 1, of the English version to bring it into line with the French and Spanish texts from which it differs. Allow me, as the chairman and Reporter of the Committee, to inform the plenary session that all the proposals before the Standing Orders Committee were approved unanimously. Such a result brings me a feeling of satisfaction.

It was an honour and a pleasure for me to chair the Committee but it was also an honour for my country, after nearly 20 years of participating in the work of the Conference, to be involved in this conference committee.

It seems that the process of further improvement and simplification of Conference procedures is not only desirable but also possible. If such efforts are well prepared, they should prove acceptable. This is very encouraging for the future.

Therefore, I would like to acknowledge the support and the spirit of cooperation of the two Vice-Chairmen, Miss Cornelia Hak from the Netherlands for the Employers' group, and Mr. Khurshid Ahmed from Pakistan for the Workers' group. I would also like to express my gratitude to the ILO Legal Adviser, Mr. Maupain, and his staff for all the preparative work and help.

I now have the duty and pleasure, also on behalf of the two Vice-Chairmen, of submitting the report of the Standing Orders Committee and the amendments to the ILO Standing Orders, and commending them to the Conference for adoption.

Original – Portuguese: The PRESIDENT – Thank you very much, Mr. Beranek, for submitting the report of the Standing Orders Committee. I would like to stress that all the proposed amendments were adopted unanimously by the Committee. Since there have been no requests for the floor to discuss this report, whose adoption implies the adoption of the amendments to the Standing Orders as proposed in paragraph 11 of the report, I will consider the report adopted if there are no objections.

(The report is adopted.)

Original – Portuguese: The **PRESIDENT** - May I also consider that the amendments to the Standing Orders of the Conference proposed in paragraph 11 regarding the amendments to Articles 4 (2), 9, 25, 72 (1) (which concerns only the English text), 72 (2), and 75 (2), are adopted?

(The amendments are adopted.)

Original – Portuguese: The **PRESIDENT** – If there are no objections, I take it that the Conference also adopts the amendment proposed by the Committee of the first sentence of Article 14, paragraph 6, to read as follows: "Except with the special consent of the Conference no speech, whether by a delegate, a visiting minister or a representative of an international organisation, shall exceed 10 minutes exclusive of the time for translation."

(The amendment is adopted.)

Original – Portuguese: The **PRESIDENT** – I would like to thank the Chairman and Reporter as well as the Vice-Chairmen of the Standing Orders Committee for the excellent work they have done.

Reports of the Governing Body and of the Director-General: Discussion *(cont.)*

Original – Portuguese: The **PRESIDENT** – Let us now move on to the next item on our agenda, which is the discussion of the reports of the Governing Body and of the Director-General.

Mr. **SIMONS** *(Minister for Labour, Suriname)* – It is an honour for me to convey the greetings of the Surinamese people and Government to all delegates at the 79th Session of the International Labour Conference.

We congratulate the President on his election and we are sure that under his skilful guidance the Conference will proceed to a successful conclusion.

The Report of the Director-General addresses the question of democratisation processes profoundly, and we must stress that these processes are not only shaping the face of the world politically but matter in the daily life of every individual, every worker and their organisations. The ILO has always been in the forefront of the movement for democracy and human rights, taking the position that both are essential for workers' and employers' organisations.

Allow me to draw attention to the sweeping changes in our world today, changes that have been triggered by astonishingly rapid changes in the technology mankind uses in pursuing its existence and curiosity. The technological revolution makes possible what only a few years ago seemed impossible and thrusts mankind constantly into new situations. We are confronted with new ethical questions in science and technology, and in the social and the political field. At the same time the old ethical questions are still relevant although they take on different forms and must be answered in different situations. The industrial revolution, which shook the world less than a century ago, can be regarded as a mere prologue to what is happening in our era.

The formation of large new blocks, as newly emerging economic and political entities, could be viewed simply as a new form of protectionism, but this is just an aspect of the immense concentration of economic potential of these integrated blocks, these immense markets of goods and capital.

The development of transport and communication techniques has produced the most dramatic changes in our way of life, intensifying the interaction between peoples and nations and drastically changing the formation and passing on of ideas. They have an enzymic effect on social, political and economic developments even in the most remote areas of the world.

All these changes have created a smaller world, easier to control and to manage. It is within this context that the need arises for new forms of economic and political management; the evidence of this is reflected in the sweeping changes in relations between peoples and nations that we experience today.

The main challenge of our times, maybe, lies in the peaceful and harmonious development of these relations and it will require democratic political systems in our countries which are rooted in truly democratic cultures, respect for human rights and a strong will to settle conflicts peacefully. The enhanced role of the United Nations in international relations underlies this development and undoubtedly we can also expect an intensified role for the ILO.

It is in this context that I would like to address two related subjects that are on the agenda of this Conference: the democratisation process and structural adjustment.

The Director-General has already stressed a number of important aspects of political developments in recent years and the importance of these developments for the functioning of workers' and employers' organisations, as well as the ILO itself.

I will resist the temptation to analyse these developments in detail and look for causes. A practical approach is to make use of one of the short moments in history in which people, and especially individuals at the centre of power, seem to have extremely converging views on how democracy should take shape and are looking for ways to settle differences and conflicts peacefully.

No matter how spectacular the political developments are, there seems an unmistakable link between the ongoing economic developments and these political processes.

Of course there is one self-evident link: especially autocratic regimes, regardless of their ideological orientation, adapt more slowly to the changing world and by failing to lead their people in these turbulent times they are confronted with massive democratic movements and a call for respect for human rights. These democratic movements are rooted in the struggle of economic and ethnic groups in our countries for progress and a better life.

It is here that the great danger for the young and fragile democracies lurks. The developments in the world economy which I referred to earlier create a very uneven development between regions, causing accumulation of wealth and progress in certain areas, and poverty and backwardness in others.

At the same time people are impatient, on the one hand as a result of prolonged stagnation or reduction in standards of living and on the other hand because of the very promises and ideals of democracy. So democracy is under pressure from the very same forces that brought it to the fore. Protecting fragile democracies, especially in our part of the world, will not only require firm political support from the international community, but also significant economic assistance.

In 1990, Suriname suffered a setback in the process of democratisation, but a major leap in this process was made earlier this year with the revision of the Constitution by the newly elected Parliament in such a way that all political authority of the armed forces was removed from the Constitution, thus strengthening the constitutional position of the Parliament and the Government. In the new Constitution the position of the democratically elected state organs is explicitly open, subject to the judgement of the electorate alone.

At this point it is relevant to draw attention to the question of structural adjustment. Almost five years have passed since the ILO held the high level meeting on employment and structural adjustment in Geneva. Since then there have been significant shifts in the positions taken on this subject by several international financial institutions. The ILO must be credited for being an important force in the process of bringing about this positive shift in policy.

Still, there is much concern among the developing countries about the effects of structural adjustment programmes. It has usually been the middle and lower income strata, wage and salary workers and other more vulnerable groups in society, who have paid an unequal share of the price of adjustment. Social and political unrest, instability and even setbacks in the democratisation process have been a direct result of some of these programmes which did not take into account the concrete political and social environment of the area where the programme was to be implemented.

Even with changed attitudes regarding the protection of the most vulnerable groups of society against the negative effects of structural adjustment programmes, it is easy to overestimate the pace at which the economy can be adjusted. To judge what reserves the lower and middle income groups still have left to pay for continued adjustment is very difficult. Among these lower and middle level income groups many workers have seen their lifetime's savings melt away in the crisis and adjustment of the eighties.

Of course, we in the developing world have no other choice but to adjust our economies in the face of the profound changes in the world economy mentioned above, although the best we can do is to keep up, because the dynamics of these changes are rooted in the rich, industrialised countries.

At the same time there is a pressing need for sound economic policies not only to follow basic economic principles but also to take into account the possibilities and impossibilities of the development prospects of our countries. In this context, we must mention the excellent work done by the United Nations Economic Commission for Latin America and the Caribbean (ECLA) in this field. We agree that the main challenge in the development strategy for the nineties lies in changing production patterns with equity. One of the main aspects of the integrated approach put forward by ECLA is the development of human resources, especially education. This aspect lies at the heart of the ILO and this reflects the importance of the ILO in the process of continued adjustment.

Suriname has involved the ILO in drawing up its structural adjustment programme which is to start within the coming months. We therefore support the strengthening of the ILO regional office for the Caribbean so as to intensify the activities of the ILO, especially with regard to structural adjustment and employment planning in the Caribbean region.

We are convinced that active assistance from the ILO, given its experience and authority, will be an invaluable support to the democratic process that is taking place in our country and also to our efforts to rehabilitate and restructure our economy in the face of recent national and international developments.

Mr. POPESCU *(Minister of Labour and Social Welfare, Romania)* – On behalf of the Romanian delegation I would like to address my heartiest congratulations to the President on being elected to chair the proceedings of this Session of the Conference which by its topicality reveals once more the resources and dynamism of our Organisation.

I should tell you that it is the first time that I have participated in an International Labour Conference and that I have been impressed with the achievements of this Organisation over the past year which have been briefly covered in the Report of the Director-General on activities in 1991.

Allow me to express to the Director-General, Mr. Michel Hansenne, and to his staff, my greatest respect for the high quality of the documents presented, as well as for everything that has been undertaken in order to make this Session successful. I would also like to voice our gratitude for your solicitude, and for the support you have given to Romania over this period.

The Report that was presented as the basic material to be discussed deals with a topical issue of special significance to countries such as the one I am representing – Romania.

Despite all the good things we have done so far, chiefly relating to the basic juridical framework of democracy and economic reform, such as the Constitution, laws on labour relations, collective negotiations, collective bargaining, social security for employees, etc., we are currently facing a very difficult situation in Romania. The political transformation of our institutions, and the restructuring of the economy have lead to increasing poverty and a rise in inflation and unemployment rates. That is what everybody calls the social costs of the transition to a market economy.

We are aware that these difficulties are inevitable and that we may also expect some reactions of doubt about the very good things we have achieved. We should cooperate further with our social partners – employers and trade unions – but, as the Director-General rightly mentioned in his Report, there are many obstacles on the way towards tripartite relationships, in Romania too, such as an excessive fragmentation of trade unions and employers' organisations, the existence of a multitude of rival, insignificant and badly structured organisations which have not yet acquired the solid technical, economic and legal knowledge necessary for collective negotiations. Bipartite negotiations between employers and trade unions have not developed enough so far, particularly at the level of economic businesses and branches. This has caused difficulties in implementing some clauses negotiated at national or branch level. In addition, the economic difficulties are so great that there is too little room left within collective bargaining, especially with regard to the distributive function of bargaining in the field of wages.

The transition from totalitarianism to democracy has proved to be really hard and painful. The economic transition, being threatened with a deep crisis, has become as difficult as the political one. We face, at present, a critical situation, since we have to carry out economic reforms and structural adjustment programmes in conditions of recession, inflation and unemployment. Therefore, we salute the commitment included in the Report and in the ILO programme for the next biennium "to help these member States to formulate policy and to set up institutions for dealing with these problems and shortening this painful transitional period to a minimum".

We are mostly interested in the action the ILO will take in respect of the drawing up and implementation of some cooperative-type programmes mainly in rural areas. Our interest arises from the fact that in our country, under the totalitarian regime, there used to be "kolkhoz"-like cooperative farms which distorted the cooperative character of such businesses and compromised the very notion of cooperative. These "kolkhoz"-like cooperatives were dismantled after the December 1989 revolution and the land transferred to farmers' ownership.

At present, there is much reluctance to organise other cooperatives. But they could provide, during the transitional period, an effective means of turning to account local human and material resources and spurring competition.

The re-organisation of the market has, in our case, also led to the multiplication of intermediary agents, with no productive role but who appropriate an important share of added value, to the detriment of small-scale producers and consumers, in particular. The cooperative offer the advantage of eliminating these intermediary agents, improving production and increasing productivity and production capacity.

I consider that the strategy proposed for ILO activities in the next years is intelligent and complex hereby enabling this forum to grant faster and more efficient assistance to member States. This strategy is fully supported by the Romanian Government which is determined to contribute to its implementation, by granting logistical support to the settling of a team of experts in Bucharest, and working for the countries lying in the Balkans and on the coast of the Black Sea.

I would like to conclude by reasserting our thanks to the ILO Director-General, Mr. Michel Hansenne, for the cooperation we have had up till now. We hope, with good reason, that the ILO will support us in the future too, and will share with us its rich experience. In this way we will be able to work jointly in order to attain the aims of this Organisation.

I avail myself of this opportunity to express the gratitude of the Romanian Government to the representatives of the member States and of the international organisations which have shown understanding for the problems we have faced and I am calling upon them to develop bilateral and multilateral cooperation with Romania.

Mr. MUSANHANE *(Employers' delegate, Mozambique)* – I would like to add my voice to that of those who have congratulated the President on his election to the highest post at this Conference. Like them, I wish him every success in steering this Conference to a successful end.

The choice of democratisation and the ILO as the main topic of the Director-General's Report to this Conference is timely and necessary for socio-economic development, and particularly in the case of countries in Africa. The ILO bears responsibility to bring the message of democratisation, in whatever form possible, to the doorstep of all our countries.

In this connection, we, the employers in Mozambique, are very grateful to the ILO for its intense efforts to strengthen the Association of Mozambican Private Enterprise (AEPRIMO). For us, the high point of this action was a subregional seminar held recently in Maputo for employers organisations in Portuguese-speaking African countries. We are already witnessing the positive results of that seminar. We therefore appeal to the ILO to intensify its technical assistance to AEPRIMO as the best way of bringing democratisation into practice. In Mozambique, democratisation is pursued by means of economic liberalisation under the national economic recovery programme begun in 1987. The recovery programme is spearheaded by a structural adjustment strategy aimed at facilitating a positive transition from a centrally planned economy to a free market economy.

In an effort to install an environment in which democracy can thrive in Mozambique, the Constitution was revised in 1990 to make possible popular participation in decision-making. This was followed by the introduction of multipartism in the same year.

My employers' organisation, AEPRIMO, has taken advantage of these democratic changes to organise its members so that they can make an effective contribution to the development of our country. There are, however, some problems which require international involvement in order to be solved. The most urgent one is massive foreign investment. Now that peace is in sight in our country, I can assure foreign investors of the safety of their investments. Foreign assistance is also urgently required for the resettlement and rehabilitation of displaced persons and returnees from South Africa.

My employers' organisation is demonstrating that it is a formidable partner in development. It therefore calls on the ILO and other United Nations agencies to join hands with AEPRIMO and other foreign investors to make democratisation a workable proposition. Freedom of the individual is not enough. Freedom of the individual is only meaningful where the individual is self-supporting economically. This is the mission of AEPRIMO, whose membership is drawn from all the economic sectors of the country.

Mr. MILLER *(Minister of Labour and Social Affairs, Czechoslovakia)* – Allow me to express my congratulations to the President on his election to the chair of the 79th Session of the International Labour Conference and to wish him every success in his work.

I am of the opinion that the theme which the Director-General, Mr. Hansenne, chose for his Report to the delegates of this year's Session of the International Labour Conference is up to date and topical, and the approach he has chosen to present it deserves our admiration and thanks.

Let us consider the word "democracy". It is as old as human civilisation. We are using it on an everyday basis in different shapes, forms and cases. However, democracy has not been given to the human race once and for ever. During revolutionary times we used to write it on posters, and achieving democracy is considered the main objective of revolutions. In post-revolutionary, times, democracy might indeed have been achieved, but it has sometimes been somewhat brittle and we are trying hard to make it stronger, more solid and we wish to anchor it. We want to develop a democratic State and democratic society, or, in other words, we strive for the so-called "democratisation" of life. It has happened many times in history and it is still happening at the present in many places across the globe, including Central and Eastern Europe.

A great danger exists, however, that by permanent and thoughtless repeating of the word "democracy", by frequently attributing "democratic" to just about anything and by shielding ourselves with "democracy" on any occasion, the use of this expression will become commonplace and its protagonists will lose the feel for its real sense. The results of this can be seen when some measures can be labelled democratic, while they may in substance be anti-democratic. Unfortunately, such cases have been observed in the recent past.

Therefore, at such times it is not only useful but actually imperative to stop and do a bit of hard thinking and remind ourselves once again about the original and the appropriate meaning of the word "democracy". As a programme it means optimism, love, cordiality and trust.

It is, in my opinion, a vital ability to perceive things of perhaps even a negative nature and to cooperate to achieve a better tomorrow; it is a radical rejection of poisoned and unsatisfied indolence. Only then do such words like freedom, independence, equality and justice acquire their own sense and come to fruition. The rights of individuals can be exercised only in the society which acquires the absolute meaning of these words in everyday practice. More particularly, it is the right of each individual to participate in the management of public affairs because, as we all know, the word "democracy" has its origin in the Greek *demokratia* or government by the people.

As I have already said, although democracy has not been given to us once and forever, the people have always been moving towards it with a hope of better life. And when they have reached it they have always had to learn how to use it. Just as the developed nations of today had to learn democracy during past centuries, other nations want to learn its principles and indeed its meaning: the nations which have stepped on to the path of democratisation after the collapse of the totalitarian communist regimes.

However, as is apparent from the Director-General's Report, the full implementation of democracy and full respect of basic human rights do not really exist anywhere, so that democracy should be steadily learned in a smaller or larger extent by all people of our planet, and we should all seek its fulfilment.

The process of democratisation is closely linked with the change of an economic system. Both these processes are essentially complementary. Czechoslovakia has also commenced a journey of transition from a centrally planned economy to a free market system. The Director-General's Report quite accurately outlines the problems and shortcomings we are inevitably fighting against, whether at the Government, trade union or employer levels, as well as the changes which these three fundamental pillars of a democratic society are experiencing in their role, mutual relationships and position.

It is, however, important to realise one thing. At the very beginning of our transformation, the Government, trade unions and the newly developing social groups of employers realised the fact that hand in hand with the basic economic measures it is important to solve the pressing social problems of today, such as the drop in living standards, unemployment, poverty and, subsequently, to draft new principles of social policy, a policy which initiates and motivates each individual and social group to activity which will lead them to social independence and to the acceptance of the responsibility of individual citizen and social groups for their social situation. This policy should at the same time guarantee an adequate social protection to those who are in real need of it, namely the vulnerable groups of our society. This task must be dealt with at a time of an economic decline and a decrease in the standard of living. I have to admit that this process is a very complicated one if we have to respect all the assumptions of recently obtained freedom and democracy. Our goal, however, is the fundamental restructuring of the State and its political system, the introduction of an effective economic system which will assure the right of all to self-realisation and the satisfaction of needs for a decent standard of living at a steadily increasing pace, and the elimination of suffering and poverty.

We are fully aware of the fact that the creation of the necessary conditions to achieve these goals influences the relation between people and economic reform and alters their thinking and actions. In view of this, we are preparing each and every economic and social measure. I am pleased to say that the vast majority of citizens of Czechoslovakia support the practical steps of economic reform and accept them with a remarkable tolerance of their negative consequences. Nevertheless, in order to maintain internal stability and social peace we have to seek the practical implementation of several basic principles of democracy such as freedom and pluralism, make an effort to involve individuals in the decision-making process as regards questions which concern them, on the basis of social dialogue, negotiation and tripartism, which is a basic ingredient for the management of social relations and social dialogue in a democratic society which applies the principles of the market economy.

So, do we have the right to ask the question: Do we already have democracy? Not really. Democracy is not an objective. It is a tactic. It is a method. Is the revolution an ideal or just a method?

Dear friends, if among all political variations some actually have the character of an ideal or something desirable and permanent, it would perhaps be democracy. But it is an ideal, something which is not stocked in the house, but has to be delivered here at this time, tomorrow, in the life of future generations until the end of time.

It is up to ourselves how far we move towards this destination.

Original – Arabic: Mr. RASSOUL *(Representative of the Arab Labour Organisation (ALO)* – In the name of God, the Merciful, the Compassionate! The theme of the Director-General's Report this year, *Democratisation and the ILO,* is appropriate, at a time when peoples throughout the world are viewing democracy as an ultimate aim to their aspirations – and as an instrument to fulfil their ambitions and hopes for the full exercise of their rights and freedoms.

It is hardly surprising that there is a growing interest in democracy among peoples of the earth at this historic juncture, which has witnessed the end of the Cold War and a period in which peoples are regaining their rights – free from fear, anxiety and hunger which poisoned the international climate after the Second World War.

It goes without saying that democracy and its political applications in the strict sense of the term, i.e. the government of people by the people, goes beyond the mandate of the International Labour Organisation. But from a wider social standpoint we are fully convinced that your Organisation is one of the international organisations most concerned by democracy and better equipped to protect and defend it; for indeed it represents the most prestigious world forum for protecting the principle of social justice.

We in the Arab Labour Organisation, which I am honoured to represent, have studied the Report of the Director-General which deals with a number of vital topics and reaches a certain number of conclusions and proposals – with which we agree to a great extent. This is only natural because the Arab Labour Organisation is unique from the standpoint of its tripartite structure, its social goals and activities and the quality of its action.

Within the Arab Labour Organisation, which is one of the pillars of joint Arab action, we believe in cooperation, constructive dialogue between the various constituents, categories and classes of society and more particularly the social partners who bear the responsibility for development, growth and participation in democracy from both an occupational and popular standpoint. At this point, it should be added that the Arab Labour Organisation's philosophy is mainly based on the principle of "shoura" (consultation), one of the cornerstones of the philosophy of Islamic Government throughout the centuries.

In this context, we fully support the principle of people's participation in development because it is the soundest basis for the success of any development programme. We see democracy as a solution to the marginalisation of vast sectors of the population and a way to hear their just concerns and to try to cope with them. It is also an aspect of collective solidarity and equality. Democracy is also a means by which we may attain development by the people for the people and the raising of living standards and productivity of the poorer sectors of the population – as well as a fairer and more equitable distribution of the fruits of growth.

On the basis of this premise, we try, within the tripartite structure of the Arab Labour Organisation, to strengthen by all possible means people democratic occupational institutions which constitute a pillar of tripartism. We believe that these institutions, wherever they might be, are a natural product of society based on its culture, values and aspirations, that they spring from real needs and are therefore able to take part in decision making.

With this in mind, we in the Arab Labour Organisation encourage a greater contribution by the social partners in various stages of development so as to strengthen democracy.

No-one disagrees that democracy as a moral and human concept is a symbol of development, even if it is applied in different ways. Logic tells us that the successful application of principles and rules inherent in democracy at the national level requires external conditions that are in many cases outside the realm of developing countries. In these countries the practice of democracy is directly affected by external factors, especially the international economy and economic and political decisions taken by a group or groups of countries intent on their own interests. It may therefore be said that the desired democracy is not national, local or confined to one region. But world peace is inextricably bound up with international democracy at economic, social and financial levels. The objective of one world based on solidarity remains a remote hope in the existing international economic order, where relations between North and South are scarcely characterised by equality, respect and common interest. In other words, the forces that govern the world economy may, because of their economic and financial strength, play an essential role in encouraging democracy when conditions for development are satisfied. And since we are speaking of democracy, we must pause to consider discrimination in employment and violations of basic rights committed throughout the world. These cases fly in the face of the most basic democratic concepts. The Director-General was wise to devote a large part of his Report to these violations. We note that there are still entities which exploit the riches of other peoples, depriving those subjected to their occupation and hegemony. Apartheid in South Africa, the military occupation and Israeli colonisation of occupied Palestine and other examples in our modern world constitute formidable barriers to the rights of people to enjoy democracy in the same way as other peoples in the world.

Democracy requires mutual respect between peoples in the exercise of basic rights and freedoms, such as the right to self-determination in a climate of peace and justice.

In all these cases, the International Labour Organisation remains the hope of weaker nations – and the more this Organisation responds to and tries to alleviate the sufferings of these nations, the more it will become a world organisation in applying these objectives and implementing its terms of reference.

However, singing the praises of democracy should not make us forget the suffering of migrant workers, irrespective of their nationality. They do not have the same stability and security as national workers despite their considerable contribution to national efforts.

In concluding, I believe it is my duty to mention the special relations we have with the International

Labour Organisation as regards regional programmes and activities. For this, we need to ensure good coordination in order to increase the revenue of these programmes and activities. We look upon the ILO both at the headquarters and in the regional offices to increase cooperation, coordination and dialogue with the Arab Labour Organisation which always stands ready to cooperate with the ILO to obtain success in these bodies in the Arab region – taking into consideration Arab national interest and the welfare of workers in particular. In this context, I recall the resolution of the last Arab Labour Conference held in Tripoli, which demanded that the Arab region should be considered as a single geographical region in so far as technical activities and technical cooperation projects are concerned – in order to ensure coordination, complementarity and greater efficiency.

We believe that the headquarters of the regional office of the Arab countries should return to the Arab region, so that it might fully exercise its duties and responsibilities towards the various parties – based on the principle of decentralisation successfully applied by the ILO. I also hope that optimum use will be made of the credits earmarked to the programmes concerning the Arab countries. Finally, I hope that the number of officials in the regional office will be increased and that priority will be given to programmes that benefit first and foremost Arab citizens, after consulting with the parties concerned.

I wish the ILO every success in its work which, I hope, will lead to tangible results.

Mrs. GARZO *(Workers' delegate, Hungary)* – First of all, please allow me to congratulate Mr. Nascimento Rodrigues on having been elected President of this session of the International Labour Conference. I would also like to express our thanks for the expert and technical assistance we were given during the seminars that the ILO organised for us, mainly on the subjects of tripartism, collective bargaining and social security. The Hungarian workers greatly appreciate the help they received through these seminars. The ample experience of the ILO and its excellent lecturers combined to teach us the best methods and means to be used in training workers' representatives at different levels.

The Director-General's Report is highly informative and valuable. We studied the parts dealing with the countries in our region with special interest. The chapter of the Director-General's Report entitled "The transition towards the market economy" says "the (...) States that have initiated a process of transition to the free market economy are in a difficult situation at present. The political reform of institutions, the restructuring of the economy and the liberalisation of markets have, in the short term, brought increased poverty, owing to changes in the price structure, inflation, unemployment caused by the closure of unprofitable production units".

And the Workers' delegate should add to this statement: "most of the burden of this large-scale transition to the market economy is borne by the workers and, when assessing the difficulties and the different crisis phenomena resulting from the transition, it is the social impact on them that is of primary importance to us. The transition to the market economy should at the same time be a democratic process. But pauperisation, unemployment, a great mass of people having no prospects of livelihood, may all become weapons that can be turned against democracy".

A look at the position of the workers and their organisations in Hungary is enough to see that they are struggling under a double burden.

In Hungary an economic recession is going on, there is a fall in living standards, the position of the workers on the labour market has undergone a drastic change for the worse, the rate of unemployment is little short of 10 per cent and it shows a sharp upward tendency. I could continue to enumerate the factors of this situation but they are not unfamiliar to the developed industrial countries either. However, in the case of structural changes in Western countries there were not total changes of regime taking place at the same time as is the case in our country, and this fact makes restructuring even harder for us, increases the difficulties resulting from it and necessitates other specific solutions. It is all the more difficult because whilst in other parts of the world the workers' representatives were responsible for keeping the social consequences of restructuring at a tolerable level – not an easy task – in Hungary this task falls to organisations that, due to far-reaching changes in the whole system, are either just emerging or themselves are undergoing extensive changes.

An important development in this process is the agreement of the Hungarian trade unions to make a clean break by means of democratic inter-trade-union elections and to put an end to the era of the former regime. On the basis of these elections, our purpose is to divide up the trade union assets. Unfortunately, the Government does not understand the difference between a citizen and an employee and the fact that the trade union assets should be distributed among the trade unions only and not between the Government and unions. The ILO has always supported the democratic development of workers' organisations. We would like to request it to contribute also to this process by sending ILO observers to these elections.

Not only the workers' organisations but also tripartite relations lack firm roots in Hungary today. The social partners cannot yet manage their inevitable conflicts in a routine and civilised manner. The establishment of democratic tripartite institutions has begun. We have had a National Council for the Reconciliation of Interests for two years now and the setting up of medium-level tripartite institutions has also started. Since our partners' social receptivity is weak and the mix-up of roles resulting from property ownership also leaves its mark on the activity of the tripartite system, the Government mainly, and also the employers, tend to take advantage of the situation. Though privatisation has now started, the State is still by far the biggest owner, the biggest employer.

The Government neglects its duty to discuss issues concerning the restructuring of the economy, which necessarily involves the world of labour. Employers often fail to meet their obligations, thus endangering for instance the provisions for the unemployed, or social insurance.

In recent years the democratisation process has begun in a number of countries and regions all over the world, and the ILO has responded quickly to this challenge. It contributed to a great extent to the increase of the ILO's importance. I must, however, draw attention to fact, also pointed out in the Report, that the process of democratisation gives birth to new tensions and in Central Eastern Europe they do not get eased in the way seen in other regions of the world. Consequently the methods applied that have proven successful elsewhere are not necessarily suitable for us.

The link between the market economy and democracy mentioned above is sometimes displayed as highly specific interrelations in our country. We accept for instance the demand supported by the ILO and some other international organisations that the State should retreat from the economy. Nevertheless, we have to realise that the systems of distribution Hungary has inherited are such that a sudden retreat of the State would lead, as has already happened several times, to the collapse of malfunctioning, but all the same existing, social institutions, the replacement of which we have not had enough time and money for nor perhaps enough experience.

That is why we gladly welcome the ILO's intention to set up a Multidisciplinary Area Team in Budapest in the near future. We are convinced that direct experience and contacts will promote our joint efforts to help the region overcome the crisis and see the transition to a successful end. As individual elements in the crisis affected our region, which undoubtedly has a great many common features, the individual countries have their own various economic, political, ideological, social, ethnic, etc. crises, which makes their uniform management impossible for the region as a whole.

For this reason, while welcoming the establishment of the Team, we would like to present a request to the ILO for its cooperation with the countries concerned, from the time that the Team decides upon its various activities.

In the course of our cooperation with the ILO we have already obtained a great amount of knowledge relevant to the economic and democratic transition. It is extremely important for us that the introduction to tripartism programme be continued. In connection with this we have another request. We ask the ILO to help us to compile a document covering this subject matter, and also make it available in Hungarian so that the workers and their organisations may also become acquainted with it. I request you support in respect of all this.

Original – Portuguese: Mr. TIAGO GOMES *(Employers' delegate, Angola)* – Firstly I would like to express my warmest congratulations to the President on his election to his high office. I sincerely hope that he will be extremely successful in his work and that this work will be very fruitful.

This is the first time I have addressed this Conference and I would therefore apologise in advance for any shortcomings in my presentation.

My aim is to make a contribution, albeit a humble one, towards changing the status quo which exists between the different nations in the world, particularly as regards economic and labour relations, and to try to provide this international forum with a more active and participative role in this process and in the economic, physical and mental improvement of nations throughout the world.

The widening of the gap that separates the North and the South is something that causes me particular concern. This forum is a place where we frequently hear similar problems repeated with no forthcoming solutions. Frequently solutions are left to chance as the case with the unending requests for support from countries in the South.

The imbalance is flagrant between the North and the South and it is true that appeals made in this forum for multifaceted support for development and solidarity have been in vain, due to the lack of effeciency and effectiveness which prevails. In order to overcome this impasse, the requests for aid should take a different form, with more emphasis being placed on trade and assistance. All of you are aware of the economic interdependence which is essential to the survival of countries at present. No one should ignore that a substantial number of countries in the South are the granaries and suppliers of raw materials for North. The negative factor in this exchange is to be found in the economic disadvantages that result for the South, because of the unfair relations which govern trade between the North and the South. Any isolated attempt for a unilateral breakaway from such practices would result in severe pressure by the other parties and put the breakaway party in an untenable situation and leave it no other way out except to recede before the lobbies of technical transfer and know-how. History will have a boomerang effect.

We need to remember that all people and nations have the right to global progress. It is a fact that poverty leads to a drop in standards and morals. This is reality, whether it be in the United States, in the Philippines or in any other country of the world. The importance given to the manifestations of this human subworld varies from one country to another, and between the North and the South.

Every day foreign citizens die in foreign countries under strange circumstances. If this were to happen in Angola the whole world would consider these acts to be barbaric and savage. But if this were to happen in the West, however, it would justified by the advanced state of technological progress and consumerism. Both acts, whether they be in our country or in another, are the same in nature and are equally reprehensible because human life is of inestimable value wherever it may be.

The remedying of the imbalance between the North and the South requires investment in the South of the profits resulting from the trade between the two in order to encourage global, commercial, industrial and agricultural development, in the growth of the arts and literature, and the flourishing of the body and the minds of people in the developing countries. With the fall of socialism, the eyes of the Western Powers are now turned to countries which used to make up the Eastern European bloc, and this is jeopardising the aid programmes for Third World countries. All this is taking place so fast that catastrophic results are being precipitated. The good values of socialism, some of which are almost completely part and parcel of capitalism, continue to be valid. What we need to do is to study them from a different point of view in order to establish a new philosophical and political ethic. Angola is claiming the material and spiritual development of its people and has at its disposal enormous natural wealth in its soil, subsoil and continental shelf, which have been fueling the economies of the North to our own detriment. The riches or the wealth of Angola are unfortunately like a lifeless body of a native deer on which foreign wolves are feeding. This is not the manifestation of any type of xenophobia. I stress once again the need for economic interdependence and exchange between countries. You may not know this but in Angola, since the time of independence, a foreign labourer receives a monthly wage which is ten times higher to that of an Angolan doctor. Developed countries have done nothing to assist Angola in changing this situation by providing the Angolan citizen with a certificate of dignity through his work with regard to society and the world and based on the economic potential of our country.

Xenophobic demonstrations have taken place in France, Germany, Holland, England and in other so-called developed countries. They are particularly condemnable because of the violent nature which has characterised them. Angola has lived through a devastating civil war, which pillaged its human resources, its economic infrastructure, its fauna and its flora. This phenomenom of *force majeur* has recently been compounded by the drought which has extended through the whole African continent and requires urgent measures, not only to prevent the death through hunger of millions of people, but also to defend the ecosystem, which is constantly deteriorating.

This means that huge human, technical and financial resources are required, and for this we appeal to the goodwill of developed countries.

Angola is rapidly moving towards a capitalist economic system, and we are open to foreign investment in almost all areas of economic activity, in the form of direct or indirect investment by individual enterprises or in the form of joint ventures, with the guarantee that profits may be repatriated after taxes have been paid, and these taxes, I stress, are not high. We need to take up this challenge and invest.

I should not like to conclude my statement without referring to the role played by the previous President regarding the just struggle of peoples for self-determination, particularly the Timorese people, and the technical cooperation policy promoted by the ILO. I believe this forum should express its firm support for the cause of the South African people, the people of Slovakia and other people in the same plight.

I sincerely hope that action will take over from words in this forum and that technical cooperation become an effective, methodical, and balanced reality, we need to exorcise the spectre of a caste of privileged countries influential because of the lobbies of international officials who are recruited by methods and procedures which lack in transparency and equity. There is also a failure to disseminate information to all Members of the ILO with regard to the way in which vacancies on the executive bodies of the ILO are filled.

Finally I should like to add my voice to many others who have already expressed the need to introduce the Portuguese language into this forum as an official language. I hope that this proposal will not lie unattended in some office drawer and that a decision will be taken on this matter as soon as possible. I also think that the necessary conditions exist for the acceptance of the Portuguese language as an official language for the ILO. There is no longer the argument that there is a lack of orthographic consistency between the Portuguese-speaking countries; the Portuguese of Camões is spoken and understood both here and on the other side of the ocean and in all Portuguese-speaking countries.

It is now time to change the status quo. Mentalities must be changed and concessions must be made to provide greater development and solidarity between people and nations, with the due respect one for the other.

Mr KANERVA *(Minister of Labour, Finland)* – Allow me first of all to present my congratulations to the President and the Vice-Presidents of the Conference upon their election. I wish them every success in their high offices.

I would also like to congratulate the Director-General on his courage in choosing the theme for this year's Report. Democratisation and its relation to the labour market is not only a challenging subject to discuss, but also definitely one of the highest importance and topicality, as it links the drastic changes taking place in the world.

Let me express my pleasure and satisfaction at seeing so many new countries represented at this Conference. My special words of welcome go to the new States in the Baltic area, that is, Estonia, Latvia and Lithuania. Our geographic closeness and other affinity with them has already found its manifestation in the many forms of cooperation that have sprung up. Finland stands by its commitment to provide advice and assistance to them also in social and labour-related fields.

We can certainly all join the Director-General, when he states in his Report, and I quote: "the far-reaching reforms taking place in the world have their inspiration in the values and principles of… respect for fundamental human rights and social justice." The idea for democracy means that everyone should have a share in both political power and economic responsibilities. Political freedom can hardly exist without striking a balance between the encouragement of individual initiative and the assurance of equitable distribution of the fruits of economic activity.

Democracy means open power. The opposition is just as legitime as the majority that it may have to replace one day. In other words, democracy institutionalises the settlement of disputes by enlisting the participation of various interest groups in a constant and constructive negotiation process leading to solutions that are acceptable to all. Democracy can never stand still – it is a continuing process.

Tripartism is one of the indispensable elements of a democratic society. Labour law and labour relations, as well as the functioning of labour markets, are subjects for tripartite consultation, as are questions concerning economic and social planning.

As the Director-General underlines, participating in such consultations means not just presenting and defending one's position but also listening to the other side and honestly seeking solutions that do justice to the interests of all partners concerned.

The present international *détente* should provide the proper climate for furthering economic and social progress everywhere. The so-called "peace dividend" exists and should not be wasted. It would be most unfortunate if the opportunities to do so could not be seized fully. New tensions do exist, but they could be addressed primarily through affirmative political, economic and social action. These are trying times, especially for the handling of minority affairs.

The dramatic changes which have taken place in the east-west dimension have reverberations that are being sensed far beyond Europe. New political and economic directions are being sought worldwide. The path forward seems to be the correct one, but enormous challenges still lie ahead for the countries in transition. Their circumstances vary, and so do the results achieved so far. The interaction between the political, economic and social spheres is very delicate. How can they maintain the impetus of the reform while alleviating the resulting pain? How can they steer economic development without endangering the edifice of political achievements?

I believe that although the basic thrust of the reform movement must be maintained, patience is most advisable. Even in these modern times, with their emphasis on immediacy, historical proportions should still be borne in mind. Haste has never built successful societies.

Strengthened international cooperation on a global scale also is indispensable, and it should cover even new fields. It is evident that few important questions can remain which are of national concern only. Independence in the traditional sense often turns out to be a fallacy. Interaction is needed. But it can only be successful if overbearing attitudes are avoided and historical particularities are respected. In the new circumstances, with enlarged memberships in international organisations, common efforts call for a revision of the existing modes and institutional structures of intergovernmental cooperation.

This is especially true of the United Nations. Through reforms, the global body should be better able to meet challenges in an equitable way.

Finland, together with the other Nordic countries, has formulated a coherent set of proposals concerning the reform of the United Nations in the economic, social and humanitarian fields. The final report of the Nordic UN Project makes a number of recommendations to strengthen the normative role of the specialised agencies, to restore their analytical capacities, redress the balances between their regular budgets and extrabudgetary resources and redefine their role in providing technical assistance.

My Government is very pleased that the initial reception of such ideas has been very positive in the context of the International Labour Organisation as well. This makes us believe strongly that the implementation of these objectives would be in the interest not only of governments, but of all the constituents of the ILO.

On this occasion, I would like to emphasise especially the importance of the analytical capacity of the ILO.

I wholly agree with the Director-General, who has pointed out that the ILO should be able to propagate its values and its ideas. An enormous research and policy-making effort is currently being undertaken in various international organisations, with their respective emphases. Yet it seems that no other body is studying the fields covered by the ILO, such as the interrelationship between democracy, the pursuit of economic and social goals and respect for human rights. I believe that it would be in the genuine tripartite interest, and in keeping with the Nordic UN Project, if the ILO's capacity to compete in the international marketplace of ideas were enhanced. Our joint organisation should be allowed to grow into a true centre of excellence.

Original – Turkish: Mr. MOGULTAY *(Minister of Labour and Social Security, Turkey)* – From the outset, I would like to extend my warm congratulation to the President on his unanimous election to the presidency of the 79th Session of the International Labour Conference. Needless to say, my congratulations also go to the other Officers. It is my sincere conviction that under your able guidance this session will be successful.

It gives me a profound pleasure to compliment the Director-General on the comprehensive and lucid report he presented to the Conference. *Democratisation and the ILO* is a timely and appropriate topic, which provides a good basis for the ongoing discussions.

As reflected in the Report, respect for fundamental human rights and freedoms, the reinforcement of tripartism and collective bargaining systems, and encouragement of a market economy with its social dimension, constitute three indispensable elements for democratisation, together with political and social stability.

As we are all aware, the movement towards democracy has gained momentum since 1975 with the collapse of the authoritarian regimes in southern Europe. This movement then spread to Latin America and finally embraced Central and Eastern Europe, Africa and later on Central Asia.

As never before in history, the collapse of an empire without a war and bloodshed has paved the way to the emergence of new independent countries in Eastern Europe, the Caucasus and Central Asia, not only with new hopes, aspirations and expectations, but also with problems and uncertainties. Desirous of integrating with the international community, these countries chose democracy and the market economy to promote prosperity. An important threat to democracy in the transition process is the possibility of economic failure. In order to prevent such an eventuality and achieve stability in the newly independent countries in transition, their current efforts to integrate with the world have to be stepped up and assisted.

As of 1920, Turkey adopted republican secularism and started its march towards democracy as a way of life. Over the past decades, there have been significant achievements in firmly establishing democratic institutions. As elsewhere, so in Turkey there are steps yet to be taken with a view to further reinforcing democracy in all fields. Aware of this need, the coalition Government formed in November 1991 included among its programme objectives the necessary constitutional and legislative amendments and administrative arrangements for achieving a freer, more participatory and more fully democratic regime based on human rights and fundamental freedoms.

Shortly after it came to power, our Government established two ministries for this purpose, one responsible for human rights and the other for women's problems. It also intitiated procedures to amend the provisions of the Constitution with a view to democratising it.

Having already ratified six out of the 12 ILO Conventions on basic human rights and tripartite consultation, the Government has initiated legislative procedures to ratify four more Conventions, namely Nos. 87, 135, 144 and 151.

Turkey has been implementing the market economy model for some time, and the Government has been striving to meet the challenges of the transition process by giving due consideration, in a multifaceted manner, to the social aspect of the restructuring of the economy. Within this framework, studies are being conducted to include unemployment insurance in the Turkish social security system. Furthermore, in close collaboration and consultation with the social partners, the Government has drafted a Bill ensuring employment security for workers against unjust dismissals. In the same vein, a Bill has been submitted to Parliament to ensure ratificiation concerning the Termination of Employment of Convention, 1982 (No. 158), at the initiative of the employers.

Turkey, with its dynamic economy, democratic regime and secular system, stands as an island of stability at the junction of such diverse regions as the Balkans, the Black Sea, the Caucasus, Central Asia, the Middle East and the Mediterranean. Located right in the middle of a region where new political developments are taking place, Turkey's international and regional responsibilities have increased, owing also to its historical, geographical, cultural and linguistic ties.

In order for the new republics of the Caucasus and Central Asia to be able to open up to the world both economically and politically, effective international cooperation seems indispensable. Turkey stands ready to assume these responsibilities to the best of its abilities and to contribute not only to intra-regional but also to inter-regional cooperation.

While opening its doors to new States currently experiencing economic and social changes of a radical nature, I believe there are services of utmost importance which the ILO could offer within the scope of its competence and expertise. I am also of the opinion that there is and will be a need for highly qualified senior experts to analyse the difficulties of transition from centrally planned socio-economic systems to democratic and free market economies and to help work out the necessary ways and means. In order to provide these services in the localities where they are needed, some necessary adjustments should be made in the structure of the ILO.

I take this opportunity to point out that Turkish experience in the fields of democracy, secularism and the market economy might be of some relevance in supporting newly independent countries' efforts to open up to the world.

On the other hand, technical assistance should be geared in a multidisciplinary approach to local and regional needs as proposed by Mr. Hansenne, the Director-General, and welcomed by the Governing Body. It is my conviction that it would be appropriate if the ILO offices in the region were strengthened so as to make it possible to render the aforementioned services efficiently. The Turkish Government is ready to extend every assistance in this respect.

Now I would like to dwell briefly upon the issues of international migration. In the final analysis, the main cause of migration is the wide differences in development levels between regions or countries. However, in the last decade, Turkey has witnessed massive waves of migration originating from the political and military developments in the region. As a result, hundreds of thousands of people entered Turkey and a large number of them stayed on even after the emergency situations in their own countries ended.

Containment of massive migration arising from political instability and economic failure could only be achieved through international cooperation. Therefore, it becomes crucial to eliminate all impediments to the growth of trade and production within a free market environment all over the world, to support democratisation efforts morally and materially, and to promote the peaceful resolution of conflicts internationally. This is what we understand by the new world order.

Finally, I wish briefly to touch upon the question of racism in some developed countries. In 1991, the upsurge of racist incidents reached levels unprecedented since the Second World War. Turkish workers and their families in Western Europe are one of the main targets of racial violence and harassment. There were many casualties and much material damage. The size of the electorate with racist tendencies has grown considerably, as seen in the elections and public opinion polls. Therefore, we commend as opportune the selection of the Report of the Director-General on racism. We expect the countries concerned to take effective measures against racism. We are ready to cooperate internationally to combat racist violence.

In concluding, I would like to reiterate my wish for the success of this session of the Conference and my belief in the continuation of the ILO's contribution to universal peace and democracy.

Original - Spanish: Mr. BUSTOS HUERTA *(Workers' delegate, Chile)* - On behalf of Chilean Workers, I would like to convey to you our warmest greetings and also express our determination to analyse, with the help of this session of the Conference, ways in which a solution can be found for the urgent problems facing workers throughout the world and particularly in our underdeveloped economies.

I would like to single out two specific questions: The Report of Director-General and adjustment and its impact on workers. Both these aspects are linked to the problems of Chile and Latin America.

Very appropriately, The Director-General highlights the major democratic evolutions that have affected a large majority of countries, and their governments choice of a free market economy. This applies almost one hundred per cent to our Latin American continent and particularly to Chile. Those who have been fighting under extremely difficult conditions against the Chilean military dictatorship have made a contribution to democracy and therefore we greatly appreciate this development but we also share the preoccupation expressed by the Director-General whereby it is necessary to find a machinery which ensures that political democracy goes hand-in-hand with economic development and social justice. We as Chilean workers value democracy and we beleive in economic freedom as a driving-force in development. Still, we believe that the primitive and savage neoliberalism we see developing in our continent constitutes a threat to democracy, since outstanding and social and economic problems drive people to violence and Poster disbelief in democracy which is the only alternative in the new world order.

This is why the neoliberalist model lends itself to criticism. Therefore, it is necessary to ensure that social actors are able to participate to a greater extend in all aspects of society, and to give the State a greater role and more responsibility in protecting the poorest strata of our society, which in our country means almost 40 per cent of the population. We should promote the development of social dialogue through equitable procedures which respect the parties involved and we should also develop tripartism and bipartism as concrete expression of dialogue and negotiation.

The transformations that have taken place during the last 20 years not only had a direct impact on technology, on science and the economy but also on workers, who need to adapt their trade unions organisations to the new challenges. They need to modernise, become more technical in their approach, and they need also protection on both an individual and collective basis. In this regard the ILO has a major role to play as generator of social policies helping to preserve and increase democracy, thus promoting the values of freedom and human dignity which are laid down in its Constitution and thus ensure that the principles found in the Declaration of Philadelphia become a reality. We need international legal instruments to promote social justice and equality. We must develop a responsible policy of technical and international cooperation through programmes which really help to strengthen trade union organisations and ensure that these policies are implemented in each of our countries. In this regard, the workers of Chile appreciate the efficient cooperation which recently initiated with the ILO in the field of education, and we hope that this cooperation will continue and expand to permanent training and advisory programmes.

The trade union movement in Chile would like to make use of this international arena to emphasise once again the very specific character and originality of the ILO as a tripartite body and as an institution which is based in terms of authority on permanent dialogue between governments, employers and workers. We hope that the ILO will continue to further its effort and increase its standard-setting activity especially in those countries which have opted in favour of democracy and in which primitive neo-liberalism is being applied. We as Chilean workers are concerned by the situation in Latin America and would like the ILO to keep an eye on developments. But we are also concerned by the situation of those countries in Eastern Europe which have now gained access to democracy. Though in the past we supported those countries which cried out for freedom, today we should insist that the ILO continues to be vigilant to ensure that international Conventions are observed, ratified, and are applied, in order to silence the claims of some sectors which favour the dismantling of all standards in order to eliminate "inflexibility" which paralyses the so-called free market.

These reflections are very closely linked with the subject of adjustment and its impact on workers.

Adjustment policies with regard to the international crisis led in Latin America, and in particular Chile, to a decline in the labour market. We saw a decline in the quality of jobs created, an increase in the informal sector, an initial increase in unemployment and a general decline in wages. As a result, we can see that the cost of adjustment was absorbed almost entirely by the workers. The high cost they paid, known as "social debt", led to a huge increase in poverty and a fall in living conditions of those who belonged to the middle income groups.

In so far as there is no compensation for these sectors, any future development strategy entails a serious risk of leading to conflict, which could jeopardise democracy. What we need is great equity in industrial relations and measured State intervention in some areas such as training, vocational training and retraining. These aspects could also contribute to economic and social progress and must, before they are implemented, be fully discussed with all those involved, particularly the workers. Adjustment is universally associated with modernity. We as workers, are the first to applaude modernity. We are aware that while we have been fighting against dictatorship, Chile, and the rest of the world have been undergoing radical changes. The transformations born of science and technology have altered production relationships. We must revise fundamentally our trade union movement.

But we cannot accept so-called progress which only benefits a few, whilst generating poverty for the majority. For us progress and modernity must mean a better quality of life and an equitable distribution of the fruits of development.

It is rather difficult to speak of modernity when we are witnessing fires, explosions, the release of poisonous gases – the results of a breakdown in the functioning of industry or public works which lead to the death of citizens or workers as happened recently in Mexico. The ILO must draw up international legislation which upholds exceedingly stringent standards.

Finally, I would like to express our gratitude to the ILO for the efficient assistance extended to us through the labour education project which is expected to run for three years and for the Director-Generals' constant concern, as shown when he visited our country recently.

The Workers' Education Branch and the Director-General of the ILO deserve the gratitude of all Chilean workers.

Original – Spanish: Mr. CEVALLOS GOMEZ *(Employers' delegate, Mexico)* – Since the mid-1980s Mexico's transformation has been a constant and far-reaching process.

Having decided to put an end to four decades of protectionism to join the GATT and to open up our economy and international trade, we have moved from inward-looking development to outward-looking development, with an emphasis on exports. By rescaling the size and role of the State, we undertook a major process of privatisation of production, and it became apparent that the engine of the economy is the entrepreneurial capacity of individuals.

Our modernisation is moving ahead in the form of successive measures for change which gradually affect the most varied fields. Our Government achieved a satisfactory renegotiation of Mexico's foreign debt. The relations between church, the State and society have entered into a new stage. Agriculture is seeking to boost productivity. The state of the treasury is being improved. The ongoing struggle against inflation is meeting with success. Negotiation and agreement between economic agents is aimed at more healthy forms of development planning. The design of new industrial policies enables our enterprises to participate actively in the world economy and today we are on the verge of establishing a free trade zone with the United States and Canada.

If today we can say that Mexico has changed, it is because its transformation is based on carefully weighed premises. Firstly, we stress economic and social realism. Development is not possible without having the necessary values and determination to recognise and measure the real state of society and the economy. The first premise has been accepted by the International Labour Organisation, by its Governing Body and its Director-General, to the great satisfaction of Mexican employers, as the starting point for the modernisation of our Organisation to meet the challenges of the 21st century.

The second premise concerns a realistic assessment of the actual situation, which is characterised by the globalisation and liberalisation of world markets and by renewed forms of communication, all of which makes it impossible to continue with closed national or regional economies. Trade liberalisation in most of the world has brought both advantages and disadvantages. The advantages include the expansion of the supply of services and goods with better prices for the consumer. The disadvantages include the closure of enterprises because of their unprofitability or their inability to modernise. this area offers an interesting opportunity for action by the ILO: its technical cooperation programmes should offer support for industrial reconversion and training in new activities. It is important to understand that industrialisation represents the ideal means of augmenting and promoting the creation of jobs, and therefore, that the disappearance of enterprises is directly related with the problem of unemployment and underemployment.

Thirdly, a fundamental premise in the development of Mexico is the reliance on concertation to bring about a meeting of minds in joint decision – making processes which involve all productive agents. This has been a vital principle in our transformation because the active and deliberate participation of society is essential for overall development. As in the ILO, tripartism is a means for securing the agreement of all participants and serves as a guarantee for present and future development.

For the past four and a half years Mexican society has been discussing and agreeing on important social, economic and political decisions, seeking not only to correct existing structures, but also to define what kind of country we want to build for the future. At the moment, jointly, we have emphatically agreed on three essential aspects of the logic of a modern development philosophy – the environment, education and productivity. We are convinced that a nation is prosperous and competitive when it respects the natural environment, when it is enlightened and cultivated, and when it is trained, efficient and productive.

In caring for and respecting our mineral, plant and animal resources, we recognise that we are responsible for the common heritage of the world society. Our very lives and livelihoods depend on the natural balance. To conquer ignorance and overcome underdevelopment and to strengthen human capital at all levels and to ensure social mobility, requires an efficient education system in terms of quantity and quality, useful and productive schooling which trains children and young people to face up to the new decisions and the new realities. This is the best way forward for our country. Productivity plays a crucial role in promoting social creativity. In public or private enterprise, this means producing more and better products, to make rational use of available resources, to participate more actively in innovation and technological advances, to open up channels for the whole working population and enable it to participate increasingly in economic activity and in its fruits. The environment, education and productivity are today priority matters for Mexico's effective participation in the body of developed nations.

As a corollary of these premises we can say that given the undeniable fact of economic liberalisation in the greater part of the world, and in Mexico, many countries will speed up their problem-solving activities, within a framework of a free market and under the guidance of States which are both high-minded and modern, by basing their development on programmes to enhance productivity and quality.

The notable work of the ILO relates to all these matters; we therefore believe that the process of change initiated by the Director-General must be continued. For this reason we support all the programmes that will enable our Organisation to strengthen its role and presence in the contemporary world. In conclusion, on behalf of the employers of Mexico, I want to congratulate the President on his election and offer him our wishes for success in guiding the work of this Conference in the hope that it will contribute to better working, social and economic conditions throughout the world.

Original – Chinese: Mr. PAN *(Employers' delegate, China)* – First of all, please allow me, on behalf of the Chinese business leaders, to extend our warm congratulations on his election to the President of this 79th Session of the International Labour Conference. My warm congratulations also extend to the elected Vice-Presidents. I am confident that under their leadership this Session will be very successful.

The main theme of the Director-General's Report for this Session is democratisation and the role of ILO in that process. We, the Chinese business leaders, attach great importance to this topic. In China, a country with a long history and an Asian culture, the idea of a people-based philosophy is at least 2200 years older than Abraham Lincoln's famous saying "of the people, by the people, for the people" which was made in 1863. Therefore we consider all these ideas and philosophies to be the common property and wealth of the whole of mankind.

We, the Chinese employers, have a deep understanding of democracy and social justice. No enterprise can become competitive without depending on the initative of all its employees, nor can a company exist or develop without sticking to the principle of justice.

We, the Chinese business leaders, always consider employees as the mainstay and core of a company. We pay great care and great attention to the employees' daily life and their occupational safety, and we make every effort to provide opportunities for them in education and on-the-job training, in order to improve their quality. At the same time, in Chinese enterprises, trade unions or workers' congresses have been established in which trade unionists can fully express various opinions and put forward their suggestions to improve the work and operation of the enterprises. And their democratic rights are also fully respected.

At the same time, if you want to ensure that an enterprise grows and prospers, efforts must be made to improve its management on the basis of democracy and justice.

In the early years after the Second World War, Western scholars and business leaders considered management a universally applicable rule just like natural science and technology. Some people nowadays see democracy and democratisation in somewhat the same way. If some advanced management technique cannot be used successfully in some regions, in their point of view the problem is not in the management style or the technique itself, but in the region, which should be changed to adapt to the proper style of management. However, after the 1960s, with the emergence and development of multinational companies, they began to realise that their previous understanding of management style was not adequate. Management has two aspects. The first related to productivity management techniques and methods can be applied all over the world, in the same way as natural sciences and technology. But management has second characteristic, related to those who manage, namely people-orientation in management. Here it is necessary to take careful account of the different social, economic, political, cultural, educational and psychological backgrounds of managers. Therefore, the success and effectiveness of a style of management depends on the different situations and cultural traditions of different countries and peoples.

Any competent employer, if he is really to catch up with the global tendency of our time in taking part in international competition, should be well aware that world competition in the 1990s is inseparable from the application of different management styles in different cultural circumstances. Therefore, it is crucial to develop cross-cultural managers to run companies in regions with different cultures.

It is, however, regrettable to note that some people's understanding of the concept of democracy remains the out-of-date concept of the management style of several decades ago, which considered that there existed some panacea, or some single universal rule to be observed everywhere in the world. They still do not realise that as the style of management differs with different cultural backgrounds and social values, the understanding, concept and expression of democracy also differ with different cultural and traditional conditions.

We, the Chinese business leaders, shall devote our efforts to developing our economy. We shall learn all we can from other countries of the world, adopting ways and methods which are suitable to us and promote our productivity, strengthen our economic power and improve our people's living standards. We shall try our best to update our economy to a new level every few years. We are willing to establish friendly ties with all our counterparts in the business circles of the world to increase mutual understanding, promote cooperation and to contribute to mutual economic growth and world peace.

Mr. REPCHA *(Employers' delegate, Latvia)* – Allow me to present my congratulations to the President and the Vice-Presidents of the Conference on their election. I wish them every success in their high offices.

We, the delegation of the Latvian Republic, very much appreciate the possibility to participate in the work of the International Labour Organisation after 52 years of interruption due to the occupation of our country. I am sure that the existence and solidity not only of the democratic States but also of the democratic international organisations, such as the United Nations and the ILO, were the main reasons for the victory of democracy in the territory of the former Soviet Union and for the re-establishment of Latvian independence and that of the other Baltic States, Estonia and Lithuania.

We are now in a transition period, moving to a free market economy where private initiative and private enterprise will dominate. You all know, dear fellow delegates, that the economic situation in Central and Eastern Europe in this transition period is quite difficult, and many theoretical and scientific inquiries have been made about the causes for this situation and possible remedies. The general direction out of this crisis is very clear. It consists of broad economic reforms with the privatisation of state enterprises as their central point. Practically all political forces in Latvia agree on this concept. We can say that it is the consensus of all Latvian society for rapid changes towards a market economy to take place, at least in theory. Nevertheless, the pace of reforms is very slow and economic difficulties are becoming more serious every day. What are the causes for this situation? They are many. But let me try to explain only two very general causes, which in my opinion are responsible for the all too slow pace of economic reform.

The first one is this: our people have lived all their life in a socialist, centrally planned economic system, without the possibility of any private initiative and with a high degree of state intervention in the affairs of all individuals. On the one hand, people's behaviour was directly controlled by the Communist Party. On the other hand, the people were deprived of all responsibility, not only for the economic and cultural growth of their State but also for their own well-being.

And now we have many people who helped to bring about the victory of democracy, but who do not understand the nature of the economic reforms; many of them are afraid of economic changes towards a market economy. It is very hard for them to accept the transfer of responsibility for their own lives away from the State onto themselves and therefore, unfortunately, we find that socialist thinking still dominates our society. I am sure that the first step towards a market economy must be a revolution in the minds of the people. People must understand that neither the Governments nor Parliament will bring prosperity but only their own creative private initiative and actions. These can and must be a strong foundation for their own well-being and the well-being of the State.

What are the new political forces which can bring about a new kind of thinking in the political life of Latvia? With this question, I come to the second general obstacle which hampers our movements towards a market economy. In the last 52 years of communist rule, we have had no real political system because the only political system was the Communist Party itself. The consequences of such a terrible history are that the political system at present is still very underdeveloped, we have only three big political movements: Popular Front, National Independence Movement and the Congress of Citizens, which mainly represent the interests of the national survival of the Latvian people. But we have no strong, large political parties or groups which represent the political and, maybe more essential, the economic interest of the various social strata of Latvian society. In this situation, aggravated by the economic crisis, the role of employers' and workers' organisations becomes very important, indeed an essential element not only of labour relations but of the whole political system. This is to say that these organisations must have, and now indeed have, big political components in their functions. It is my opinion that strong, national employers' and workers' organisations can be a constructive, stabilising element in our society, with great influence, perhaps greater at the moment, than that of the political movements and parties, on the decision-making process of Parliament and the Government, and can help changes occur more quickly.

We now see it as our task to shape our Latvian employers' organisation into a strong and effective force in the field of labour relations and of political events. For this purpose, the experience and potential of such a world-famous Organisation as the ILO is essential and very important to us. We are very thankful for the possibility to take part in the work of the ILO, in order to help our country become democratic and prosperous and so to promote democracy and prosperity throughout the world.

Original – Portuguese: Mr. DE JESUS *(Government delegate, Angola)* – It is always a great honour to take part in the highest assembly of the member States of the International Labour Organisation, which this year is in its 79th Session.

To Mr. Henrique Nascimento Rodrigues I should like to extend a sincere and friendly greeting on behalf of my Government, my delegation and myself on his election to serve as President of this session. I am fully convinced that with his abilities and skills, which all of us are very familiar with, the session this year will be a total success. I should also like to extend my congratulations to the other Officers and to the secretariat.

I should like to say how very pleased I am at the timely, relevant and topical subject that the Director-General has chosen this year for our discussion, at a time when countries around the world are moving towards democratisation. My Government would like to congratulate the Director-General.

I should like to say that Angola, through its delegation, has come in force to reaffirm its appreciation to the ILO for the attention that it gave to its political and social programmes, and basically to demonstrate its full devotion towards general democratisation and, in particular, labour democratisation.

At the 78th Session of the International Labour Conference I spoke about the political, economic and social reforms under way in my country which have been further facilitated by the context established by the Peace Agreements to promote democracy, social justice and a State of law.

I am very pleased that the democratisation processes, linked to the economic stabilisation and structural adjustment programmes, fall within the mandate of the ILO. At the same time the ILO is proceeding in a very practical, just and efficient way concerning the processes taking place in each country. I feel that the ILO is certainly on the right road.

Instinctively, people wish to live in democracy and social justice, and now this murmur has become a deafening roar that can no longer be suppressed. Major bulwarks of totalitarianism and racism around the world are giving way to democracy. The dialogue of the deaf has become social cooperation, and situations of economic, political and social intransigence and narrow-mindedness are now giving way to rotation of political power, national reconciliation and a market economy.

The process of reform initiated in my country under the Government economic and financial programme, which has received an important thrust following the end of the civil war and the building of peace will experience a historic moment with the multi-party legislative and presidential elections in September of this year. To this end, we will continue to create institutional and legal conditions so that all citizens can participate actively. Whatever the cost, my Government, working together with the political partners, is determined to carry out the historic mission of enabling its people to elect its parliamentary representatives and the President of Angola in a climate of peace and national reconciliation. Moreover, my Government is also convinced that given the economic programme underway during this time of transition, we run real and palpable social and political risks. There are growing problems in the area of prices, unemployment, instability of employment, the lack of social infrastructure for the protection of the most vulnerable social sectors in the urban, suburban and rural areas. To counteract the situation, we have introduced a political and social programme on health, employment, social security, vocational training and rehabilitation. We feel that the results of this will be attained within the short and medium term.

I should like to affirm that only way for Angola to achieve overall economic balance is through the growth and development that Angola requires and that the Government together with the social partners will continue to assume the risks involved, convinced that only in this way can we bring about a brighter and more humane future.

The question in our eyes is whether or not the ILO has a contribution to make to member States. The Director-General has said that it does, taking into account the traditional attributions to the ILO and the many expectations of its member States. Facilitating and supporting the transition to democracy, helping governments to establish conditions for the future development of their countries, providing assistance in building more open and just societies are all tasks which fall well within the ILO mandate. The ILO has always given priority to programmes which support democratisation, fight against poverty and protect the workers. This support will create many tasks for the Ministries of Labour, for the workers' and the employers' organisations. In this way, it is clear the Ministries of Labour will be required to assume greater political responsibility as part of the Government. Thus the ILO, through effective and adequate programmes, will need to strengthen the institutional and functional ability of these bodies so that they can play a greater role in economic and social policies.

It is therefore essential for the ILO to review its working methods and modernise its structure and transfer to the peripheral bodies greater decision-making power in order to rationalise the use of available human resources and time and provide technical cooperation in line with the urgent needs of the processes underway in the member States. In order to ensure the proper development of and participation in this programme, the ILO needs to encourage the cooperation of the member States in a fruitful and permanent dialogue in which everyone feels co-responsible for the success of the programme dialogue. Those Members which have some experience with democratisation and structural adjustment should play a larger role. In this sense, the role and the presence of the Portuguese-speaking countries of Africa should not be undervalued because they have gained specific experience as a result of the opening up their labour administrations towards the future.

In line with the contribution that I have just mentioned, the ILO is preparing for the signing of an agreement with Portugal which, through a specific project, will establish in the Portuguese-speaking countries of Africa effective information systems on labour markets as a basis for decision-making in employment and human resources development policies and as a means for strengthening the ability of institutions responsible for the management of labour markets and facilitating the exchange of experience on appropriate ways and means of ensuring better the management of employment market.

I should like to welcome and stress the importance of this timely and promising initiative by the ILO and the Portuguese Government. I am sure that great success will be achieved in each of the Portuguese-speaking countries of Africa.

At this session, we have had the great privilege of the visit of President Chiluba of the Republic of Zambia, from whom we heard very wise suggestions and comments concerning the role of the ILO in today's world. The presence of the President of Zambia among us is a recognition of the ILO's very important role in the workers' struggle, in building democracy and social justice in Africa.

Finally, I cannot hide my delight at the fact that this time the Portuguese language has been used directly in some of the meetings of various bodies. But what we would like to see is for Portuguese to be used without any restrictions, as is the case with the other working languages at the Conference sessions. As in the case of UNESCO, Angola is ready to work with the ILO and with the other Portuguese-speaking countries so that Portuguese can be a permanent working instruments of the ILO.

Original – French: Mr. GEORGET *(Employers' delegate, Niger)* – First of all, I would like to extend to the President my heartfelt congratulations on the occasion of his brilliant and unanimous election to preside over of this 79th Session of the International Labour Conference. I wish to congratulate distinguished Vice-Presidents as well. I would also like to congratulate the Director-General, the Secretary of this Conference, for the choice of topic for his Report, *Democratisation and the ILO.* Democratisation is indeed an urgent and topical issue which provides food for thought for our Organisation. We have to reflect on this topic because the concept of democratisation is intricately linked with that of social justice. It is thus at the very heart of the mission, activities and concerns of the ILO.

In short, we believe that democracy is necessary for social justice, but also that social justice is necessary for democracy.

Democracy is necessary for social justice because without democracy there can be no strong, free and independant workers' and employers' organisations to represent faithfully the aspirations of their constituents. Only through the work and activities of these free organisations is it possible to take into account the needs of both. In this context, the international labour standards which have been established patiently over the years since the establishment of the ILO are of particular importance and value. We consider them an irreplaceable set of models which we should seek to achieve. Obviously, we should not harbour any illusions. The precarious economic situation, which is often tragic in our developing countries and particularly in our region just south of the Sahara, a region afflicted with severe drought, does not permit us to ratify nor to implement all of these Conventions.

I welcome the various contributions made by the Employers' group in the Governing Body of the ILO. This group has called for the old Conventions to be reviewed in order to make them more suitable and adaptable to the economic realities of our developing countries. I am convinced, however, that those Conventions which are of basic fundamental importance and which relate to human rights such as freedom of association, the fight against discrimination and the abolition of forced labour can and should be implemented all over the world. This is where employers' and workers' organisations can use their creative forces in order to overcome the major scourges of our planet, such as poverty, and thus participate fully and responsibly in the economic and social development of our countries.

However, social justice is also necessary for democracy. How can one refer to democracy if the population is unable to meet its essential needs in terms of health, vocational training and education? This is why the industrialised countries and the international financial institutions must understand that the process of democratisation which is now under way in a number of countries, especially in Africa, which is of course something we welcome, will bear fruit and be successful only if the economic and financial policy vis-à-vis the Third World takes into account the real needs of our countries and their legitimate aspirations, and only there is a substantial increase in the level of assistance. Their assistance must be stepped up significantly and, of course, the ILO because of its traditions, and its sphere of competence, has a decisive role to play in this regard. The efforts undertaken by the ILO as regards technical cooperation must thus be continued and developed, especially in those countries which have been hardest hit by drought and other natural disasters. The promotion of employment, labour administration, industrial medicine, and social security should be given priority so that our States can finally enjoy harmonious development. We stake high hopes on the International Labour Organisation, as we trust that it will help us to overcome the arduous and painful problems before us. Among ILO activities which we must be the crowning glory and we hope the Turin Centre that it will receive the financing it needs to develop further. I would not wish to conclude my speech without mentioning how much we appreciated the activities undertaken by the Assistant Director-General responsible for ILO activities in Africa, and the Bureau for Employers' Activities, which are supplemented and supported on a permanent basis by the International Labour Organisation, despite its limited financial resources.

For reasons of time, I cannot, unfortunately, list all the other departments but through them I wish to extend my greetings to the Director-General for the particular attention he has constantly paid to our routine concerns.

Original – Portuguese: The **PRESIDENT** – I have a request for the exercise of the right of reply. I would like to remind you of the rules governing the exercise of the right of reply. These rules were stated on the first day of this session and I would like to remind you of what was read out in French at that time.

(The President continues in French.)

The reply should refer only to the point in question. It should be brief and should not exceed two or three minutes. In no case should it be used to make a further speech. Lastly, it should be worded in proper parliamentary language. To avoid endless discussions, the President will have the right to refuse replies to a reply.

(The President continues in Portuguese.)

I give the floor to Mr. Sawhney, Government delegate of India, to reply on a statement made by Mr. Ijaz-Ul-Haq, Minister of Labour of Pakistan.

Mr. **SAWHNEY** *(Government delegate, India)* – My delegation has asked for the floor to set the record straight in regard to the attempt by the distinguished delegate of Pakistan yesterday to misuse this august forum to level baseless charges against my country.

Reference by the leader of the Pakistan delegation to the Indian State of Jammu and Kashmir is a blatant attempt at interference in the internal affairs of India and deserves nothing less than contemptuous rejection. The State of Jammu and Kashmir is an integral part of India and no amount of Pakistani propaganda on the virtues of democracy and self-determination, which are sadly missing in Pakistan itself, can change this fact.

More pertinently, Pakistan's preaching of human rights appears particularly hollow at a time when the Government of Pakistan is guilty of torturing and abusing a senior Indian diplomat, in violation not only of the Vienna Convention but of all norms of civilised behaviour.

Normal life in the State of Jammu and Kashmir has been disturbed mainly due to terrorism and subversion in the State instigated and supported by Pakistan. Terrorist groups armed and trained externally are the prime agents of terror unleashed against innocent civilians. This does not speak…

Original – Portuguese: The **PRESIDENT** – I would ask you please to confine your reply to the subject of the speech to which you were replying. You have concluded the time allotted for your reply.

(The Conference adjourned at 1.15 p.m.)

Thirteenth sitting

Wednesday, 10 June 1992, 3.00 p.m.

President: Mr. Mugalla

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT (Mr. MUGALLA) – We shall continue the discussion of the reports of the Governing Body and of the Director-General.

Original – Spanish: Mr. EURNEKIAN *(Employers' delegate, Argentina)* – It is a great honour and pleasure for me to address this assembly as a delegate for the employers of my country, Argentina.

I should like to congratulate the President, as other speakers have done, on his appointment and the responsibility this implies.

Over the years I have read many Reports by the Directors-General and I must say that they have all been outstanding.

But what we have here is something more than a Report: it is a study of the circumstances being experienced by many countries as they move towards democracy, and of the sacrifices they are having to make to adjust to the profound economic changes inherent in this transition.

I therefore congratulate the Director-General most particularly on his wise and timely views and on the possibilities that they raise for discussion.

From a study of the process of democratisation emerges the need to consolidate political systems based on pluralism and respect for the rule of law.

Democracy finds its natural correlative in formulas where political freedom is reconciled with economic freedom.

Thus, private enterprise appears as a way of achieving intellectual and material fulfilment for human beings with the purposes of social justice.

It should be pointed out in harmony that both in the field of political literature, as well as in institutional practice, we have often found these concepts and values to be viewed separately.

This reflection is particularly apposite in the case of Latin America.

We are firmly convinced that these values cannot be found other than within the framework of a political/economic context of the kind I have mentioned.

We no longer have illusions, nobody can possibly believe that where arbitrariness is combined with nepotism or corruption, isolation with procrastination, there can be equity or justice.

We have carefully read the reflections of the Director-General and we note with satisfaction that they reflect our own ideas.

In the speeches that the Argentine employers have made at this Conference over the past decade we have set forth our ideas in this respect.

We have also emphasised the role of intermediary organisations and the need for them to participate in democracies.

Likewise, we have favoured social dialogue, that is, any way of helping to harmonise interests during the process of structural changes. This is because the result of decades of lost freedom is that our administration is backward and unfeasible and our technology is obsolete.

As a consequence of this, adjustment has been inevitable, but not adjustment for adjustment's sake; adjustment to bring about structural change with a view to progress and development.

We cannot conceive of political freedom without political parties and the free play of democratic institutions. We cannot conceive of economic freedom without a strong and active manager and workers who take part in the dialogue involved in production which is the synthesis of common effort of workers and enterprise. We cannot conceive of freedom in the community without strong intermediary organisations, in tune with their times.

For all these reasons we agree with the Director-General when he says in his Report that we must set forth unswervingly along the path of change, and that the best guarantee of the stability and success of the transition is for all parties to participate equally.

Today, we see an ILO which does not hand out easy cures and detach itself from reality. We see an ILO which is part of that reality, one which is committed to our efforts and is striving to support these processes. We recall the commitment entered into by the ILO when it recognised, at the Regional Conference in Montreal in 1986, as well as at successive high level meetings in 1987, the need for structural adjustments. If we had not felt the wind of change we would have felt that we were being ingored.

Nevertheless there is still more to be done. We want an ILO that is commited to putting an end to the violation of fundamental rights, such as forced labour by prisoners and young persons, and discrimination, an ILO that will guarantee that such aberrations, which moreover make competition very difficult for countries which do stick to their obligations, will cease. In spite of this, we are surprised and concerned to find that, in some cases, these countries are still treated very favourably. We must fight in all areas to put an end to this injustice and unfair competition.

Our country is undergoing far-reaching changes. Structural measures are being taken for the time to turn around decline, our procrastination and our isolation. We realise that there is still a great deal that needs to be done and we agree with the Government and society as a whole on the need to make these changes. This is an unprecedented and historic opportunity for us, based on principles of economic openness, globalisation, and on the shaping and modernising of the State. We are in the best possible position to implement these changes because we have the two necessary variables – political and economic stability.

Nevertheless, the Argentine economy needs to evolve simultaneously with changes in production structures taking place at the international level, especially in the countries that are engaged in unfair competition with us. This is why the State should lay down planning policies and strategies to speed up the changes to the system of production and to society as a whole, under the impetus of new technologies. We do not need grants or subsidies, but instead policies to support the genuine development of industry and its technology and capacity for steady growth, in accordance with rules which have applied constructively in other countries, so that there is genuine competition at the international level.

The international market is neither perfect nor transparent. On the contrary, excessive regulation is exercised by some developed countries, which in certain cases turns into real aggression against countries which are relatively less developed. At a press conference prior to the Annual Assembly of the IMF and the World Bank, Michel Camdessus said that 45 developing nations were unilaterally opening up their markets without having similar reciprocity from the industrialised countries. Furthermore, he exhorted the industrialised countries to consider the efforts of the developing countries as equal to their own and to open their markets to imported products.

World trade supposedly deregulated in this manner is a concept that has become outdated, no country can permit itself the luxury of accepting such conditions. This economic pseudo-liberalism has proved contagious and affected the Western World just as Marxism in the thirties seduced the intelligentsia, and it has become a new spectre for economists and ideologists. In this world where markets are being polarised into large groups of countries within regions and form blocs, multilateral and bilateral agreements are being broken so that these groups can manage their business unilaterally. This undermines our international competitiveness.

Those who have direct access to industries using high technology, where comparative advantage disappears, only achieve this access by force of will and with the necessary means. This is why we must create the necessary conditions for fair competition with strong investment and modernisation policies so that our country can develop its own capacity for economic growth. We must defend our markets, our consumers, our integration, both with regard to regional and social matters.

Argentinian industrialists do not need the stimulus of unfair competition, subsidies and dumping to be competitive and efficient. Never in modern history has there been a nation, that claims to be a great nation, that has not had to defend its markets, and this is the only path that we can take to make our country live up to its title of a developed country.

In 1776 at the time of Adam Smith and David Ricardo extremely high tariffs were established in England and these lasted until 1846 when England achieved supremacy in world trade. The United States had very high tariffs from the end of the Civil War until shortly before the First World War. So my question is, why not us? What are we waiting for? Surely this is the most appropriate moment in our history to apply tariffs? Argentina only has one path that it can choose and that is the path of rapid industrial change.

We also feel that fundamental changes are necessary in the fields of labour and social security and these reforms have to cover the whole of the law governing individual and collective employment relationships to ensure effective flexibility that, far from being harmful to workers, will create more job opportunities for them and give them better prospects where income and standard of living are concerned. In the name of protection, our labour law ended up making supposed conquests, that were later destroyed by the crisis, more illusory than real. We believe that the reform in the labour law is inevitable, and that what has been done so far is simply not enough.

But, together with the flexibility we seek, which has not yet been embodied in our legislation, there must be a complete transformation of our social security system, which is onerous for workers and employers due to its impact on salaries, and which is unsatisfactory in the benefits it provides.

The pension system must be replaced by a new one which has more credibility, coherence and which will be able to solve the problems inherent in the transition with regard to the present beneficiaries. In addition to this it should be able to provide those who at present part of the workforce with the promise that they will be covered during their retirement.

There should also be a reassessment of the present health system in the framework of social benefit system. Monopolies that are incompatible with competition models should be abandoned, for it is these models that guarantee transparency, quality and reasonable prices.

In the light of the above, it is quite clear that we have come before this Conference to speak about the democratisation process, which we are experiencing first hand. As a participant in this process we consider the ILO's support to be essential in making our structural changes effective, and our legislation appropriate to enable us to become one of the modern democracies based on economic growth and social development.

Mr. CALAMATTA *(Workers' delegate, Malta)* – Firstly, I congratulate the President of this Session of the International Labour Conference on his election, on behalf of my union (the General Workers' Union), and also on behalf on the other Maltese unions grouped in the Confederation of Malta Trade Unions.

Secondly, I wish to thank the ILO's Director-General for the laudable Report he has presented us with this year, the first part of which turns the spotlight on democratisation.

Democracy is not just having a pluralistic society, a multiparty system and the holding of free elections. Democracy is also, among other things, the respect and full observance of fundamental human and trade union rights and freedoms. For example, workers in state or parastatal employment should not be discriminated against by governments in respect of promotion because of their union affiliation or political beliefs. But, unfortunately, these things have happened and are still happening.

One of the most basic rights of workers is to work in an environment free of hazards to life and limb. The European Community must be commended for designating 1992 as the European Year of Safety, Hygiene and Health Protection at Work.

This brings to mind that, in 1987, the Maltese Government accepted a proposal by my union to establish a national occupational health and safety authority on a tripartite basis. This authority has not yet been set up and, worse still, the Safety Unit at the Labour Department has been almost completely abandoned. In fact this unit today consists of only three inspectors and a clerk.

To democratise places of work my union, over the years, has succeeded in introducing workers' participation systems in the management of parastatal corporations and state-owned enterprises, whereby every two years the workers elect one of themselves to represent them as worker-director on the respective board of directors.

My union has for long been proposing that the number of worker-directors should not remain limited to one on each board. Government says it agrees that the workers' participation system should be strengthened, but when we come to facts it is a very different story. For example, in 1988 the Government set up an inter-ministerial committee to report on giving new dimensions to participation systems. After four years this report is still on the drawing board.

In spite of the fact that the report is still being drawn up, the Government issued directives that an employee who is a candidate at parliamentary general elections cannot stand for election as worker-director. The Government said the reason was to avoid politicising the running of parastatal or state-owned companies. But the same Government appointed to the boards of these companies candidates who contested general elections on the ruling party's platform.

One of the buttresses of democracy is social justice, and that is how I view one of the items on the agenda of this Conference – that is, the adoption of a Convention and Recommendation on the protection of workers' claims in the event of insolvency.

My Union is demanding that workers' privileged pay in the case of company bankruptcies and closures be raised to six months' pay because the present 200 Maltese pounds does not reflect the level of today's wages. But the Government has till now rejected this claim and my Union has now put it on the agenda of a tripartite committee within the Malta Council for Economic Development, which is discussing changes in various aspects of industrial relations legislation.

Last year the International Labour Conference adopted a Convention and a supporting Recommendation aimed at regulating working conditions for workers employed in hotels, restaurants and similar establishments. We urge the Maltese Government to ratify this Convention without unnecessary delay, especially because certain hotel and restaurant owners in the summer months, when tourism in Malta is at its peak, are illegally engaging under-age children to work, even during late hours, in the back rooms washing dishes.

Child labour is also to be found in other sectors and this scandal is gaining more alarming proportions, so much so that, on the occasion of this year's May Day, the Archbishop of the Roman Catholic Church in Malta felt the need to express his grave concern and spoke in very strong forms about this immorality of child labour abuse. As the Archbishop said, child labour goes against the dignity of man, and this particularly when children are made to work on a part-time basis without having any guarantee that their health and rights will be protected.

Therefore, it is our moral duty as trade unionists to appeal to the Maltese Government to take action to put an end to this shameful exploitation of children. We must emphasise the fact that when children are at work they are at the same time missing from school, missing from home, and missing from childhood itself.

To conclude, I state that respect of the rights of under-aged and defenceless children also forms one of the cornerstones of social justice and democracy.

Mr. THAILUAN *(Workers' delegate, Thailand)* – First of all, on behalf of the labour force of Thailand which I represent I would like to express my heartiest congratulations to the President on his election to direct the work of this Session of the International Labour Conference. I believe that under his leadership this meeting will be a success.

As you know, Thailand is developing its technological, political and social bases. These developments have a direct impact on the labour force in Thailand, and I would like to take this opportunity to inform you of the way this impact is felt.

As the country has developed, shifting its economic base from agriculture to industry, labour has moved from the agricultural sector to the industrial sector at a critical rate, affecting the adjustment to a new society, working conditions, the used modern technologies, safety and education. The educational level of the labour force is admittedly low. When workers move into the industrial sector, their education level is considered very, very low. The employer or investor always takes advantage of the labour force in this respect by hiring at a lower wage rate, providing workers with poor social protection and showing no concern for their standard of living.

The development of educational for the labour force is a matter of still less concern for both private industry and the Government. It is true that some private businesses provide education for their workers, but they only do so when it is in their own interests. Such programmes are not intended to upgrade the workers' skills for the benefit of the workers themselves.

The Government, for its part, devotes very little resources in comparison with the overall budget for the industrial sector to the enhancement of the labour force's skills. Obviously, in circumstances such as these, with the labour force not being developed it is bound to be exploited forever.

It can hardly be said that there is any occupational safety in the industrial sector. Year after year, as both employers and the Governement do not pay sufficient attention to this problem, the rate of deaths caused by accidents remains high. This is especially true for workers engaged in construction work.

As for chemical hazards, they claim many lives and cause many injuries as well. This problem is especially acute for multinational corporations operating in Thailand. These corporations show no concern for the safety of their workers and never inform them of chemical hazards. The workers know nothing of such hazards.

It may surprise you to learn that the Thai Government has only a small occupational safety unit, with very few employees. It is called the Safety Institute. The Institute plays no role in ensuring occupational safety. The Government has not paid sufficient attention to this matter. The Institute runs with a small budget allocated by the Government. It manages fund-raising programmes along with private enterprises to support its operations. This is why the mortality rate of the Thai labour force is so high.

As regards penalties imposed on employers violating the Safety Act in Thailand, these employers are given fines which they quite simply pay and then go back to work as usual. For example, a factory recently released waste water contaminated with toxic chemicals into a river. Many fish died, and the people in the region faced a great deal of hardship. National resources were damaged. The only penalty imposed, though, was a fine. Moreover, because multinational corporations do not transfer genuine technologies to the workers, they are particularly harmful and bear responsibility for the death of Thai workers every day.

Thai workers and the Thai labour unions have been deprived of their freedom. All their actions and movements are tightly controlled by the Government. As you have seen, the Government has tried to issue laws reducing workers' rights. This concerns not only freedom of association but also the right to strike and the right to assemble. When the military seized power from the Government on 23 February 1991, the new Government issued two laws. The first dissolved the labour union of state enterprise employees, thus affecting the right to make claims and the freedom of association of more than 200,000 employees. The second law was designed to abolish the right to strike, which constitutes the bargaining power of trade unions. The employers, as capitalists, are satisfied with these laws since they permit them to continue taking advantage of Thai workers.

The leaders of the Thai labour force are not, however, discouraged. They are fighting for what they believe in and hope for, despite many obstacles. In addition, we hope to receive support from our friends around the world, for as the saying goes, "All workers are brothers". I would like to thank the ILO Regional Office in Thailand for its support, which I hope will continue in the future.

Finally, on behalf of the workers, I would like to thank the President once again for giving me the opportunity to speak here today.

Original – Spanish: Mr. LESCANO *(Workers' delegate, Argentina)* – The workers of Argentina would like, first of all, to congratulate the Director-General for his wisdom in choosing as the subject of his Report *Democratisation and the ILO*.

The image of democracy is becoming tarnished from within society itself and because of this some of its beneficiaries seemed unwilling to help uphold its prestige.

We cannot consider acceptable a model of social organisation which in the name of efficiency prevents the majority of the population from achieving better living conditions.

It would even appear in certain cases that the safeguarding of democracy against possible authoritarianism is prompted only by a fear of suffering from the errors and abuses that have already been experienced under governments of this type and not for genuine and honourable reasons.

Steps need to be taken to encourage stability and economic development which always respect the principles of equity and a fair distribution of effort and sacrifice by all social groups.

We want a democracy in which the State concerns itself with and guarantees essential matters such as life, health, education, social security, defense and justice: a State which is not indifferent to social inequalities nor heartless in the face of those who are suffering and need protection.

For example, it is incumbent upon the State to guarantee the quality of life of the population. We mean by this that the health and education budget is not expenditure, but investment, and its only limit should be that necessary to ensure a fair psychic, physical and social balance for the inhabitants.

Nor can the State shirk its responsibility to deal with the contingencies covered by social security. It is incumbent upon the State and the State alone to make sure that those who have forged the development of the country through their labour are guaranteed a decent old age.

By this we mean that we are anxious that a State based on the rule of law can coexist with a State, guarantor of social justice.

The accelerated process of the reconversion of capital has not succeeded in resolving the serious social problems which give us cause for concern, as is the case in many other countries of the world with problems similar to ours.

The recessive models of adjustment applied in nations suffering from a heavy burden of foreign and national debt, generated by the few, has to be borne by the working people, regardless of the principle of equality in the fair distribution and of efforts among the various social groups.

We the workers, in our country have achieved the longed-for unity of the trade union movement, which has already shouldered its obligation towards history and is playing its part in the new transforming role of the modern world.

It is up to the employers to convert capital into a productive entity and take on the attendant risks, generate income for society, not just individual profits, create new jobs, pay better wages and strengthen the internal market by incorporating technologies without State intervention or protection, and guaranteeing competitivity.

In placing capital at the service of a social economy, the essential prerequisite for the generation of employment is economic growth and it has not been shown that labour flexibility alone is an ideal factor contributing to this growth.

It can happen that economic growth needs to be tempered by machinery to regulate workers' rights but the only valid way is through collective bargaining.

In our country, flouting the principle of legality and collective autonomy by a simple act of the executive has caused irreparable damage to the constitutional right to bargain collectively and therefore to the freedom of association. A decree of the Argentine Government has put conditions on wage negotiations, which have had the undesirable result of making wages a variable factor in adjustment. Very few bodies or entities have been able successfully to bargain in such conditions.

We understand that collective bargaining should take place within a context of total freedom in conformity with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which have been ratified by Argentina. Their regulations harm only the most unprotected sector, namely the workers.

Moving on, we ask the ILO for the broadest possible technical cooperation in connection with the establishment of the MERCOSUR, the common market of the Southern Cone, since while we are aware that it is not possible to emerge from the crisis without integration we also know that it is not possible just to have economic integration without taking account of social and labour integration as well, and that such integration needs a dynamic workers' movement, organised within a tripartite structure, as displayed by the ILO.

In this philosophy, trade union participation must take place within the context of freedom of association as laid down by ILO Convention No 87. That is to say, countries should integrate the principle of free and democratic association in the framework of a State based on the rule of law, with elected leaders who respect human rights.

We call on our political leaders to place the common good before sectoral interest, and to create a climate of greater credibility, and confidence, to help raise the value of labour and production.

We exhort the employers to meet the challenge of increasing wealth by promoting a fairer distribution and encouraging the creation of new sources of employment. We invite them to make every effort to avoid creating poverty, even if they have to reduce their own profit. In view of all I have said, the Argentine workers' movement, hopes that the State based on the rule of law which, in our case, we have recovered through our unstinting efforts, can be transformed into a democratic State with social justice.

Mr. JALE *(Government delegate, Fiji)* – On behalf of the delegation of Fiji, I take this opportunity to join other speakers in congratulating the President of the 79th Session of the International Labour Conference on his election.

Fiji last attended the International Labour Conference in 1985, not because of choice but for factors beyond my country's control. Despite being absent for that long, my country continued to maintain its links with the International Labour Office on matters of interest and matters relevant to obligations under the ILO Constitution.

Fiji has been honoured to host the South Pacific Office of the ILO continuously since 1975, which has brought the services of the Organisation closer not only to my country but to the South Pacific region in general.

At this point, I feel that it is appropriate to welcome the Governments of Albania, the Republic of Korea, Latvia, Estonia and others, that have recently joined the Organisation and extend to them the best wishes of my country for the future.

Fiji has continously benefited from projects implemented by the ILO in the areas of adult education and training for rural women, tourism, vocational programmes training for logging workers, programmes for urban youth on setting up or developing one's own business, employment promotion, manpower planning and labour administration. We note in the Director-General's Report the ILO's readiness to respond to any request for assistance addressed to it by governments wishing to establish an effective labour administration and to strengthen their employment and labour inspection services and my country welcomes the offer.

In 1991, Fiji participated in seminars and workshops organised by ILO and held outside the South Pacific region in the areas of safety in the use of chemicals at work, standard-related topics, special services for rural workers organisations, the role and strengthening of lead institutions, advanced technology training and employment services.

The Report of the Director-General on the activities of the ILO in 1991 confirms the untiring efforts of the ILO to improve the standards of living for the people of the world. That deserves encouragement and commendation. Drug abuse is a social concern in most countries in the world and our part of the world is not an exception. We note with interest the establishment of the joint ILO/WHO project to control drug and alcohol problems among workers.

Fiji supports the views expressed in the introduction to the Director-General's Report on the Organisation's support for democracy at both national and organisational levels. Following the political events of 1987, Fiji held its general election from 23 to 30 of May 1992. The Fiji delegation left before the completion of the election. But one thing is sure: the incoming Government will continue support for the principles of democracy.

The development of a small island State such as Fiji has historically been handicapped by a number of obstacles which include: its geographical location and its being scattered over large areas of water, making communication and transport expensive and costly, and posing serious constraints on access to our trading partners; its small population and limited economic resource base which have restricted economies of scale; and the fact it is often subject to natural disasters (hurricanes, droughts and floods) which are detrimental to the economy.

In spite of these constraints and handicaps, Fiji's economic performance over the last five years has recovered remarkably well.

The balance of payments fluctuated from "red" (F$49.1m) in 1987 to "black" ($55.5 m) in 1990.

Paid employment which stagnated around 80,000 throughout the eighties rose significantly in 1989 to 89,000 reaching 91,000 in 1991.

There are two significant issues to bear in mind from what has been said: Fiji's geographical location and our scatteredness have shifted substantial resources into communications and transport. Any disruption in these areas will be very costly to the economy and to our people; the remarkable recovery of Fiji's economy in the post-coup period has encouraged the Government to maintain its resolve in pursuing its current economic policies.

To this end, the Fiji Government has introduced deregulation of its economy to bring prices more closely into line with world prices, restrict the growth of Government expenditure, ensure availability of resources for growth in the private sector, reform the system of direct and indirect taxation to minimise market distorsions and improve incentives for risk taking and effort, and establish a wage policy that recognises the paramount importance of maintaining international competitiveness, the mobilisation of all sectors of the community in support of economic expansion and the reorientation of sector policies in accordance with the above general policies.

As to the labour market, in early and mid-1980 Fiji was concerned with the improper use of union bargaining power and industrial actions which gave rise to high wage settlements for unionised workers resulting in high rates of inflation and diminished job opportunities in the economy as a whole. The uncompetitive nature of Fiji's industry deterred investment and impeded the growth of the economy. The labour market in Fiji was characterised by a multiplicity of regulations and control over wages and other terms and conditions. Many international organisations had advised that for Fiji to become internationally competitive, it must address some of the rigidities in the labour market.

In 1991 the Fiji Government enacted changes to some of its labour legislation which included the removal of wages and salary guidelines which imposed statutory limits on the levels of settlements throughout the economy. This meant that trade unions and others were free to negotiate whatever settlements they could with the employers, instituting free collective bargaining. As a counterpart to this, labour legislation was amended to ensure that: union members are firmly in control of the actions of their union and its leaders; negotiations between employers and trade unions are conducted in a responsible manner, with the strike weapon used only as a last resort.

The changes also include the following measures: extension of opportunity for voting in the election of union officials through postal and/or workplace ballots; allowing trade unions and employers to decide through collective bargaining the method of union due deductions and the supervision of all voting on certain matters by an independent person.

My Government is committed to ILO principles, which were taken into consideration when the labour market reforms were introduced.

Whilst the Fiji Trades Union Congress and the ICFTU imply that they are committed to ILO principles, they have acted in the opposite by disregarding ILO complaint procedures and not allowing them to take their own course in their opposition to Fiji's labour market reforms. The ICFTU organised boycotts against Fiji which seriously affected our economy even after the ICFTU had lodged a complaint to the ILO alleging that our reforms are in contravention of some ILO instruments. Such action by the Fiji Trades Union Congress and the ICFTU in undermining the ILO procedures should be strongly deplored by the ILO and necessary remedies should be put in place to protect the interests of member countries. My country had replied to the ICFTU complaint and it is not fair for those organisations to continue with their destructive actions. Fiji should be allowed its sovereign right to decide its own fate through internal means without interference from outsiders.

Mr. EKSTROM *(Under Secretary of State, Ministry of Labour, Sweden)* – First of all I like to join the previous speakers and congratulate the President upon his election to this honourable post.

Over the past few years we have withnessed economic and political change unprecedented in peacetime in this century. A significant feature of these changes is that the movements for political freedom have nearly everywhere coincided with simultaneous movements for economic reform.

Economic systems, political processes and labour institutions are deeply interrelated and interdependent. Important aspects of these mutual influences are dealt with in the Director-General's Report to this year's session of the Conference.

The Report focuses on the fundamental principles of the ILO and what the ILO stands for – democracy, work, peace. Political freedom and civil liberties are closely associated with progress in economic development, health and education.

The end of the Cold War offers new challenges to the world community. However, many of the threats to human survival remain. The enormous imbalance between North and South stands basically unchanged. Environmental degradation, the pressure of population growth and poverty-driven migration are but some of the issues that may become causes of new conflicts.

The problems are global and must be dealt with globally. The global institutions must focus on making more headway in the social and economic fields. That is the real challenge in the 1990s. The question is – are we prepared for that challenge or will we rather remain prisoners of the past and prisoners of the procedures we created during different circumstances?

More than 1 billion people, one-fifth of the world's population, live on less than US$1 a day, a standard of living that Western Europe attained 200 years ago.

According to the International Fund for Agricultural Development, based on present trends, by the turn of the century, 700 million rural women will be below the poverty line. Almost everywhere the contribution of women is undervalued and often goes unnoticed by policy-makers. Women work under economic and social constraints and their voices are seldom heard in places where decisions are made.

To these poor people, the favourite concepts mentioned at this rostrum – democracy, markets, human rights – have little or no concrete meaning. Still, each one of them has the right to claim compassion and solidarity from us who are better off.

The role of the ILO in this context is to assist in combating poverty through the development of employment. According to the Report of the Director-General and to other ILO documents at hand, the Office from now on intends to focus more on policy advice than on the execution of projects. I certainly welcome such a development. It is in line with what the Nordic Governments have argued for within the United Nations system for years.

Good policy advice to developing countries and countries in transition alike, and work relevant to all member countries, however, has to be based on solid knowledge. Such knowledge can, to my understanding, only be derived from intensive and comprehensive research, and the collection and evaluation of experiences from various parts of the world.

The crucial need for the accumulation of knowledge and research on development matters does not seem to be given enough prominence in the present strategy. To put it bluntly, since there will not be much development money over the next decade, there had better be a lot of good ideas.

Human capital is a principal asset of the poor. Raising its return has to be a central investment strategy, and therefore a research priority. The ILO should be the international centre of excellence for social and economic policies related to the world of work. But, and this is important, not by claiming that status. The ILO should aim at being granted that position through outstandingly competent work.

To be action-oriented is often regarded as something positive. The ILO should, however, focus more on questions like what sort of action, strategy, implementation, etc. And the aim should never be to try to satisfy everybody, or to try to find the least common denominator for all the more than 150 member States, not to mention workers and employers. A more bold and innovative approach to sensitive issues is called for.

During the seventies and eighties the main focus of international economic debate and politics has been on other fields than work and working life. The experiences and lessons gained point to the nineties as a period of revival for the ILO's fields of responsibility and mandate.

The Organisation now has great opportunities of moving into the front line of international discussions concerning the interaction of economic, social and human conditions. Through fresh initiatives the ILO can help create fertile soil for new, deeper insights into the fundamental role of enterprise and work in economic and social development and progress.

The tasks and tripartite structure of the ILO give the organisation unique opportunities. At the same time, they place responsibilities on the ILO, which has to adapt to the changing requirements, not least in respect of its own organisation and working procedures.

The ongoing interdepartmental programmes and the proposed multidisciplinary regional teams are, when viewed in isolation, very attractive endeavours. It is, however, somewhat uncertain what the relation between these new structures and the rest of the Office is. One cannot help feeling that new administrative structures are put on top of or added to existing structures.

Already today, the structure of the Office is very complicated, with a lot of more or less autonomous bodies and thich walls within and between departments. In many ways, the organisational set-up reflects past problems, not present realities. Perhaps the time is ripe for a major examination of the whole Office, including the field organisation, in the light of the requirements of modern administration and management, in order fully to profit from the expertise of the competent staff that this Organisation has at its disposal.

We appreciate the need for structural adjustment and change in the private sector and in national organisations. There is no reason why the same should not apply to international bodies.

In today's world no country can frame its economic policy in a reasonable manner by taking into account exclusively its own concerns and its own national objectives. Policies must be determined with a view to the collective optimum.

My conclusion will be brief. Every country and, inside every country, all participants in economic life, whether they be governments, employers or workers, must accept a share of responsibility for the collective management of the world economy. I think that in the world today, the one word "solidarity" must be in the forefront: solidarity not only between the different countries of the world but also within each country, where we need to rediscover the necessity and virtues of solidarity between the different sections of the population.

Mr. MALLIA MILANES *(Employers' delegate, Malta)* – I would like to congratulate the President on his election and to wish him every success in guiding the heavy workload of this session of the Conference.

As is customary with the annual session of the Conference of our Organisation, the Director-General has chosen as the theme of his Report to this year's session a highly topical and thought-provoking subject which goes straight to the roots of the ILO and has important implications not only for the future development of the global economy but also of the kind of society to which we all aspire. The subject chosen, *Democratisation and the ILO* is a concept which presents the challenge of adapting our strategies, our efforts and our behaviour to a rapidily changing world. A strategy which requires us to be imaginative and innovative in devising new methods of action for the ILO and each of its three constituent participants to tackle new problems.

This year's Report by the Director-General focuses on the essential responsibility of our Organisation to help employers and workers in those countries – and they are many – which are moving towards a market economy or entering a period of democratisation where free bargaining is still a new and alien process. At the same time, the Report also highlights the responsibility falling on us all to assist the Governments of those countries in their efforts to develop and consolidate genuine democracy.

The world is passing through a time of far-reaching change and consolidation where, in a very brief period of time, an unprecedented large number of countries on several continents have abandoned the concept of a command economy – and the preponderant and overbearing role of the authoritarian State which inevitably goes with it – in favour of an open economy and the law-abiding State.

This is a time when all kinds of barriers are falling down and the resurgence of old nationalisms is redrawing the political map.

The reawakening to democratic values by these countries is due in large part to the consistent striving of the ILO since its foundation. Has not the ILO fought tooth and nail for social justice and for full participation of the worker and the employer in free discussion with governments so that freedom and equal opportunity would be available to one and all without discrimination?

The ILO has already set the pace for others to follow. But one should not rest on one's laurels. The immediate challenge is to assist the new emerging democracies to put down deep and permanent roots and to establish themselves in peace with their neighbours. At the same time, the law of the market cannot be allowed to become the law of the jungle.

The fall of Marxism does not remove the injustices on which it thrived. It neither means the drive of capitalism. The peoples of Eastern Europe destroyed the walls of division to create a new society based on freedom, democracy and solidarity. The root causes for agitation must be corrected for the market economy to assume a human face.

For this to come about, the full and unfettered participation of the three social partners in continuous dialogue is essential. This, too, is an indispensable ingredient of democratisation. In this field, the ILO has much to offer. Its unique tripartite structure and its vast experience of industrial relations can help the emerging democracies – as it does for us all – to construct solid and lasting foundations for the full play of the tripartite system within their societies. Not least, it can assist in building a new genuine and democratic trade unions and associations of employers, separate and distinct from the State.

As repeatedly stressed by the Conference, it is essential for the trade union movement in each country to preserve its freedom and independence so as to be in a position to carry forward its economic and social mission irrespective of political changes.

In this respect, I am glad to record that in my country, Malta, the statutory fusion between the General Workers' Union and the Malta Labour Party was formally dissolved by both organisations earlier this year. We had repeatedly from this rostrum expressed our unhappiness at this unnecessarily close identification of the largest trade union in Malta with a political party. It is now my duty and pleasure to congratulate both organisations on their wise decision.

Tripartism is the best method that will help to defend democracy in those countries which have chosen this political style. Tripartism as advocated and practised by the ILO is the system of labour relations in which the State, employers and workers are autonomous parties, each organisation performing specific functions. The methods of dialogue, consultation and negotiation are the indispensable stages through which countries have to pass in order to work out and implement socially acceptable economic and social policies.

Trade unions and employers' organisations should be structured in such a way to be able to act effectively and to speak authoritatively in their new tasks in the political and economic environment. Regretfully, we are still a long way from this goal.

In his Report, the Director-General proposes three priorities as a plan for action by the ILO. Firstly, the Organisation's support of democratisation; secondly assistance in the war against poverty; and thirdly, the promotion of workers' protection. These are all laudable objectives which this Conference will surely and wholeheartedly endorse. In further defining the ILO's role in attaining these goals, the Director-General's Report makes specific reference to the importance – in supporting the foundation of democratisation – of guaranteeing adequate protection for the rights of workers. This emphasis is fully understandable in the context in which it is made. And certainly nobody in this hall can have any reservations as to its validity and necessity. But my delegation, for one, would also have liked to see some reference, however brief, to the concept of educating workers also to their obligations. All rights are necessarily balanced by obligations, and it is well for all of us to keep this constantly in mind.

One of the items on our agenda for this session is human resources development. Quite rightly, this finds an echo in the Director-General's Report in the context of democratisation. The Director-General is perfectly right to emphasise the growing recognition on the part of various international organisations of the progressive linkage between human rights, human resources development, democracy and socio-economic development. Amongst many quotations marshalled by the Director-General in support of this linkage we find declarations by the United Nations General Assembly, the United Nations Conference on Trade and Development, the Organisation for Economic Cooperation and Development the Conference on Security and Cooperation in Europe, the World Bank and the United Nations Development Programme. Of special significance is the affirmation by the World Bank that any notion of strictly economic progress must at a minimum look beyond growth in per capita income, to the reduction of poverty and greater equity, to progress in education, health and nutrition, and to the protection of the environment, so that even purely economic progress cannot be measured in strictly economic terms.

For its part, the United Nations General Assembly, in adopting the International Development Strategy for the Fourth UN Development Decade at its 45th Session, is convinced that human resources development, together with entrepreneurship, innovation and the energetic application of science and technology in a context of political freedom, respect for human rights, justice and equity, are all essential and relevant to growth and development.

My delegation fully subscribes to these views. We are also convinced that just as political constraints, in the words of the Director-General, reduce the chances of economic success, so a lack of political liberties stifles the full development of the individual. Human resources, especially for countries like mine, for which they constitute their major if not the only resource, need to be maximised and fully harnessed. This is now recognised by all the social partners in Malta and by all sectors of society.

Education, training and retraining programmes designed to equip and adapt the working population at all levels to the challenges of the future enjoy universal support, not least from our employers.

With the euthusiastic support of the Government, employers in Malta have joined together in establishing a Foundation for Human Resources Development to promote research and other activities designed to broaden and deepen the science of personnel management and the fullest development of the nation's human resources capital. In this respect, I note with great interest from the Director-General's Report that the ILO intends to help member States adapt their training systems to become more flexible and capable of responding more promptly to the ever-changing demands of the occupational environment.

Earlier in my statement, I referred to the balance that should be maintained between rights and obligations. One man's rights are frequently another's obligations. Democracy is built on the respect of the rights of the individual. Since the individual plays a crucial part in the electoral process, it is obvious that when a group of individuals advances its collective interests against another group, the group representing the larger number of individuals tends to carry more influence than the smaller group. It is in the nature of things that organisations of workers represent far more individuals than employers' organisations. As a result, it is not unknown for governments to acquiesce in demands of trade unions over the objections of employers and perhaps to the detriment of society as a whole.

Responsible democracy requires self-discipline. This is especially so in the field of industrial relations. No group should use its electoral muscle to advance its purely sectoral interests. It should be prepared to accept restrictions on its own freedom of action so as to ensure that the interests of other groups are not lightly sacrificed and that the interests of the nation as a whole will always prevail.

Democracy is a fragile plant which must be nurtured in a climate on the widest possible consensus. It is not for manipulation by any group against another.

Original – Spanish: Mr. OBRAGON SABOGAL *(Workers' delegate, Colombia)* – Among the topics selected for discussion at this Conference are the protection of workers' claims in the event of insolvency of their employer, the prevention of industrial disasters such as the one which occurred in Bophal, India, the struggle to ensure that adjustment does not impair the development of human resources and measures of action against apartheid. These are the fields in which progress must be made if we genuinely want to affirm the specific role of the ILO in the democratisation process which is now in full swing and which is the central theme chosen by the Director-General for his Report.

Since its foundation, the ILO has been promoting social dialogue as a vital factor in political democracy, and has constantly striven to combat poverty; indeed, we believe that this path leads to political democracy and social and cultural democracy.

Tradition has it that the concept of democracy is largely confined to an electoral formality; but the international effort to promote democratisation is increasing awareness of freedom, and the full exercise of human rights, enabling the people to assume their own responsibilities. This is possible when guarantees protect the opposition, and in the absence of hegemonic, monopolistic or exclusive parties.

Democracy has to guarantee channels for the participation of citizens in the effective exercise of power and the control of authority. Civilian society has to be strong if there is to be real democracy.

In his Report, the Director-General states that the institutions which facilitate and encourage participation in affairs strengthen democracy. In my country, the Government does not consult or listen. The Single Confederation of Workers, which I have the honour to lead, has directed its efforts towards bringing about concertation in fields as delicate and of such importance as opening up of the economy, privatisation and labour flexibility. But concertation is a word that the Government uses only to improve its image abroad, but does not practise at home.

The recognition of political freedoms serves no purpose if citizens do not have the opportunity to enjoy decent living conditions and are restricted in their constitutional rights to work, education, health, housing and recreation. When there is no social democracy, the system cannot be considered democratic, and we therefore entirely agree with the Director-General on the need to promote a policy of democratisation in countries where the situations I have mentioned prevail.

Successive Colombian Governments have restricted the budget for social expenditure with the result that at present there is no effective social policy. Poverty is increasing alarmingly and the State is failing more and more to offer protection in the social field. To cite just one example, in the case of pension insurance there is disregard for ILO Conventions and Recommendations in the sense that benefits are not administered by non-profit-making institutions. The Government is intending to hand them over to transnational insurance authorities.

In the Colombian brand of democracy, violations of human rights and trade union and political freedoms continue with the traditional impunity; in addition to the long list of murders denounced at this Conference in 1991, we now have to add 102 new murders, including in particular members of the Workers' Trade Unions Confederation, as well as attacks on its premises.

The rights of the workers under the labour reform are diminishing. "There can be no democracy without trade unionism", the ILO has said in recognising trade union organisations as "the main pillar of tripartism". We the workers know that we play a crucial role in the consolidation of democracy and in its defence and expansion. We are directing our efforts not only towards defending the interests of our members, but we also concern ourselves with overall decisions on the running of our society.

But our actions are obstructed by the Government and the employers who deny workers access to decision-making bodies. Some are prompted by a desire for a docile and subservient trade union movement, while others want to build a world without trade unions. This anti-unionism is unprecedented. The machinery to guarantee the protection of the development of the trade union movement is practically non-existent. The employers, as is the case in the cocoa industry, are constantly undermining the right to bargain collectively, while seeking to eliminate the trade union movement through court orders against union leaders and forcing workers to leave trade unions. Or consider the case of the Cementos del Valle, where 12 trade union leaders were sentenced to imprisonment and had to pay compensation to the enterprise in the amount of $1,120,000 because they organised a strike.

In our democracy, the Government and employers equate strikes and work stoppages with subversion and may respond to us in that vein by declaring trade union action illegal, militarising labour disputes, dismissing trade union officials who organised stoppages and imposing financial penalties on trade union organisations. Now they are using the courts and trying trade unionists as terrorists, as happened in the case of the work stoppage in telecommunications.

This trade union repression is accompanied, on the one hand, by a denial of basic rights, such as the right to collective bargaining of more than 600,000 public employees in violation of Convention No. 98, ratified by Colombia in 1976, and, on the other hand, by a constant campaign in the media to denigrate the

Colombian trade union movement. There are a number of cases that we have brought to the attention of the Committee of Freedom of Association and we are doing so here in this Conference with a formal complaint backed by the Association of Labour Lawyers in the service of the Colombian workers. At the same time, the workers' confederations of my country are seeking to recover the rights snatched away from the workers, and we have submitted to the Congress of the Republic proposals for a Workers' Charter which have provoked a virulent reaction on the part of both Government and employers. Because of this, and bearing in mind the words of the Director-General of the ILO to the effect that this Organisation will devote more attention to assistance for the purpose of building more open and fairer societies, I respectfully ask for a special mission to be sent to my country to analyse the industrial relations situation.

In reaffirming our belief in democracy, we are expressing the deep concern of the workers over the reliance on a brutal model of unbridled capitalism which leaves the field open for action by monopolies, which hand over the nation's assets at bargain prices to transnational enterprises, weakening the democratic system. This model, in the case of Colombia, has led by different means to the dismissal of nearly 500,000 workers.

May I end with a quotation from His Holiness John Paul II when he addressed the International Labour Conference: "Considerations which are solely financial and budgetary cannot justify a dismissive attitude to the social dimension. The inalienable dignity of man and the protection of workers, which are supreme values in any society, cannot be flouted with impunity."

Original – French: **Mr. NORDMANN** *(Government delegate, Switzerland)* – Firstly, I should like to congratulate the President on his brilliant election to the Chair of this 79th Session of the International Labour Conference. I should also like to congratulate the two Vice-presidents, one of whom I am proud to note hails from our country. His work at this Session confirms the constructive role of Switzerland within our Organisation.

The excellent Report submitted by the Director-General raises certain points which I should like to address before this assembly.

At first sight, the challenges of democratisation may appear far removed from the concerns of a country such as Switzerland, which has a long tradition of democracy.

However, the reverse is true, for situated as it is at the centre of the European continent and open to the world, my country is aware of the fact that the rights connected to democracy and economic prosperity are dependent on a constant readiness to adapt.

Thus, we have always chosen to adhere totally to the basic principles of the ILO. We have ratified the Organisation's Conventions on fundamental human rights; we have also considered it necessary to strengthen our presence within the community of nations by participating, for instance, in many United Nations initiatives and by deciding to ratify the United Nations Covenants on Human Rights of 1966. At the regional level we have embarked upon a basic policy to be able to participate as efficiently as possible in the construction of Europe. Finally, we have set up an ambitious programme to offer support to central and eastern European countries.

We now have a growing all-out commitment, demonstrating that to govern is not only to look ahead, but also and above all to act in a spirit of solidarity for the common good.

What then is the role of our Organisation in this context? Generally speaking, we endorse the guidelines contained in the excellent Report submitted to us by the Director-General. The new climate in international relations has made it possible to close ideological rifts. It should enable us in the future to focus our energy on the creation of a healthy market economy with the appropriate social measures this would require.

I should now like to focus on four main points. Firstly, we believe that the ILO should continue to play the historic and traditional role which it has been playing in recent years. The current climate is conducive to new departures in certain spheres of ILO activity. However, the ILO should avoid changing its role within the United Nations system and within the international community while responding to emerging expectations.

Secondly, the new challenges before the ILO do indeed require reforms and the reallocation of resources within its programme and budget. Nevertheless, our Organisation should not call into question those major achievements which have built up its credibility and value over the years, such as standard setting activities, technical cooperation, monitoring social justice and development.

Thirdly, in the light of what I have just said I would request that our Organisation now embark upon in-depth and serious consideration of its future as regards international labour standards. There already is an excellent report on this adopted by the Governing Body towards the end of the 1980s. This report was quite clairvoyant with regard to the main thrust of standard-setting policy of the ILO. While some efforts have already been made, we must give the ILO the tools it needs to meet the challenges of the democracies of the twenty-first century. This calls for the creation of international labour standards and above all the judicious revision of those already in place.

The same is true for the monitoring system. It has guaranteed the impartiality of the Organisation through long periods of tension, and it is still just as important and valuable in the present circumstances. It cannot, in our opinion, be dissociated from a standard-setting system with the values common to all, whatever the circumstances of the moment. This system may be refined and complemented, but it should not under any circumstances be challenged, even if this is sometimes hard to accept.

Finally, the ILO should also ensure that within its own institutions there is full compliance with the main democratic principles mentioned in the Director-General's Report.

In the workings of the ILO's bodies it is very important to us that the voice of the small countries be heard as clearly as that of the larger countries. This is a question of respect for minorities and equality of treatment, just as it should be in any genuine democracy.

This intervention should also permit me to reaffirm the full support of my country and of myself for the future activities of the Organisation. We are always mindful that all measures under consideration, be they budgetary, technical or others, should further the general well-being.

Original – German: Mr. TEGTMEIER *(Secretary of State, Federal Ministry of Labour and Social Affairs, Germany)* – This year the Director-General has chosen as the theme of his Report: *Democratisation and the ILO.* This was a timely choice. We are living in a decade in which democratisation has been triumphing although there are some setbacks. The ILO is a natural forum to discuss democracy in certain countries.

Indeed, since the Declaration of Philadelphia, the International Labour Organisation has been the guardian and bulwark of democratisation. It provides instruments and assistance to make sure that member States can develop peace within their own boundaries.

It is praiseworthy that the Director-General has highlighted the role of the ILO in this process of transition towards democracy.

The political processes of democratisation, accompanied by revolutionary upheavals, are so far ahead of developments of the social market economy in many countries that they have often left the solution of social problems far behind.

We may witness this in all countries undergoing a transition from a centrally planned economy to a social market economy. This process of transition is associated with a great deal of pain and structural breakdowns.

I have been experiencing this very closely in my own country – the east of Germany. It is very important that during any process of democratisation, the social vulnerability of people should be taken into account, as they have to survive the transformation from a planned economy to a market economy.

The hearts and minds of the people have to accompany this process. Therefore, when a transition is made from a centrally planned political order, which deprives people of personal room for manoeuvre, to a system which lays emphasis on personal responsibility, there must be a specific social backup for the population. A market economy system precisely needs this sound social basis because, without it, it cannot guarantee any economic and pratical progress. Even the most rational political or economic system has to fail if it is not accepted by the population – when it is not seen as "their country" or "their society". Even in democratic countries citizens do not expect a paradise on earth. What they do expect is an equitable balance between their commitment – the commitment they are making – and the benefit which they derive from their contribution. Give and take in a situation of balanced solidarity is a principle of democracy and the social state in equal measure.

In trying to establish this balance the ILO can provide vital assistance because of its tripartite structure. I welcome the fact that the ILO is aware that it can provide such assistance within the terms of its own traditional mandate, such as: the establishment of labour administrations, relations between the social partners, the reform of labour law and social security assistance. The involvement on an equal footing of workers' and employers' organisations in the ILO is a good example of democracy as it is experienced daily. Through this involvement it is possible to make sure that, in addition to the governments, the social groups are involved from the outset in the restructuring process – and this is a guarantee for a more practical approach. Acceptance from citizens in the reformed States can only be won if the democratisation process and economic restructuring are accompanied by social measures. Social policy is not just a sort of "repair workshop" for the market economy; it is a cornerstone of the market economic system. It is for this reason that we refer in Germany to the "social market economy". This implies unity between social policy and economic policy and expresses the idea of a social partnership between workers, employers and the State. This partnership is the basis for the social peace of a country.

What is true of the internal structure of an individual country is also true of its external policies. Foreign policy has today – more than ever – to have a social dimension. Conflicts must be solved at their source; and it is quite clear that many conflicts have social origins. Cooperation between labour policy and social policy therefore becomes a strategy to avoid conflict situations. It is an essential element in a new safety and security policy which has to be defined anew. Social foreign policy is – at the same time – world domestic policy. It is a peace policy because it helps to create peace within society.

On the basis of this premise, the Federal Republic of Germany has given its support to the democratisation process in its neighbouring Eastern countries. Expenditure resulting from reunification as well as that provided to Central, Eastern and Southern Europe has amounted to DM90 billion – of which DM60 billion has been earmarked to countries in the former Soviet Union – since 1990. We feel we have particular responsibility for the States undergoing reform and the Federal Republic has therefore provided more than half of all western support to the former Soviet Union and one-third of western help to countries in the grip of reforms.

Working people who claimed freedom and democracy in 1953 in East Berlin, in 1956 in Budapest, in 1970 in Danzig, and in 1989 and 1990 in many countries of Central and Eastern Europe – and last August on the streets of Moscow – have finally won freedom for themselves and are entitled to solidarity from the community of States. They went on to the streets to fight for democratic and political rights. They went on to the streets to fight for democratic and political rights. They simply wanted what are the basic human rights for the ILO: freedom of opinion, trade union rights and democratisation.

In his Report, the Director-General has linked his basic theme to a further subject which deserves our full attention: the campaign against the evil of child labour. Every democratic society subscribes to the principles of the Universal Declaration of Human Rights and, thus to the elimination of child labour. But child labour remains a serious world-wide problem – a problem compounded by the fact that we do not know the exact number of working children.

A publication issued by the International Labour Office in 1986 admitted that nobody knew the exact number of working children. Not because of a lack of interest but, inter alia, because children were often statistically hidden. It added that many governments and employers denied the fact they even existed. They did not exist everywhere, but nearly all assessments talked of at least 100 million working children: the report claimed that there could just as easily be a figure of 200 million children.

I am happy that – with the appropriate financial contribution from the Federal Republic of Germany – we have managed here, within the ILO, to elaborate and implement a programme which – based on specific projects to combat child labour – is being carried out in cooperation with the countries concerned.

I would like to take this opportunity to call on all delegates to support this programme at home and to pass on information about this programme in their own capitals. My appeal is directed to all Government delegates. They are asked to provide – whenever possible – financial or technical assistance to this programme and to support any viable projects and measures – as well as to use their authority to implement this programme.

Children often work in the most dangerous places: in mines, in firework factories or in the glass industry. It would be an enormous contribution towards human rights if children could be protected from such conditions.

A last point; although the former antagonisms between East and West have disappeared at a dramatic rate, we are now seeing new dangers emerging in Europe. On the one side, national frontiers are less divisive because of the dynamic of the European unification process and the reunification of Germany. On the other hand, we are seeing depressing examples of national feuds and wars. Under the blanket of imposed harmony, explosive situations have been able to develop. Often social conflicts are the persistent accompaniment to national confrontations. The ILO can and must play the role of a mediator within its own mandate to promote social peace.

The highly industrialised countries are not islands. Civil wars, famine, ecological disasters, or quite simply the economic, social and ecological gulf between West and East and North and South have contributed to the emergence of streams of migrants. Such flows of migrants entail enormous risks, not only for general well-being but also for safety, peace and democracy. For example, the Club of Rome, in its most recent report, believes that because of demographic pressure, the lack of opportunities in Eastern Europe and in developing countries, there will be flows of migrants which will no longer be able to be contained.

Therefore it is more true today than ever before to take into account the old Roman principle that if you wish to have peace, you must foster justice. In order to achieve this the countries of Central, Eastern and South-East Europe, as well as the developing countries, need our help and solidarity, and also a contribution to justice and democratisation. I hope you will all be able to make a contribution to this.

Original – Arabic: Mr. DJEMAM *(representative of the International Confederation of Arab Trade Unions)* – In the name of God, the Merciful, the Compassionate. I would first of all like to congratulate the Officiers of the Conference for their election. I would like to thank the Director-General and the Governing Body and the officials of the ILO for the efforts they have made in order to prepare the reports we are discussing now.

The Director-General has given us a complete analysis in his Report of the question of democratisation, and my Confederation would like to pay tribute to him for the important principles he has put forward. We feel that democracy should not be a pretext for acceding to power. It must be used as a way of bringing about social justice and national development. Also, we are convinced that oppressed peoples can achieve democracy only when they are free of repression and exploitation; free of external forces which impose on them their policies and their plans; free of occupation and racial discrimination; free of foreign companies which have a hold on their economies. This is a world problem and external forces must commit themselves to respecting the rights of peoples and help them to establish the foundations of democracy. We believe that the ILO can play an essential role in this area. It can regulate relations amongst States and also between those States and the multinational companies.

Moreover, if social justice is the primary objective of the ILO, and if the principle of tripartism is one of the essential principles upheld by this Organisation, then the ILO must make sure that it actually safeguards these principles. This Organisation up until now has produced hundreds of documents concerning a wide range of questions. All these instruments aim at improving working conditions, strengthening development and protecting workers' rights. We must say, however, that many governments simply ignore these instruments, and some governments go as far as to consider them as being a precious secret to be hidden from their people. The ILO has to accomplish two tasks here. First of all, it must find ways of obliging member States to adapt their legislation to the principles upheld by the Organisation. Secondly, it must strengthen technical cooperation with States and regions which have the greatest need.

We read the Director-General's Report concerning the ILO's activities. We once again find ourselves obliged to observe that the Arab region, generally speaking, and the workers' organisations of that region in particular, do not fully benefit from the activities of this Organisation. For example, the fellowships and the training courses run by the Turin Centre remain limited with regard to the Arabic language. Arabic is always considered as a language of secondary importance. We do not yet find ourselves in a position where we can make full use of the library and the database. The sums allocated to technical cooperation with Arabic-speaking countries remains below what is required – our share is only 2 per cent of the overall amount spent on cooperation. We have even noticed a decrease in the order of 25 per cent, as compared with the previous years. With regard to the translation into Arabic of documents and studies, our requests have still not been met. We are sorry to have to repeat these comments year after year but, unfortunately, we have not received a satisfactory response to the needs of our region and development process. Therefore, we would like to ask the ILO to strengthen its cooperation with our secretariat and to enhance the consultation process in the interests of our objectives and those of the ILO.

We support the proposed Convention respecting the protection of workers' claims. Our secretariat believes that the proposed Convention now before this Conference is one which could help to protect the interests of workers in the event of the insolvency of their employer, which often occurs in the countries of the Third World. We hope that this proposed Convention will be ratified in the very near future.

Concerning the prevention of industrial disasters, we should note that small enterprises are the general rule in our countries and that the workers in these small enterprises are not always fully aware of safety measures. We hope that the ILO, in cooperation with the trade union organisations and other parties will be able to make workers aware of these matters and help them to cope with disasters in the enterprise and in the neighbouring environment. We hope that the ILO will be able to ensure that employers and governments respect such standards.

With regard to structural adjustment, this is a very complex issue which affects every State, every enterprise and every society. Once again, here, the ILO could provide assistance and advice to trade union organisations, as well as to enterprises, by preparing plans and policies which would make it possible to improve the level of information of workers who participate in the structural adjustment process. Structural adjustment must respond to society's needs. It must create jobs and guarantee progress and development. It should not, in any situation, be imposed or accompanied by conditions dictated by international financial bodies, such as the IMF or the World Bank, because such conditions can only aggravate the problem of the debt level of the State concerned.

The problem of migrant workers continues to be a source of great concern and their situation continues to deteriorate. Migrants who live in Europe suffer from racism; they are the first victims of the economic crisis. Although European Community laws are applied, the situation of these workers is continuing to deteriorate. Some workers in the Gulf region have also been victims of the political situation. They have been deprived of their income and have considerable problems; employment opportunities remain limited and their rights are not guaranteed.

The problem of trade union freedoms gives rise to considerable concern amongst the workers in our countries. In many countries workers' rights are trampled underfoot and workers are submitted to arbitrary detention. Arab workers do not fully enjoy trade union freedoms, freedom of association, the right to collective bargaining, equality of opportunity and treatment. We can see this even in the States Members of the ILO which have accepted the Constitution and the principles upheld by the ILO. We would like to call on these States to respect the rights of the workers and their right to freedom of association, because these rights will be beneficial to their countries and because such rights are the *sine qua non* for progress and prosperity. We ask for the embargo against Iraq to be lifted because the people of that country are threatened with death and because this embargo has lasted for more than two years now.

We have to wonder about the criteria adopted by the United Nations. The United Nations is no longer playing the role which is incumbent on it. The United Nations has accepted unfounded allegations against two Libyan citizens – and Libya is now, in its turn, being exposed to an embargo which was imposed despite the proposals made by the Jamahiriya and the Arab League. We wonder about the role of the United Nations in the light of aggressive acts committed by Israel against the Arab people and the Lebanese people, as well as the people of the Golan.

Racial discrimination is still rife in South Africa. The people and the workers of that country are still staggering under the weight of a racist regime. Despite the measures that have been adopted, a great deal remains to be done. It is thus incumbent on those people enamoured of freedom and justice to give their support to our brothers who suffer in that region.

Original – Spanish: Mr. BROWN YOUNG *(Workers' delegate, Costa Rica)* – On behalf of the workers of Costa Rica, I congratulate the President on his election to the Chair of this session of the Conference.

The history of mankind is a long path, full of upheavals and transformations. Social relations are not a path that is serene and calm; on the contrary, it is full of obstacles and barriers. Intermittently, we see the harmonious development of societies and then, suddenly, something happens to upset everything and set in motion a chain of negative energies which put a brake on social progress towards a more civilised world.

Today, we are witessing one of those eras in history where the world is undergoing another cyclical disturbance. This time it does not involve a military force but, despite the aggressive hyper-development of the weapons industry in some countries, winds are blowing which suggest a substantial reduction in the danger of world conflagration and a nuclear holocaust. But these are times of worsening social and economic inequalities between the nations of the world. Technological overdevelopment and the accumulation of capital are increasingly being concentrated in the hands of a few countries which exercise a world domination in defence of their interests, without heed of the serious consequences of their selfish policy on many other nations of this planet.

As a citizen of a country like Costa Rica in a subcontinent characterised by a poverty of such resources, due to the scourge of foreign debt, the recurrent deterioration in the terms of trade, tax shortages, difficulties with primary production and few possibilities of competing in international markets, as well as other more specific problems mean that we are involved in an unequal struggle. The shortage to which I have referred contrasts with the number of unsatisfied social demands, the reduction of employment and real wages, the smallness of our domestic markets and the civil conflicts which still have to be resolved.

It is at times such as these that our best efforts should be used to find negotiated solutions, without force or prejudice, and with the necessary amount of sacrifice on behalf of those who are most afflicted by the heavy and cold blows of neo-liberalism.

At times like this the workers and the trade unions have to unite their energies and wills to confront seriously and responsibly the alternatives to ensure that justice and social development are the main objective for mankind.

The turbulence which the world is undergoing now has an aftermath which poses a danger to democracy.

Our country, Costa Rica, more than a century ago chose a path towards perfecting its participative, democratic system. This decision resulted in significant events which have shown that the democratic modes and a legitimate commitment to the interests of the people are, without any doubt, the correct path to follow and the legitimate choice for ensuring the well-being of society.

We mention these facts too because we must not forget the reality of history, since some new fanatical liberal trends put things in a calculated manner to confuse people and make them believe that they will, like some invisible hand, conjure all the bad things away and bring a new dawn of wealth, progress and peerless justice.

We owe it to the truth to speak clearly about the Costa Rica that we won, which built its own model, without the benefit of international conventions, inspired by the principles of ordinary normal assistance between sister peoples of the world, cultural and technological exchange, generous aid in the event of emergencies, fair trade and solidarity. This Costa Rica, which has no army, chose by virtue of its civic sense the path of social investment instead of the useless expenditure on the tools of war.

In the same way an exemplary educational system was established, and little-by-little a modern and appropriate welfare programme to protect Costa Rican citizens from the main contingencies which unfortunately continue to be present in any society.

This Costa Rica was won without any plans for structural adjustments imposed without respect for the idiosyncracies of our own country and without consideration for national realities. It was won with political parties which, at different times in history, knew how to interpret the demands of the people to build a State as an ideal instrument for promoting general well-being. It was won with the trade unions of workers who, while firm in claiming their rights, did not through their duties as citizens and contributed, not only through their daily output, but also through their participation, in the civic and political struggle, to further the interests of the country. It was won also with honest employers who knew how to interpret the fact that in society, work is an act which is of permanent respect and concertation and that desire of profit can never justify the exploitation of our fellow men, who alone are the owners of their physical and intellectual work. It was won by intellectual commitment to the most progressive currents of modern thought, which left behind the old and unjust theories on racial discrimination, the violation of freedom, the justification of dictatorship and everything which flouted the basic rights of man.

The Costa Rican trade unions observe with genuine concern what is happening in our country, as in other sister countries, in response to the crisis, namely the generalised application of policies of neo-liberal adjustment of an unrestrained, recessive and concentrated nature, which have resulted from the conditioning of aid and economic assistance programmes, and which have led to an unpardonable loss of national sovereignty since our Governments have been supplanted by superior transnational authorities.

This discouraging picture which we see in our countries is the result of the implacable reign of neo-liberal policies. It is also affecting our trade union movement, which every day sees how urgent it is to ensure the unreserved application of trade union freedoms which are confronted by practices which thwart and restrict the full use of this undeniable right.

A strong trade union movement is more urgent than ever in the present times. We must insist over and over again on the need for the total respect of the guarantees of freedom of association, collective bargaining and the modernisation of the labour law.

The consolidation of genuine tripartism is the correct course to follow to overcome the serious crisis to which our underdeveloped countries are being subjected and to achieve more advanced degrees of genuine social cooperation.

At the same time there is also an urgent need to avoid widening the gap between the many poor countries and the few rich countries and in this respect it is absolutely necessary to state here that while the hoped for processes of the transfer of modern technologies are being accomplished, and economies find their rightful place within the international context, underdeveloped countries should be guaranteed a more just treatment in the prices of their products, and in particular, agricultural products. The violent distortion of the terms of trade must be corrected to compensate for the accumulated effects of all the years that have passed.

There is likewise no doubt that in the transitional phase towards freer international trade, it will be necessary to regulate the protectionism of the industrialised countries, which leave few options for economic development to the underdeveloped countries. The most recent case is the restrictive policy for selling our banana production to the European countries; that more than suffices to show that we are far from receiving just treatment, and that the opening up of trade is simply an argument to favour the exclusive interest of the large transnational, industrial and financial companies.

The UNDP in its annual report for 1991 on human development stressed that rather than a lack of financial resources, it is the absence of political commitment which is the real reason for the lack of attention given to the basic needs of modern man. We share this view, since the practice of social dumping appears to be the common denominator in international economic relations today. In the final analysis such a practice is the exploitation, without any reason or moral justification, of the assets of poor countries and their transfer to the privileged and rich countries.

Original – Portuguese: Mr. RITA *(Workers' delegate, Sao Tome and Principe)* – It is a great honour for me to take the floor on behalf of the workers belonging to the independent trade unions in Sao Tome and Principe who, for the first time, are represented in this prestigious Organisation. I am very proud to be able to greet you on this occasion on behalf of the Workers of the Democratic Republic of Sao Tome and Principe. May I congratulate the President on his election to preside over the 79th Session of the International Labour Conference. This is evidence of the confidence and the prestige that he has earned through his work in his own country as well as in the ILO. We know that the Conference can count on his leadership to ensure the success of its debates, although it is a difficult task we have entrusted to him.

I would also like to congratulate Mr. Michel Hansenne, Director-General of the ILO, on the wealth of information in the Report he has submitted to this Conference.

We believe deeply in the growing capacity of the ILO to achieve its lofty goals.

The Democratic Republic of Sao Tome and Principe is today taking its first steps in the realm of democracy with a view to dealing firmly with the consequences of a single-party regime and setting down the basis for genuine development.

Allow me to refer to the process begun in our country since 1990 with a view to improving the general well-being of the population in general, and the workers in particular. Within this context, with a wide-ranging human dimension, in Sao Tome and Principe we are analysing all the problems arising in connection with work and working conditions and formulas for sharing the benefits from such work.

Without pretending in any way to make history since we achieved independence on 12 July 1975, the people of Sao Tome and Principe and particularly its workers have been attempting to give themselves the means of exercising their democratic prerogatives. They are also trying to find a way of bringing about economic, social and cultural development with a view to making progress in the standard of living of the population.

Sixteen years have passed, and the outlook for the citizens of my country has grown gloomier. The price of cocoa, our main export, has fallen considerably and the income from its export is not sufficient to cover even the interest on our debt. The population is growing and the standard of living in general, and in the rural sectors in particular, is deteriorating at top speed; health conditions are deteriorating due to inadequate maintenance. All these factors have a negative effect on the life of workers in my country, and the exodus from rural areas to the towns has worsened the situation.

The national assembly has been working on legislation on individual employment relations, strikes and other trade union matters. These legal instruments open up new prospects for all the workers of my country by creating conditions which will help us to resolve our problems freely.

It is necessary to carry out reforms to guarantee democracy in Sao Tome and Principe and it is important to stress the need to ratify Convention No. 87. In this connection, I call on the ILO from this rostrum, in the name of the workers of the Democratic Republic of Sao Tome and Principe, to assist the Government to take the following measures.

To ensure that the workers are satisfactorily organised, it is necessary to set up independent trade unions, and we suggest that the following unions need to be set up. Independent unions for agricultural workers, construction workers, workers in industry and energy and teachers. These unions will continue their activities independently of the political forces in the same way as religious organisations. Their major objectives will be to defend democracy and the fundamental rights and freedoms of their members and of workers, as well as trade union unity, social insurance, employment, vocational training, etc. The result of this trade union action will depend largely on trade union unity, and it is therefore logical that an essential trade union confederation will need to be set up. In this connection, an advisory committee of independent unions has been set up, which I have the honour to chair, to make preparations for a constituent assembly for an independent trade union confederation.

This is not an easy task because we have so few means at our disposal. It is important to stress the need for training of trade union officials and we call on the ILO for help in this connection.

In conclusion, may I extend greetings once again to the President, and to the workers here present, because it is important that we should establish links of cooperation and friendship with other trade unions represented here.

Original – Russian: Mr. KUNYAVSKY *(Employers' delegate, Belarus)* – Firstly, I should like to congratulate the President on his unanimous election to this lofty post and I wish him every success in guiding this the 79th Session of the International Labour Conference to a fruitful conclusion. I should also like to congratulate the Vice-Presidents.

For the second time in succession, this august forum has allowed the representative of an independent democratic organisation of employers from a sovereign member of the world community – the Republic of Belarus – to take the floor. The entrepreneurial sector, which in our country covers all those individual and collective producers outside direct State ownership, is now developing intensively. In 1991, the number of members of our union alone more than doubled, and they accounted for approximately 10 per cent of the gross domestic product of the Republic. Please bear in mind that I am talking now about a country where some three or four years ago entrepreneurship was one of the activities covered by criminal code.

The main reason why entrepreneurship is, with every passing year, becoming an ever stronger social and economic and even political structure in Belarus lies in the development of the democratic process in the Republic. It is precisely the political democratisation of the entire system of social relationships in the Republic which is the alma mater of entrepreneurship and indeed of many other progressive developments. This new state of affairs has been grasped and assimilated by all my fellow countrymen have become or are becoming entrepreneurs. This explains why employers and their associations are the most consistent supporters of democratic reforms, this is why we were so pleased with and interested in the Report of the Director-General *Democratisation and the ILO* and why we feel that it is first and foremost through comprehensive support to enterprise and entrepreneurs and through implementation of work in this area that the ILO could be most effective in consolidating and promoting democracy.

We see the Director-General's Report as very profound, comprehensive and topical. It is striking because of the masterful philosophical definition in the Report of the concept and process of democracy and the conditions and factors for its establishment and consolidation, and regional specificities. We agree with the section of the Report which states that no country on our planet has a perfect democracy and that all countries are still working towards democracy, although the degree to which certain countries have progressed in the right direction can clearly be seen.

Michel Hansenne's Report very rightly points out that many countries which have embarked upon the path of democratisation and the creation of market economies have encountered enormous social and economic difficulties and problems and are experiencing a social and economic crisis which constitutes, today, our of the most tangible threats to what is still democracy in its infancy. For my Republic this situation holds true – and is aggravated by two factors: firstly, the billions being poured into attenuating the problems of the disaster at the Chernobyl atomic power station will now have to be paid by our people alone and met by our economy. In this regard, I should like to take this opportunity to express the gratitude of the people of Belarus to all those who have given and are giving us both national and moral support in coping with this disaster. Secondly, we have inherited from the totalitarian regime a production system under which our economy is chained to traditional raw materials supplies and the traditional markets for goods and capital of the former Soviet Union.

In the former Soviet Union, these two facts alone make it crucially important for us to achieve speedier restructuring of the economy and greater economic efficiency. This is why both the Government and the employers are anxious to open our economy and to quickly adopt all market mechanisms. But let me make it quite clear that we see these mechanisms not in general abstract terms but rather in the context of our own circumstances and our social, economic, historical, national and cultural characteristics. The solution of these problems is the guarantee that democracy will be strengthened and developed in our country, and we would be very happy if the ILO, with its great authority and competence, could assist us.

In my Republic, thanks greatly to the work of employers' associations, both the Parliament and the Government have a clear understanding of the importance of developing entrepreneurial endeavours and the part they should play in restructuring the economy, attracting foreign investment and improving productivity. Thanks to this understanding we have been able to prepare a comprehensive state programme to support such endeavours for the next five years. This programme gives high priority to the development of enterpreneurial endeavours and the preparation of a set of draft laws and other statutory instruments to promote and support such activities and to provide financial, material and manpower support, with a view to creating new jobs and providing social protection for workers. In developing the programme, wide use has been made of ILO documents, materials and project and of the experiences of other countries. We would be very grateful if ILO specialists could participate directly, reviewing this programme with us and could give advice when it is being implemented.

We have noted with great satisfaction the passage in the Director-General's Report to the effect that the ILO in its programme and budget for 1992-93 is allocating considerable resources to the developments of enterprise and entrepreneurship – in particular, in the interests of small enterprises. Unfortunately, we could not find any indication as to whether this programme and budget would also cover the enterprises of Belarus.

As the representatives of the Government and workers of my country have already said, Belarus this year established a tripartite mechanism of consultation and partnership for the first time. This was our first attempt, and we will have to make improvements. The Director-General's Report quite rightly notes that in the former centrally planned economy countries, the process of forming employer' and entrepreneurs' organisations is not yet complete. The State has not yet given them the powers they need to operate in a free economy. This is true in the case of Belarus too. That is why we welcome the International Labour Organisation's plan to extend its activities to support employers' organisations by strengthening their structures so that they can participate effectively in the system of tripartite representation and so that their Members can receive any assistance they require.

In view of the great importance of this issue for my Republic and for all countries of the former USSR and of Central and Eastern Europe, I proposed that the International Labour Organisation should hold in Minsk, the capital of Belarus, an international seminar on the establishment and development of entrepreneurs' organisations in countries building a market economy. My association, the Union of Leaseholders and Entrepreneurs of Belarus, would be very happy to participate in the preparation of such a seminar and to do everything possible to ensure that it is useful for all its participants. We appeal to you to support this proposal.

In conclusion we should like to express our gratitude to the administration of the ILO for creating the best possible conditions for our work, and we would like to appeal to employers' organisations throughout the world to cooperate with us for the good of all our peoples.

Original - French: Mrs. DE VITS *(Workers' delegate, Belgium)* – Although it has not yet been accepted everywhere, far from it, the need for political democracy is becoming more and more a universal phenomenon. In fact political democracy is being less and less considered as another form of relationship between the government and the governed but more as a guarantee of the value of these relationships. That is to say, fewer and fewer countries are now challenging the values which underlie political democracy, either for reasons of State or in the cause of evicting the exploiting class, or else in the struggle against communism.

As the Director-General has said in his Report, political democracy has seen a gradual extension from southern Europe, around 1975, to Latin America, then to central and eastern Europe and is now even asserting itself in Africa and Asia. Recent years have seen a certain advance by democracy. We are full of hope. The last decade of the twentieth century could lay down the foundations for a world democratic order for the new millennium.

Let us not give way to triumphalism. It would be wrong to believe that political democracy has been achieved by the virtue of its geographical extension. For hope to become reality, many things have to change. Nothing can be taken for granted. And there are four main reasons.

Anti-democratic forces and ideologies do not lower their guard, even in states which have a long democratic tradition. Think of the revival of fascism.

The transition by eastern countries towards what we hope will be democracy often follows a path which has very little in common with democracy. There are often violations of trade union freedoms, old scores are settled with the communists, with exclusion of citizens who participated in the old regime.

Moreover, the blind faith which new leaders have in the market forces creates social injustice today and paves the way for massive exclusion tomorrow.

So what can we find in this new order which we say is balanced, in Latin America where minimum wages in real terms have dropped by an average of 25 per cent during the 1980s, in Africa, where the standard of living for most of the continent has been reduced to that which prevailed in 1960, in Asia where poverty is still the lot of hundreds of thousands of people in the slums?

Or in western Europe, or in North America where 10 to 15 per cent of the population live in poverty because of unemployment, feeble employment growth and cuts in the social security systems, while at the same time they feel the effects of increasing racism and xenophobia resulting from these uncontrolled developments?

This means that many citizens do not yet enjoy or no longer enjoy the impact of political democracy. Practically excluded from the world of labour, from culture, knowledge, information, or completely excluded, these victims of inequality are also thrust away from political democracy.

In other words, if we consider that all citizens have the imprescriptible right to enjoy political democracy and to participate in the democratic process, then we must add one value, one precondition for the realisation of political democracy: the implementation of policies to erase inequalities. To fight against inequalities is in effect to create social and economic conditions for the exercise of democratic freedoms by the majority. On this point you will agree that international consensus is much smaller than on other values upheld by political democracy. In fact, insistence on the principle of combating inequality automatically strengthens the role of the State in building economic and social democracy.

This cannot of course satisfy those who identify democracy with the exclusion of the State in favour of a free market. On the other hand, the reinforcement of the State's role is fundamental to those who consider that democracy comprises a dual imperative: the bringing about of political democracy and of economic and social democracy.

In fact, if the approach towards a market economy can be considered economically desirable, it must be realised that this creates permanent accumulations of economic power and areas of inequality. The market economy must therefore be backed up with a solid public sector, a balanced and efficient fiscal system and a good social security system.

Democracy must assert itself in these areas by means of political choices, which will also permit active participation by the people. This is an essential challenge because there is an evident lack of involvement in the democratic process even by those in countries where there is a long tradition of consultation.

A certain lack of interest in the political challenges of our times with regard to political parties, elections, and trade union organisations, and a certain fatalistic scepticism with regard to any possibility of changing things, indicate that our society consumes more democracy than it creates.

How can the ILO contribute to the creation of democracy? We have to consider the specific nature of the ILO as compared with other international organisations which act on behalf of democracy.

The ILO is distinguished by its tripartite character. It is therefore by creating economic and social democracy that the ILO can best assert itself.

The real needs of local populations must constitute a leitmotif in the development process. This requires consultation with those concerned, in industrialised countries as well as in less-developed countries. The social partners in the industrialised countries have considerable experience to share. Cannot the ILO then make a positive contribution towards the insertion of social clauses in international, commercial agreements? Should we not be studying the possibility of adopting a Convention on the need to respect human rights, workers' rights and trade union rights when international, commercial agreements are concluded?

Finally, the ILO has a role to play vis-à-vis other international institutions. We must encourage institutions such as the IMF not to promote or impose austerity policies on the weakest States. Such austerity policies lead to further weakening of the poorest States and, as a direct consequence, to the weakening and impoverishment of already disadvantaged people.

Yes, the world may be at a crossroads in its history, as the Report points out. Immense efforts are required, in particular to turn the world in the right direction, towards structural reforms in North-South economic relationships, towards the strengthening of democratic rights, towards the elimination of poverty and towards peace.

Mr. SANDRASEKERA *(Workers' delegate, Sri Lanka)* – First of all I would like to convey to the Conference fraternal greetings from my own organisation, the Ceylon Workers' Congress, and the other two organisations which are representative of the workers of Sri Lanka, the Lanka Jathika Estate Workers' Union and the JSS.

Having said that, I will join the other speakers before me in felicitating the President on his election to the high office of President of this session of the Conference. I have no doubt that his experience and expertise in the spectrum of labour relations will make a significant contribution to the success of the deliberations of this of session. After saying that, it would be remiss on my part if I did not congratulate the Director-General on the excellent Report and other documentation that has been placed for the consideration of the Conference.

As the Director-General has very succinctly highlighted in the document on democratisation, this session is taking place against the backdrop of a spectacular and dramatic change in the political climate of the world. Totalitarian and authoritarian systems have collapsed, as they have not been able to bring into realisation the expectations of the people.

However, there has not been an orderly and peaceful transformation to a democratic system of society. There has been a surge of expression, tragic in dimension, to forge identities along ethnic lines which has made the path to democracy a painful process.

Nevertheless, as the Director-General states in his *Special Report on the application of the Declaration concerning action against apartheid in South Africa*, action spearheaded by the ILO, the international trade union movement and the United Nations system have succeeded in creating the momentum for the eventual demolition of the apartheid system in South Africa, which however calls for the continuation of sustained international pressure for the establishment of majority rule in that country.

It is in this context that account must be taken of the greater role that the United Nations system and the international free trade union movement ought to play in restructuring some of the governing systems in countries which persist in maintaining social and political conditions that are in flagrant conflict with the principles enshrined in the Constitution of the International Labour Organisation, i.e. freedom of association and the freedom of speech.

The progress made towards adopting a Convention and Recommendation respecting the protection of workers' claims in the event of the insolvency of the employer has assumed far greater importance than when this subject was first mooted.

Almost as a corollary to the collapse of the authoritarian system there has been a pervasive drive to introduce structural adjustment policies, particularly in developing countries like in my own country, Sri Lanka, to liberalise the economy and deregulate, with the Government plying a regulatory rather than the dominant role in the structure of the economy.

The privatisation formula presupposes the fact that private enterprise has the capacity and the know-how to manage its own areas of interest in a manner far superior to that of the State. This proposition to my mind is a contradiction in terms. For instance, if private sector management is credited with such a degree of efficiency, there is no explanation for corporate failures that are taking place with such regularity.

Nevertheless, it is having regard to this reality that an international instrument providing for the protection of workers' claims in the event of the insolvency of the employer must receive priority attention of a wide enough reach to cover the new elements that have surfaced.

On the other hand, one may question as to how the contradiction between privatisation and insolvency of private sector employers could be reconciled. In this direction I would like to make a reference to what is taking place in Sri Lanka in this regard.

Privatisation of public enterprise in my country is taking place on a two-pronged system. Peopolisation, as it is called, of the state sector has been implemented with the transfer of 10 per cent of the shares of the enterprise free of cost to the workers in the particular enterprise, thus paving the way for participatory managment.

In so far as the plantation sector is concerned, this being the greatest single labour-intensive industry, employing nearly 1 million workers, privatisation takes a different form from that applied in the other sectors of the economy.

My union, the Ceylon Workers' Congress, whose President is Bvo. Jhondaman, has been supportive of the privatisation of the plantation industry on the modality that the State will retain ownership of the property and only the management aspect of it would be handed over to private companies. At the same time, my union has obtained a written guarantee from the Government that not a single worker would be displaced or laid off on account of privatisation and that all industrial practices and terms and conditions of employment would continue to be maintained as when the plantations were under the management of State-sponsored agencies.

Very importantly, we have been able to obtain a commitment that as part of the privatisation process, the administration and the social welfare aspects of the workers, including their residential quarters, would be delinked from each other. In other words, we have been able to come to an arrangement that the administration of the living quarters of the workers and their appurtenant land would be vested in the workers occupying such quarters, for which special bodies or trusts would be set up.

In other words, we have ensured that notwithstanding the privatisation of managment, the State would continue to be the guarantor of the terms and conditions of employment of the workers involved.

Furthermore, the companies that are to be involved in the management of plantations are required to enter into collective agreements with the respective representative workers' organisations.

We are, however, quite aware of the fact that incentives to collective bargaining should not detract from the new dangers that exclusive bilateral relations between labour and management could pose in the long run.

The momentum generated by structural adjustment programmes could lead governments in both developed and developing countries to sideline the importance of third-party intervention and tripartite arrangements. Coming under attack would be protective legislation providing job security, industrial adjudication, etc.

These trends call for the trade union movement to be vigilant that new modes of economic management are not made a cover to eat into the rights and privileges of the workers.

Such a situation also means that the ILO must strengthen its supervisory role in respect of the observance of international labour standards and realign its workers' education strategy to ensure that tripartism within structural adjustment programmes continues to be relevant and vibrant as a prerequisite for social equilibrium.

In other words, the social cataclysm that the world is going through poses a challenge of no mean magnitude to the social partners, and the international labour standards enunciated by the International Labour Conference will continue to constitute the bulwark against exploitation of the workers and the suppression of individual and collective freedoms.

The quintessence of efficient management is rationalisation and the elimination of waste. The whole process calls for the training and retraining of not only the manpower that may be displaced, but also the manpower needed to respond to labour market requirements.

Human resources development in this context requires not only primacy but also immediacy. The document prepared by the Director-General encaptures the gamut of the issues involved in this regard. In Sri Lanka we have set up a Tripartite Tertiary Vocational Education Commission, the task of which is to coordinate manpower resources development actvities, lay down guidelines for curricula, and respond to labour market requirements.

The educational actions undertaken by the ILO, while being of immense benefit, will no doubt now sharpen the focus on issues that are a spin-off from structural adjustment programmes that are current and the problems that come in the wake of such adjustments.

The PRESIDENT (Mr. MUGALLA) – I would like to give the floor to Mrs. Abbas, Government adviser, Indonesia, who wishes to exercise her right of reply concerning the speech of Mr. Tiago Gomes, Employers' delegate, Angola.

But before I give her the floor, I wish to point out that the reply should refer only to the point under debate. It should be brief, not exceed two minutes, and should not give rise to any further remarks.

Lastly, it should be worded in correct and parliamentary language. Furthermore, I wish to point out that in order to avoid endless debates, it has been a pratice of the Presidents to refuse to allow replies to a reply.

Mrs. ABBAS *(Government adviser, Indonesia)* – The Employers' delegate of Angola, in his statement this morning,has made a reference to what he termed the "suppression of self-determination of East Timor". It is the opinion of the Government delegation of Indonesia that such a reference is clearly outside the points under discussion. The reference shows a total disregard for the President's own guidance at the second sitting for the smooth proceedings of the Conference and therefore should have been ruled out by the Chair.

Notwithstanding the procedural aspect, to strengthen the record, let me state that the process of self-determination of East Timor was completed when the people of East Timor decided in 1975 to break the chains of centuries of colonialism and opted for independence through integration with Indonesia. Moreover, in view of over 17 years of civil war, that devastated their country, following the disorderly process of decolonisation, perhaps it would have been more appropriate for the Employers' delegate of Angola to address questions relating to self-determination to themselves.

(The Conference adjourned at 5.45 p.m.)

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Seventy-ninth Session, Geneva, 1992

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Fourteenth sitting

Thursday, 11 June 1992, 10.15 a.m.

Presidents: Mr. Nascimento Rodrigues and Mr. Solórzano Martinez

SIXTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original – Portuguese: The PRESIDENT – The first item on the agenda this morning is the sixth report of the Selection Committee, which you have in Provisional Record No. 6E. This report, submitted by the Chairman of the Selection Committee, contains only some changes in the composition of the Committees. If there are no objections, I consider this report as adopted.

(The report is adopted.)

FIRST REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

Original – Portuguese: The PRESIDENT – We now move on to the report of the Credentials Committee.

I give the floor to Mr. Pérez del Castillo, Government delegate, Uruguay, Chairman of the Credentials Committee, to submit the report to the Conference.

Original – Spanish: Mr. PEREZ DEL CASTILLO *(Government delegate, Uruguay; Chairman of the Credentials Committee)* – I have the honour to submit to the Conference the first report of the Credentials Committee, which is found in *Provisional Record* No. 10. The report sets out the composition of the Conference and the quorum at 4 June, when the Committee drew up its report.

Since then a number of delegates and advisers have been accredited. Benin, Central African Republic, Dominica, Guinea-Bissau, Liberia and Moldova have accredited their delegations to the Conference, bringing the total number of States present to 151.

The report also refers to incomplete delegations and the implications of this on the right to vote. Albania, Kyrgyzstan, Sao Tome and Principe, Sierra Leone and Sudan have not accredited Employers' delegates. The delegations of Comoros, Equatorial Guinea, Somalia and Viet Nam consist only of Government delegates. The same is true of Dominica, Liberia and Moldova. Cameroon, also mentioned in the report in this connection, has now sent a full tripartite delegation, and Chad has accredited a Workers' delegate. Since the report was produced Antigua and Barbuda have recovered their right to vote.

The Committee would like to remind governments of their obligation under article 3 of the Constitution to send a full tripartite delegation to the Conference.

The Committee has also noted a certain imbalance between the number of advisers accompanying the delegates of each group, and in particular between the number of Employers' and Workers' advisers. In this connection, it urges governments, when appointing delegations, to have due regard for the proportion in the composition of the Conference, as envisaged in paragraphs 1 and 2 of article 3 of the Constitution.

Moreover, the Committee further reiterates the request contained in the resolution on the strengthening of tripartism in the overall activities of the ILO, adopted by the Conference at its 56th Session in 1971.

In this connection, the Committee reminds member States of the observations under article 13, paragraph (2) (a) of the Constitution to pay the travel and subsistence expenses of their delegates and advisers, and trusts that this obligation will be respected for the whole duration of the session of the Conference.

I would also like to draw your attention to the information contained in paragraph 7 of the report concerning the number of women among accredited delegates and advisers. This information was included in the report in pursuance of the resolution concerning the participation of women in ILO meetings, adopted by the Conference at its 67th Session in 1981.

The Committee wishes to point out that its work and that of the Conference would be made easier if credentials could be sent to the Office within the time-limit laid down in article 26, paragraph 1, of the Standing Orders, and if all governments would use the appropriate form enclosed with the Memorandum sent to governments before the session of the Conference.

In particular, it would be useful for governments to provide precise information on the employers' and workers' organisations consulted on the appointment of Employers' and Workers' delegates and advisers, as well as on the organisations which have agreed to these appointments.

Since the report was adopted unanimously by the Credentials Committee, the Conference is required only to take note of it.

We held our meetings in an atmosphere of understanding and goodwill with the valuable help of the Office as usual.

Original – Portuguese: The **PRESIDENT** – Since the report was adopted unanimously by the Credentials Committee, I invite the Conference to take note of it. I should like to thank the Chairman and the officers of the Committee for the excellent report that they have presented to us.

(The report is noted.)

First report of the Finance Committee of Government Representatives: Submission and adoption

Original – Portuguese: The **PRESIDENT** – The next item on our agenda is the report of the Finance Committee of Government Representatives.

I should like to ask Mr. Tayo Fashoyin, Chairman and Reporter of the Finance Committee of Government Representatives, to submit the report.

Mr. **FASHOYIN** *(Special Assistant to the Minister of Labour and Productivity, Nigeria; Chairman and Reporter of the Finance Committee of Government Representatives)* – I have the honour to submit to the Conference the first report of the Finance Committee of Government Representatives.

This report, circulated as *Provisional Record* No. 11, contains the Committee's recommendations on the matters that were placed before it for consideration. The resolutions recommended for adoption by the Conference in respect of these items appear at the end of the report.

The first item before the Committee was a request from Paraguay for the right to vote. You may recall that the 1991 Session of the Conference granted Paraguay the right to vote and approved an arrangement concerning the settlement of its arrears. Unfortunately, because of adverse exchange rate movements, the payments made up to 31 December 1991 fell just short of the amount needing to be paid in 1991 under the arrangement and Paraguay lost the right to vote on 1 January 1992. Paraguay made a payment which covered the 1991 shortfall on 13 January 1992 and has since made payments that cover all of its 1992 obligations and part of its 1993 obligations. The Committee expressed its full support for Paraguay's application, and the resolution for the granting of permission to vote will be found at the end of the report.

The Committee also adopted for submission to the Conference a resolution concerning appointments to the Administrative Board of the ILO Staff Pension Fund and the ILO Staff Pension Committee. Resolutions were also adopted concerning the statute and composition of the Administrative Tribunal and the rates of assessment in 1992 for the Republic of Korea and for Viet Nam.

The Committee is also submitting a resolution concerning six new member States for which rates of assessment have not yet been established in the United Nations (Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia) and is proposing to the Conference for adoption a draft scale of assessment for 1993. The scale is included in Appendix I, and, in accordance with normal practice, is based on that of the United Nations, adjusted for differences in membership. Both of these resolutions take account of the possibility of there being further new member States of the ILO in a similar position to the six States mentioned for which rates of assessments have not yet been established in the United Nations. In fact, one such State, the Republic of Moldova, joined the ILO on 8 June 1992, after the Finance Committee had finished its work, and will accordingly be treated in a manner similar to that of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania.

The next matter considered by the Finance Committee concerned the Working Capital Fund. The resolution which the Committee adopted for submission to the Conference includes proposals for amendments to the Financial Regulations, and these are contained in Appendix III.

The Committee also considered the Financial Report and Audited Financial Statements for 1990-91, and recommends them to the Conference for adoption.

The last item considered by the Committee was the treatment of the 1990-91 cash surplus. The Committee agreed to the recommendations of the Governing Body concerning appropriations from this surplus, as described in Appendix II, and to a transfer of 2 million Swiss francs to the Building and Accommodation Fund. This will still leave a refund to member States of the remainder of the cash surplus, amounting to just over 7 million Swiss francs.

On the assumption that all the foregoing resolutions are adopted by the Conference, Appendix I shows the amounts due from member States for 1993.

In conclusion, I would like to express my thanks to the Vice-Chairman of the Committee, Mr. W. Dejong, Government delegate of Australia, to all the members of the Committee for their participation in the work of the Committee, and to the members of the secretariat, all of whom helped me greatly in my task as Chairman.

I commend all these resolutions to the Conference for adoption and I hope you will give them your unanimous support.

Original – Portuguese: The **PRESIDENT** – The report of the Finance Committee of Government Representatives is now before the Conference. I should like to know if anyone wishes to take the floor. Obviously not.

We now go on to the adoption of the report, that is to say the entire report, paragraphs 1 to 67, together with the ten resolutions at the end of the report and Appendices I, II and III. I take it that the report is adopted.

(The report, paragraphs 1 to 67, is adopted.)

Resolution concerning the granting to Paraguay of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation

Original – Portuguese: The **PRESIDENT** – We now proceed to the adoption of the resolution granting Paraguay permission to vote in accordance with paragraph 4 of article 13 of the Constitution of the ILO. The adoption of this resolution requires a two-thirds majority vote. In accordance with article 19, paragraph 3, of the Standing Orders of the Conference, this vote should be a record vote.

However, we consider that the delay in Paraguay's contributions did not exceed more than a few days, Yesterday I submitted to the Conference on behalf of the Officers and in accordance with article 76 of the Standing Orders a unanimous proposal aimed at suspending article 19, paragraph 5, of the Standing Orders concerning this resolution, and proposed that we adopt it by consensus.

If there are no objections I take it that this proposal is adopted.

(The proposal is adopted.)

Original – Portuguese: The **PRESIDENT** – We now move to the adoption of the resolution itself. If there are no objections, I take it that the resolution is adopted.

(The resolution is adopted.)

Resolution concerning appointments to the Administrative Board (ILO Staff Pensions Fund) and the ILO Staff Pension Committee (United Nations Joint Staff Pensions Board)

Original – Portuguese: The **PRESIDENT** – Next we move on to the resolution relating to the appointments to the Administrative Board of the ILO Staff Pensions Fund and the ILO Staff Pension Committee of the United Nations Joint Staff Pensions Board.

May I consider this resolution as adopted?

(The resolution is adopted.)

Resolution concerning the Statute of the Administrative Tribunal of the ILO

Original – Portuguese: The **PRESIDENT** – Next we have the resolution concerning the Statute of the Administrative Tribunal of the ILO.

If there are no objections, I shall take it that this resolution is adopted.

(The resolution is adopted.)

Resolution concerning the composition of the Administrative Tribunal of the ILO

Original – Portuguese: The **PRESIDENT** – Next we have the resolution concerning the composition of the Administrative Tribunal of the ILO.

If there are no objections, I shall consider this resolution adopted.

(The resolution is adopted.)

Resolution concerning the contributions of the Republic of Korea

Original – Portuguese: The **PRESIDENT** – Next we have the resolution concerning the contributions of the Republic of Korea.

If there are no objections, I shall consider this resolution adopted.

(The resolution is adopted.)

Resolution concerning the contributions of Viet Nam

Original – Portuguese: The **PRESIDENT** – Next we have the resolution concerning the contributions of Viet Nam.

If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

Resolution concerning the contributions of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia, and the scale of assessment of contributions for 1993

Original – Portuguese: The **PRESIDENT** – Next we have the resolution concerning the contributions of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia.

If there are no objections, I shall consider this resolution adopted.

(The resolution is adopted.)

Resolution concerning the operation of the Working Capital Fund and proposals to amend the Financial Regulations

Original – Portuguese: The **PRESIDENT** – Next we have resolution concerning the operation of the Working Capital Fund and proposals to amend the Financial Regulations.

If there are no objections, I shall consider this resolution adopted.

(The resolution is adopted.)

Resolution concerning the Financial Report and Audited Financial Statements for 1990-91

Original – Portuguese: The **PRESIDENT** – Next we have the resolution concerning the Financial Report and Audited Financial Statements for 1990-91.

If there are no objections, may I consider this resolution adopted?

(The resolution is adopted.)

Resolution concerning the treatment of the 1990-91 cash surplus

Original – Portuguese: The **PRESIDENT** – And finally, we have the resolution concerning the treatment of the 1990-91 cash surplus.

If there are no objections, may I consider this resolution adopted?

(The resolution is adopted.)

(The report, the ten resolutions and Appendices I, II and III are adopted.)

Original – Portuguese: The **PRESIDENT** – All of the resolutions have been adopted.

I should like to thank the Chairman and Vice-Chairmen and members of the Committee for their excellent work.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – Portuguese: The **PRESIDENT** – We will now continue our discussion of the reports of the Governing Body and of the Director-General.

Original – Spanish: Mr. CORTAZAR SANZ *(Minister for Labour and Social Welfare, Chile)* – I would like to congratulate Mr. Nascimento Rodrigues on his election to the Presidency of the International Labour Conference. I would like to refer to certain aspects of the Director-General's Report which relate to the possibilities and challenges involved in democratisation. This is a fundamental subject both for Chile and for many other countries in the world, which today are full of hope about their newly attained freedom.

We echo his words of optimism and hope about the progress that is being made in vast regions of the world and in our own Latin America by democracy and its institutions which constitute an irreplaceable safeguard for political freedom and the respect of human rights.

As stressed by the Director-General in his Report, this quest for democracy is accompanied by the aspiration of our peoples to achieve development and modernisation. Not an exclusive form of modernisation, or one benefiting just a minority, but a form of modernisation which ensures justice. Not an exclusive form of modernisation, but one which is built up with the participation of everybody concerned.

Our Government shares this vision of development and democratisation. Today should not simply be the advent of freedom. It should also be the advent of modernisation, with justice and participation.

In the past few years in Chile, we have been rebuilding our democratic institutions. We have made substantial progress with national reconciliation. We have based our co-existence on the law and on mutual respect.

At the same time we have taken significant steps forward along the path of modernisation. Modernisation for the people and with the people.

Significant progress has been made with regard to development and modernisation. The new Chilean democracy has succeeded in being efficient in pursuing its goals of growth and stability. Last year, GNP grew by about 6 per cent and this year we expect it to do the same. Investment has increased. This year inflation will be about 15 per cent which is about half of what it was when President Aylwin took office.

But progress has not only been made in respect of modernisation. We have also taken significant steps forward as concerns our goal and our challenge: modernisation for the people and with the people.

Modernisation for the people means building a fairer society. The main contribution to this has been the enormous progress made in generating employment. Today, our unemployment rate is below 5 per cent, the lowest it has been in 19 years. In the first two years of democratic government, minimum wages increased their purchasing power by about 20 per cent, while average wages increased theirs by 7 per cent. The purchasing power of pensions rose over the same period by over 10 per cent. State expenditure on health, education, housing and social security increased by about 30 per cent.

We have reformed our labour legislation in regard to the termination of employment contracts and the provisions concerning trade union organisations and collective bargaining. The Senate is now considering the final bill which will complete the process of fully reforming the Labour Code. This reform will bring our labour legislation up to date, it will bring it into line with international standards, it will create greater justice, and it will allow greater participation.

At the same time we have increased the machinery for supervising enforcement of the labour laws, increasing the staff available for that purpose by about 30 per cent, as well as increasing the resources of the National Labour Department.

All these are concrete results in the process of modernisation for the people.

But they do not suffice. The goal is to achieve modernisation for the people and with the people. Only in this way can we create the social consensus necessary to make modernisation a steady process, with complete social legitimacy, which can be sustained over a long period of time.

Modernisation with the people presupposes allowances being made for social participation. A significant step in this direction was the national tripartite agreements concluded with the main trade union confederations and employers' organisations in the country. In these agreements we have not only set out our views about the challenges of democracy and development. We have also agreed on the adjustments that need to be made to minimum wages and other social benefits. In April 1990, a few weeks after our return to democracy, the first of these national tripartite agreements was signed. Never before in the history of our country had there been a national agreement of this kind. In April this year, we signed an agreement for the third year running. And we took an additional step. We set up a permanent tripartite body to deal with a series of topics of mutual interest for the government, the employers and the workers.

In this connection, I should like to stress that in the past few days the National Congress approved the proposal made by the Government to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

I should also like to mention the annual agreements between the Government and workers in the public sector. To provide support for this participation process, we recently submitted to Parliament a bill recognising the right of association of workers in the public sector, and providing for the necessary exemptions, permits and authority to enable their organisations to become efficient instruments of representation and participation.

We are living a very special moment in the history of Chile, in the history of Latin America and in the history of mankind. We are at a stage which gives us the right to be optimistic: a stage which demands of all of us consistency in our conduct, clarity in our convictions and awareness of the challenge facing us – political democracy, modernisation for the people and with the people. This is our goal. This is our challenge. This is the path we have chosen.

Original – French: Mr. GOSSELIN *(Secretary-General of the International Federation of Trade Unions of Transport Workers)* – I would like first of all to thank the President for allowing me to replace Mr. Janssens, President of our organisation – of which I am the Secretary-General. On behalf of the International Federation of Trade Unions of Transport Workers affiliated to the World Confederation of Labour, I should like to say how grateful we are to the ILO for providing us with the opportunity of taking the floor and addressing this Assembly – and the

Director-General – so that we might submit our point of view.

Our organisation has the same, and adheres to, the same values and principles as those of the ILO: the respect of basic human rights and social justice. This aim to promote a more human and prosperous society is reflected in all the action undertaken and described in the Report of the Director-General. As the Director-General has said, it is even more important not to lose sight of this aim today, now that there [illegible] so many political and economic upheavals throughout the world. We are also convinced that this Conference will lead to a general consensus, thus demonstrating the usefulness of services the ILO provides to its constituents.

The trade union movement attaches great importance to and is particularly interested in civil and political freedoms, democracy and social and economic justice. Governments which are not ready to ensure and guarantee the respect of these principles for their people can scarcely aspire to democracy. History and today's experience have shown that the violation of human rights and fundamental union rights is still commonplace in a large number of countries.

We can quote the example of Morocco, where a union leader was recently sentenced to imprisonment and where demonstrations of 1 May are banned. The ILO has a privileged role to play in so far as it can intervene to ensure that standards pertaining to creedom of association are not trampled underfoot. We therefore would like to invite the ILO to strengthen its action in this area.

I should also like to express our appreciation for the number of initiatives taken by the ILO in structural adjustment. It is essential that the programme established in this area, which aims at strengthening the capacity of countries to draw up and apply policies and programmes to create jobs and reduce poverty, this should be pursued in cooperation with other United Nations agencies.

As an organisation, we do our best, through training, to make union leaders aware of the need and the importance for both sides of trade and industry to be very attentive to and follow the development of governmental actions. We are also happy to be able to count on the aid and assistance of the ILO services.

We should also like to express our appreciation for the excellent cooperation we have had with the Workers' Education Branch. It has always provided excellent technical support and the means necessary to provide training and information through seminars organised by our Federation.

I should also like to stress the excellent work that has been carried out by the Workers' Relations Branch. Thanks to their advice, experience and knowledge of procedures, these officials have always been able to advise and assist workers' delegates in coping with their problems.

Within the framework of industrial activities, we participated at and cooperated in the work of the 12th session of the Inland Transport Committee. We would like to draw attention to one of the important aspects discussed during this meeting, which was also discussed by the Director-General in his Report at the 78th Session of the International Labour Conference: *The dilemma of the informal sector.*

The Inland Transport Committee insisted on the need to pursue the programme and the studies carried out by the ILO concerning this sector and to include a detailed study on the situation of workers in inland transport – with particular emphasis on developing countries. This request certainly should be examined in great depth.

The political climate throughout the world has changed in a very spectacular manner. Democracy has made great steps forward. However, we cannot fail to observe numerous problems, deviations, limitations, contradictions and corruption. A large number of democratic experiences have been limited to mere formal freedoms and have succumbed in the absence of justice – particularly countries in which the rule of law has been eroded. If there is no rule of law, there is simply no democracy.

The Director-General was therefore right to raise the question of how the various participants involved in the democratic process might channel these changes towards the establishment of more open and just societies. For our federation, democracy is an act through which peoples can take responsibility themselves and for their own ends in order to be responsible for their own destiny.

The existence of political institutions which are democratic and pluralist are the most obvious characteristics of democracy. Pluralism, freedom of opinion, freedom of the press and freedom of political parties and other organised groups – such as union organisations – are as vital to democracy as are independence and impartiality of justice.

We believe that the ILO is one of the best instruments to promote democracy. It should base its action on promoting social reforms which will create a structure for political and economic change and the war against want. The ILO should therefore continue its action to assist countries in the process of change and those countries which are already more stable. This should take a number of forms: the respect for basic human rights, particularly in the working world; the strengthening of activities aimed at promoting the ratification and application of standards and Conventions; the promotion of a market economy with a social dimension; the strengthening of tripartism and collective bargaining within its midst, by providing support for the members and labour institutions.

Trade unions are particularly concerned by the respect for basic human rights because, without them there can be no normal exercise of union rights.

These rights involve the right of the individual to freedom and safety and protection against arrests and arbitrary detention which frequently take place. Let us look at the example of Taiwan, where there are union leaders imprisoned at present.

The ILO should therefore strengthen its action and intervene when it is obvious that fundamental human rights are being flouted.

It should also be ready to assist and intervene when, as in the case of South Africa, workers have to correct the effects of discriminating policies vis-a-vis certain groups of the population which are victims of apartheid.

Respect and the application of standards and Conventions, whether they be international or national, certainly warrants full attention.

We see that in numerous countries and industries, governments and employers are determined to erode the advantages that have obtained in collective bargaining.

This is the case in Venezuela where seamen are struggling to regain the advantages they had in the past.

This is also the case in Bulgaria, where the Minister of Transport does not respect his commitments and wants to introduce changes in remuneration and working conditions, in spite of the Conventions that have been ratified.

ILO action would not be complete if it did not encourage and promote market economy with a social dimension. Jobs are the main way in which people can cover their basic needs and satisfy their desires for personal fulfilment.

We have already raised the problem of structural adjustment policies. The ILO should be particularly attentive to the consequences of incorrect application of these policies which can only aggravate poverty.

On the question of tripartism, it is necessary to promote a structure for dialogue and participation to enable the various social partners to discuss different choices and demonstrate that these choices have been decided upon in the general interest.

Decisions are far too frequently imposed on social partners or accepted by some of them, which blurs any distinction between them and state structures. An effective and efficient pluralism would correct this type of situation.

Minority organisations, although less representative, must not be set to one side. They may represent a real need and be a vital component of democracy.

At this point, I would like to say that it is sometimes difficult for countries to live in a real state of pluralism.

Within the ILO, our organisation – one of the three world organisations that groups transport personnel – was refused the right to take part in the Tripartite Subcommittee on Seafarers' Welfare of the Joint Maritime Commission, which took place from 10 to 15 October 1991.

We believe that the priority aims the ILO has set itself in the immediate future are the most important: assistance to democracy; assistance in the struggle against poverty; and workers' protection. The ILO should therefore do its very best to implement these objectives.

These are fully subscribed to by International Federation of Trade Unions of Transport Workers which pledges its full support to ILO actions and is prepared to participate in the construction of a better world for all of us.

U HLAING *(Government delegate, Myanmar)* – On behalf of the Myanmar delegation and on my behalf, I am pleased to extend to the President our sincere congratulations on his unanimous election to this high office. It is indeed a well-deserved election, and I am confident that under his presidency the deliberations of this august assembly will come to a successful conclusion.

Firstly, allow me to commend the Report of the Director-General. The Report clearly shows the unremitting efforts of the Organisation, directed towards improving the social welfare of the workers – an ever-growing and ever-demanding task.

The Director-General has, in his wisdom, chosen the theme *Democratisation and the ILO* in Part I of his Report. We generally share the view of the Director-General that the democratisation process is a very delicate and complex matter, and that it is c
cult to get a conclusive answer to the related q
tions. However, we feel that consideration of the
ject is appropriate and timely.

The Organisation has spared no effort in adap
its activities to the dramatic changes taking plac
the world's political arena. It is heartening to
that discussions on the need for adjustment to
man resources development will be held during
session. I would like to congratulate the Direc
General for his excellent Report and the topic
has given us for reflection.

It is gratifying to see that Albania and Viet N
have resumed their membership of the Organisat
The Organisation has also strengthened its mem
ship by admission of new member States. We w
like to extend our warm welcome to them. Our d
gation is delighted to see them in our midst
would like to extend our cooperation, to work
gether for the noble cause of the Organisation.

During more than 70 years of its existence, m
bership of the ILO has increased from the in
number of 45 to 158. These member nations h
different historical and cultural backgrounds, di
ent social and political systems, with different le
of economic progress.

In this regard, I would like to state that there
single path to development to which all must adh
Each country has to choose its own political, so
and economic system towards development.
Myanmar we are endeavouring to achieve all-ro
development in our country, largely based on
own efforts. The State Law and Order Restora
Council, through its tireless efforts, has succede
re-establishing a peaceful and stable situation in
country. Ample opportunity now exists for imp
ing the conditions of the working people. This is
time when the nation-building task can gain mon
tum.

In Myanmar the democratisation process has b
going on with the objective that it will be in harm
with the aspirations of the people. We are amen
to adopting certain things which are appropriate
which can fit into our way of life. While advan
towards this ultimate objective, the Governmen
doing its best for all-out development of the nat
bearing in mind three things: non-disintegratio
the Union; non-disintegration of national solida
and the perpetuation of national sovereignty.

May I touch briefly on certain achievements w
have contributed towards the social betterment
the working people. There has been an unprece
ted expansion in the construction sector which
led to the creation and expansion of job opport
ties for construction workers throughout the cou
One can witness the great strides made in const
tion, maintenance and the repair of roads, brid
parks, schools, hospitals, etc. in every region of
country.

Thanks to the all-out development efforts of
Government, the border areas where national r
reside have now flourished and have become ac
sible to every economic, social and cultural ser
provided by the Government. These areas wer
one time under terrorist groups where transporta
and communication had been almost cut off for
eral years. The development of border areas has
been augmented by the service of those who h
graduated from the University for the Developm

of National Races. The UDNR graduates will contribute towards the educational development of the national races and will thus strengthen the spirit of union among them to preserve national solidarity.

To provide shelter for the homeless and improve the living conditions of the poor, new satellite towns have been set up by the Government in recent years. Thousands of people including workers are now enjoying the fruits of the Governments ambitious plan which was inspired by goodwill.

The other important step taken by the Government is the adoption of programmes for the utilisation of fallow and virgin lands. These programmes will substantially increase employment opportunities in the agricultural and livestock breeding sectors of the economy.

Myanmar is ready to participate in the international endeavours which will have positive effects on the world community. We are deeply involved in combating the problem of drug abuse. Since our statement made last year from this rostrum, we have elaborated on our activities and achieved a lot in this area.

Continuous efforts are being made in Myanmar to reduce the illicit production, supply, trafficking and demand for drugs. Vast areas of poppy fields are destroyed every year. Moreover, drug refineries, large quantities of narcotic drugs and drug-producing paraphernalia seized by the authorities have also been destroyed in the presence of representatives from international agencies including the United Nations International Drug Control Programme and the diplomatic corps.

On the other hand, prevention, treatment and rehabilitation programmes are in full swing as part of our attempt to reduce demand. These activities fully demonstrate Myanmar's determination to make a significant contribution to the success of global efforts to combat the drug menace within the framework of the recently proclaimed United Nations Decade against Drug Abuse.

Myanmar shares the view of the United Nations on the important role of children and that their survival, protection and development is the prerequisite for future development of humanity, as they are citizens of tomorrow's world. Thus, Myanmar promptly ratified the United Nations Convention on the Rights of the Child last July. On that day, Myanmar also signed the world declaration on the survival, protection and development of children. Presently, there are several pieces of legislation in Myanmar which include provisions for the protection of the rights of children.

I would here like to stress what the Government is doing in the field of national legislation. There are numerous acts, including labour acts, which were enacted during different periods. All of this legislation is now under review. The central body for scrutinising existing Acts has been formed to examine those which need to be repealed or amended and also to recommend new Acts. As a result, new labour legislation, where necessary, will be enacted to reflect the changing situations.

Before concluding, I would like to touch briefly on matters relating to human resources development. Myanmar is taking part in the regional HRD activities of ESCAP by endorsing the Jakarta Plan of Action on Human Resources Development. Myanmar has designated a national focal point to deal with the Commission on this matter. We are very much interested in the Commission's approach to HRD, particularly with regard to the enhancement of the quality of life of the people.

Finally, allow me to express my hope that this session of the Conference will devote its work, in a spirit of constructive and active cooperation, to laying a solid foundation and drawing up clear guidelines for future activities of the ILO.

Original – Arabic: Mr. MOUBARAK *(Minister of Health; Minister of Labour and Social Affairs a.i., Iraq)* – In the name of God, the Merciful, the Compassionate! On the occasion of the first day of the feast of Id al-Adha, I would like to welcome all the Muslim and Arab delegations and wish peace and stability to all countries of the world.

I would first like to congratulate the President on his election to the Chair of this session of the Conference. I am confident that his experience and competence will guarantee success for our work and will lead to resolutions which will address the items on the agenda and promote the principles and the objectives of our organisation and promote the common interests of the three social partners in our countries.

I would also like to congratulate the Vice-Presidents on their election and bring the greetings of our guide, President Saddam Hussein, for the full success of this session.

This Session of the Conference is being held at time when the international situation is extremely complicated and dangerous. Following the end of the cold war, which set East against West, events have multiplied on the international scene and a new world order has appeared which has confirmed the hegemony of a small number of countries. These countries have intervened in the internal affairs and have seized control of world economic institutions and a few international organisations to attain their objectives and serve their own interests. Such a situation only increases economic imbalance, widens the gap between the rich countries and the poor countries and worsens the debt of the countries of the South.

In this context, international legality has been used as a pretext to wage a total war against Iraq which left tens of thousands of victims amongst the population and led to the destruction of the country's social and economic institutions.

The choice by the Director-General of *Democratisation and the ILO* as the subject of his Report this year is a timely one because this is a matter of capital importance to all countries of the world. True democracy allows peoples to exercise their basic rights and freedoms within a legal and institutional framework which guarantees these rights and freedoms and which is the basis of such essential principles as equality and social justice. The Government of my country has sought to establish democracy and create constitutional institutions. Since 1970 it promulgated the Act respecting the National Council, which regulated elections during several parliamentary sessions, contributed to the preparation of various policies and examined and adopted a number of bills and regulations. It was also about to finish the text of the Constitution of the country when the aggression against my country prevented the fulfilment of this objective.

The sustained efforts to create a legal and institutional framework for democracy continue. Thus my Government promulgated Act No. 30 of 1991 respecting political parties, which establishes the multiparty principle and makes democracy the basis of all trade union activity. Furthermore, the Government of my country has examined the problems concerning workers and employment and has published the texts of bills and regulations drawn up through democratic dialogue between the three social partners. In the same way, almost ten years ago, we set up a Committee of Tripartite Consultation in which the abovementioned social partners are represented and the purpose of which is to examine international labour Conventions and Recommendations and to take the necessary measures for their ratification and application.

At a time when the world is experiencing a legitimate aspiration towards democracy and the respect of human rights, we see that States which are extending their hegemony over the Security Council are imposing the adoption of resolutions which practically deprive people of these rights. These States are imposing the adoption of successive resolutions which continue the iniquitous economic blockade against my country although the causes which led to its imposition have now disappeared. These States pay no heed to the consequences of this blockade which has resulted in a terrifying lack of foodstuffs and medicine, the spread of epidemics and disease resulting in the death of tens of thousands of persons including a large number of workers. These States pay no heed to the dangers and catastrophes which are threatening millions of Iraqis or to the rates of death and disease which have increase significantly, particularly amongst children, infants, the old and women. All this is a flagrant contradiction of the provisions of international conventions and the Universal Declaration of Human Rights and is a violation of the Convention on the Rights of the Child, which was only recently concluded although the iniquitous resolutions of the United Nations had excluded from the embargo, medicines, foodstuffs, milk for babies and other humanitarian products.

The tragic consequences of the blockade are not limited to these areas but also affect the labour movement and production, since many plants have come to a partial or complete stop because of the lack of energy, raw materials and spare parts. The social partners of my country are thus in an impasse and this is why it is essential for the ILO to carry out its responsibilities and intervene to ensure the lifting of the blockade which will enable us to ensure the normal exercise of work and production. It must also give its support and assistance in all forms to the workers on the basis of the principles and objectives enshrined in the Constitution of the ILO and the Declaration of Philadelphia. This would be consonant with the proposals set forth by the Director-General in his Report concerning the preparation of programmes to strengthen employment and fight against unemployment in such cases. We call upon our Conference, in its tripartite structure, to demand the lifting of this unjust embargo to allow my country to exploit its resources and give its people a decent standard of living and satisfy the needs of work and production.

The agenda of this session includes a number of items which are important to work and workers, in particular the protection of workers' claims in the event of insolvency of the employer. This item makes provision for practical and just measures and thus we support the adoption of the proposed Convention and Recommendation to guarantee these rights. We should like on this occasion to point out that the national legislation of Iraq considers workers' claims as privileged claims.

The question of structural adjustment and human resources development which also appears on the agenda is of special importance to the social and economic recovery of the developing countries. Although we support the conclusions of the report in question concerning the optimum use of human resources, we would like to emphasise the need to increase international, material and technical support for developing countries to enable them to adapt their teaching and training programmes in line with their needs.

As regards the *Special Report of the Director-General on the Declaration concerning action against Apartheid in South Africa* adopted by the Conference in 1988, my country believes that it is still too early to repeal or amend this declaration and that pressure should continue to be brought to step up changes in South Africa, abolish the policy of apartheid and achieve full equality between the African people and the White majority. We ask the ILO to continue its assistance to the people of South Africa and its support of democratic trade unions to guarantee the rights of all workers of South Africa.

In concluding my statement I would like to welcome those States which have rejoined the family of the ILO. I am convinced that these States, in their tripartite structure, will contribute with other member States to achieving the objectives and principles of the Organisation and the consolidation of freedom and progress in the world.

May the peace, Mercy and grace of God be with you.

Original – Spanish: Mr. CARBONE RICO *(Minister of Labour and Social Security, Uruguay)* – On behalf of the Uruguayan delegation and on my own behalf, I congratulate the President on his election to guide the proceedings of the 79th Session of the International Labour Conference and wish him success in his task.

The Report of the Director-General proposes to us this year a subject of fundamental political importance – *Democratisation and the ILO* – and it has the virtue of restating the essential values that gave rise to the Organisation.

In effect, the Report asks us a number of questions. How can we work for greater democracy and social justice? What part can the social partners play in this context? What is the role of the ILO in regard to strengthening the rule of law? How can we fight against discrimination that is incompatible with democracy?

Democracy means government by the people and it means the management of public affairs by all individuals. Democratisation also means respect for human rights and the guarantee of the exercise of democratic freedoms. To democratise means to fight against all forms of discrimination.

In our country, Uruguay, there is a system of tolerance and we Uruguayans are proud that we have given refuge to numerous waves of immigrants who have received the same opportunities as our own nationals and have in turn responded to our generous hospitality by mingling their blood and their efforts with the people.

We have always felt among ourselves that we were all of equal worth. This feeling of equality is the basis of Uruguayan society, something which we could define as a community of sentiments and values.

But in the world today sadly we find a marked increase in xenophobic nationalism, a recrudescence of racial resentments, a dwindling participation of individuals in political and social organisations and a widening gap between development and underdevelopment, the spread of ideas which seem directed towards exulting individualism.

This feeling, which is so far removed from healthy patriotism and which many call nationalism, is referred to in the Encyclical *Mater et Magistra* which states that there are yet other obstacles to the formation of a more just and better structured world within universal solidarity. We refer to nationalism and racism. It is natural that communities that have recently recovered their political independence should be jealous of a still fragile national unity and should endeavour to protect it. It is also normal that nations of ancient culture should be proud of their historical heritage but these legitimate sentiments need to be sublimated into the universal charity which encompasses all members of the human family. Nationalism and racism isolate peoples contrary to their true interest and their true good.

We might also recall what was said by Mr. Sidibé, the former head of the International Labour Standards Department at last year's session of the Conference that it is vital that political freedom and the movement towards the market economy should not be identified by those who should be its actors and its beneficiaries with unbearable stringencies or with new arbitrary approaches.

The disappearance of regimes oppressive of human dignity cannot lead us to an easy conviction that the model of capitalist development, as it is presented to us, will ensure democracy and freedom, that it suffices to stake everything on the prosperity of the central economies so that in the course of time they will also grant us part of their prosperity and thereby ensure social justice, and that détente between East and West will guarantee universal peace. There is need for a campaign of solidarity.

That solidarity which the hour requires presupposes an increase in technical assistance to combat and overcome xenophobic nationalism, racism and isolating individualism.

That solidarity also means fairer terms of international trade so that the move towards the market economy is not be a mere slogan to justify larger profits for the few to the detriment of the needs of the many.

On this level restrictions on the freedom of international trade must be increasingly denounced as representing a grave failure of international solidarity. The ILO must use its influence to make possible a greater commercial opening up of the wealthy countries.

The Director-General draws our attention in his Report to the quest for consensus and the participation of social actors in shaping the fundamental decisions of the nation. It seems clear that the principle of choice by consensus has clearly triumphed. The authoritarian approach by administrations and Governments has ceased to be current coin and is no longer tolerated by our societies.

It is clear that representative democracy has prevailed with the governments elected by the people for specific periods of time and with room allowed for political minorities in the collective bodies that wield power.

The exercise of that power is not compromised when the Government heeds the views of the social partners. It has to act as the final arbitrator because that is its responsibility under the Constitution. Otherwise it would be abdicating its rights. Put in the effort to guide the advance of the national prosperity it must bear in mind the other centres of power in society.

The hour requires us to make a national issue of growth and stability, of the fight against budget any deficits and against inflation. A good example in Uruguay has been the process of economic integration which in our country has been a matter of overriding national interest above party and sectoral concerns. Thus the Asunción Treaty gave rise to an historic vote in our Parliament which was adopted by almost all members.

To democratise, however, also means giving equal opportunity to every one and the best way of doing that is to foster the spirit of enterprise, to free initiative as the Director-General proposes. The hour requires the development of a market economy, without it being forgotten, of course, that the market economy and social justice have to be compatible and mutually enriching.

The hour requires job creation and the creation of new enterprises. We have to ensure that our citizens understand that they have opportunity to make their own way, that the task will be risky, but that nevertheless the environment will reward their success and not unfairly punish their venture. This new spirit of enterprise and participation in the economic adventure, in economic democracy is certainly a matter for the training of businessmen, but also for education at an early age. The Report rightly notes that the new environment must provide opportunities for small and medium-sized enterprises and support for initiatives which create self-sustaining economic units.

Democracy is also arriving in the more specific world of labour relations. The collective determination of conditions of work may also require change: the decentralisation of bargaining and the respect of the functions of the trade union organisations. The application here, too, of the principle of subsidiarity which carried the day as the central State divests itself of responsibility for the entire productive effort, when it is left to the occupational sectors themselves to negotiate collective agreements determining the standards applicable to a particular activity. The highest level of government, the one furthest removed from the individual, must take due account of the action of the lower bodies. In at these lower levels of organisation we can find and excellent channel for the participation of human beings. The object of democratisation is that everyone should feel that they have a share and that this share makes everyone his own master, responsible for the common weal but solidary with his neighbour.

It would seem that the historic moment of interdependence of men and nations requires a new approach to development and cooperation. On the one hand there is the urgent need to understand that development and social justice must be made increasingly compatible.

On the other hand there is a need to understand the nature of the globalisation of the economy and in general, social relation at all levels, which are creating an interdependent of world where the problems of poverty, discrimination, the environment, health and working conditions affect everyone altogether independently of national values. These are global problems and it is logical that institutions that encompass the entire world must mark out the policies and strive for the attainment of the respective ideals.

Today, then, institutions such as the ILO are experiencing a fresh vitality in their mandate and in their objectives. The aspirations of those who drafted the Declaration of Philadelphia are still alive. Millions of human beings are looking to us here and it would be a scandal if we were to disappoint them. Let us remember that every day we are working on behalf of social justice, for the respect of basic human rights which it is our responsibility to uphold.

We have heard the voice of tolerance. We have banished the ideologies of exclusion. Let us redouble our efforts to build a world where everyone can live a decent life.

(Mr. Solárzano Martínez takes the chair.)

Original – Italian: Mr. GRYPO *(Under-Secretary of State for Labour, Italy)* – This Session of the International Labour Conference and especially the central theme of our debate bear witness to the important role of the ILO in the changes now under way in the world.

Indeed, in order to assert the universal worth of democracy we need concrete and effective social policy measures, which are not complementary to democracy, but an integral part of its development. In our view, by definition democracy must be based on a reliable set of rules, involving the participation of different parts of society, including the most vulnerable and marginalised groups.

It has quite rightly been said that democracy cannot be understood as a kind of privilege specific only to the rich countries. On the contrary it must be present wherever poverty calls for policies of social justice and equality of opportunity to reach a social consensus based on the principles of solidarity and to improve living and working conditions for the whole of society.

It is precisely the experience of our advanced societies which teaches us that fundamental truth, that the constitution of politically stable democracies goes hand in hand with the formal rules which guarantee individual and collective freedom, and with the active participation of people from all walks of life, public and private.

We are therefore convinced that the transitions and adaptations of the means of action which are taking place at the moment in many regions of the world confirm the need for a contribution of international organisations. Therefore this reinforces their role of support. This is particularly true for the ILO, as the Director-General, Mr. Hansenne, observed when describing the main line of action in his Report. To carry out the planned programmes and initiatives, cooperation must continue with other international organisations, and particularly with the World Bank and with the International Monetary Fund. At the same time, we must highlight the specific character of the ILO by giving their due to social policies and the affirmation of fundamental human rights. By underlining the particular mandate of our Organisation, we can make an effective, efficient and decisive contribution in defining a new and better social equilibrium.

It is up to the ILO to interverne by supporting inter alia bilateral initiatives, which the Italian Government considers especially important, so that the independence and weight of social change can be recognized within the global transformations. Similarly, it is up to the ILO to ensure that the price of the development policies is not excessively high for anyone. We must be conscious that the cost and the individual sacrifices, beyond a certain limit, will become social costs, capable of undermining and weakening democracy at its roots. For instance, unemployment has a serious negative impact on worldwide demand, and also on the credibility of democratic institutions.

The experience of countries with advanced democracies – some of which such as Italy, suffer from dichotomies and traditional pockets of underdevelopment – teaches us that we have to pay greater attention to the contradictions and possible divergencies which result from new forms of specific marginalisation in advanced society.

History teaches us that democracy is a value which must be constantly nurtured if it is to survive, and that it requires a conscious and constant effort from everyone. It is essential that participation, while respecting diversity of status and expression, include in any case a genuine social dialogue, as ensured by tripartism. This too was mentioned by the Director-General, Mr. Hansenne.

Tripartite agreements are a customary procedure in Italy (right now we are negotiating a comprehensive tripartite agreement on labour costs). Similarly, for the Italian Government social dialogue is not only a *sine qua non* amongst political options, but also an objective to be perfected constantly at both the international and the national levels.

It is precisely in this field that the best results have been obtained at the community level, after the Maastricht agreement. This agreement, of course, leaves many problems unsolved, but it also extends the powers and the spheres of influence and responsibility of the EC in the social field. It thus also leaves spaces for social dialogue.

The experience of the Community as it faces new problems and obstacles on the path to integration such as the negative outcome of the Danish vote a few days ago proves that the transformations that we are witnessing also concern the West. It would be quite wrong to think that the Western democracies can remain unaffected by the major upheavals which are taking place at the moment. Economic interdependence and the common problems of energy and the environment do not leave room for any isolationist policies. The definition of new rules of behaviour is essential for the industrialised West in its relations with the rest of the world.

We are witnessing a host of changes and we have the duty to take upon ourselves new responsibilities, and not to export our errors. We must define instruments and ways and means of employing our energies and resources to defend human rights and combat all discrimination in whatever form it may take.

The rules of the ILO are an essential guide in directing international initiatives. We must consider the application of these rules a priority.

We believe the technical cooperation extended by the International Labour Office should be used to improve the application of the Organisation's basic rules and to foster social relations based on freedom and participation.

The Italian Government will continue to make its contribution in the way outlined, by cooperating in multilateral initiatives and by continuing and intensifying bilateral initiatives.

The recent law which authorises cooperation with the countries of central and eastern Europe, together with an older law concerning cooperation with developing countries, provide us with the appropriate tools to target our work to help develop the human resources and the specific strengths of each country.

In the framework of international cooperation, the Turin Centre has a decisive role to play. Italy will continue to support the Centre and the implementation of the long term development programme. As the Director-General's Report underlines, the Centre needs to change its programme and its structure and adapt it to the new needs in the fields of training.

Mr. DE VRIES *(Minister for Social Affairs and Employment, Netherlands)* – I would like to join my colleagues in offering my congratulations to the President on his election. May I also take this opportunity to congratulate the Director-General on his Report.

Both the theme, democratisation and the ILO, and the content of the Report should provide excellent material for an interesting discussion.

Democracy, as we understand it in my country, would comprise a number of elements, such as control of policy-makers by the people, political equality, political freedoms, and majority decisions in cases of difference of opinion.

Today I should like to single out one question which the ILO is especially qualified to contribute to: this is the issue of political freedom. We all are familiar with the role of the ILO in upholding fundamental freedoms, like freedom of association and collective bargaining, and in encouraging democracy at national and intermediate levels. And when I talk about democracy at the intermediate level, I am of course referring to tripartism, a principle that is so dear to this Organisation.

Tripartism means that workers and employers should fully enjoy the opportunity to play an active part in democracy. The State also has a task to fulfil in tripartism. It is a good thing that these issues were discussed in the tripartite meeting in Brussels which the Director-General was kind enough to organise last April.

As we have learned from recent experience, political freedom is closely linked to economic freedom. In this context it is interesting to see that, the late Frederick von Hayek, the economist, has been vindicated to a certain extent in his absolute belief in the operation of the free market. His scepticism, expressed in works like the *Road to serfdom*, as to the ability of mankind, and especially of politics, to shape the economy has been proved right in industrialised countries as well as in countries in Central and Eastern Europe. This, however, in my conviction, is no justification for rejecting the concept of social justice as he does. As the Report of the Director-General states "...the law of the market cannot be the law of the jungle". In this respect we may draw some inspiration from last year's Papal Encyclical *Centesimus Annus*, in which the social doctrine of *Rerum Novarum* was reiterated and updated.

Centesimus Annus asserts the right of workers and employers to form associations to represent their interests.

This right of association is a natural human right that precedes the integration of man into political society. The key element inspiring this teaching is the role the State should play in the relationship between the social partners. On the one hand, it should act indirectly according to the principle of subsidiarity; on the other hand, it should intervene directly according to the principle of solidarity.

I would like to commend these two principles to the Organisation. In the first place, the part that the ILO can play in the field of solidarity is evident. It is deeply involved in technical cooperation in the world's poorest areas. As for subsidiarity, standard-setting by the ILO has, as a rule, respected the rights of individual members to choose their own way of implementing the principles laid down in the international labour Conventions.

In this context, it is interesting to note that the ratification record of new Conventions since 1975 has fallen lower than ever before. Some ascribe this negative development to the unduly detailed character of Conventions produced since that date. It is certain that before 1975 there were a number of broadly formulated Conventions, which have proved not to be too vague to be applied effectively.

Consequently, I urge that more respect should be paid to the principle of subsidiarity. In the European Communities I initiated a discussed on the notion of subsidiarity. Such a discussion might also be useful in the ILO.

One of the attractive features of ILO standard-setting is the obligation of governments, according to article 19 of the ILO Constitution, to bring Conventions before the competent authority for the enactment of legislation or other action. In this way, parliaments have been informed of the content of all Conventions and of the opinion of the government on them, even if governments do not have the intention to ratify them. In this way, the fathers of the ILO Constitution attempted to ensure that parliaments would be fully informed about international labour Conventions. Its intention is to ensure that the public at large is also informed, an essential contribution to democracy.

In this context I trust that developments in the European Communities, tending to a certain EC competence in this respect, will allow for a continuation of this democratic ILO tradition.

Finally, I would like to conclude on a positive note. As you know, the Netherlands has always considered industrial democracy to be an important element of democracy in general. Consequently, we have an extensive system of information and consultation of workers at the enterprise level. I am pleased to be able to inform you that we will shortly be ratifying the additional protocol to the European Social Charter of the Council of Europe. On this ratification, the first international instrument that embodies the principle of information and consultation at the enterprise level will enter into force.

Miss SIMPSON *(Minister of Labour, Welfare and Sport, Jamaica)* – On behalf of the Jamaican delegation, I take tremendous pleasure in extending very warm congratulations to the President and the Vice-Presidents on being elected to preside over the deliberations of this 79th Session of the International Labour Conference. We are confident that under the President's leadership, assisted as he will be by his very able Vice-Presidents, this Conference will benefit our peoples.

My delegation views the Director-General's Report to this year's Conference as a remarkable declaration of faith in the invincibility of the human spirit. On every page of the Report, the absorbed reader, by the inward stretch of the intellect and the outward reach of the imagination, shares in the recent stuggle of the greater portion of humankind not only for freedom in all its diversity, but also for the full development of the human personality. We salute the Director-General for his effort in producing a brilliant Report, that gives a sense of place and purpose to humanity the world over.

Democracy and the deepening of the democratic process have always been on the agenda of concerns of the people of Jamaica. The notion of freedom that underpins democracy has always been viewed by us as the only reliable path for the survival in dignity of a region of the world whose history chronicles the exploitation of labour, the psychic violence of racism, and social and economic marginalisation. It is for this reason that my delegation views the theme of this year's Report to the Conference with such admiration and satisfaction.

Situated as we are in the Caribbean basin, we are strategically placed to observe, analyse and conclude that change in the global order has proceeded at a rapid pace, and has had profound effects on all aspects of life of the peoples in the industrialised countries, developing countries and former socialist countries. These changes have been even more dramatic in the last five years.

The cold war is now behind us. In its place has developed one military superpower, instead of a world order which was previously based on two world superpowers striving for allegiance and support of countries in the developed and developing world. Economic power has now been more evenly spread amongst a number of highly industrialised countries. An era of world peace is now with us.

The last two decades have seen an increasing movement towards regional economic groupings. In all of this, democracy as a form of political organisation, the recognition of human rights and the extension of individual freedoms have largely superseded the dictatorships and repressive regimes which were so widespread just over 5 years ago. In these areas, great satisfaction must be expressed at the accomplishments of peoples all over the world.

We wish, on the basis of the suggestions contained in the Director-General's Report, to suggest that we should waste no time fighting the past. The challenge confronting us now, as we see it, is to build the future.

Again, the Report points us in the right direction. "No effort", says the Director-General, "must therefore be spared to prevent the hopes born of political liberalisation from being frustrated by upheavals in the economy".

My delegation wishes to encourage fellow delegates to concentrate on arriving at a framework, out of which can emerge a clear direction that leads towards greater economic democracy, where the political ideals of democracy are incorporated into the sphere of economic endeavours, efforts and activities.

The democratisation of the way in which the global economic system works must reinforce the virtues of a set of principles based on liberty and equality. Economic democracy in this regard means a particular approach to economic development, one that preserves the national integrity of society and recognises and surmounts the external conditions imposed by historical factors and political geography. While there can be no eternal blueprint there must be a consistent set of values that radiate in our thinking.

Furthermore, economic democracy will foster the acquisition of real worth by all citizens, and particularly by those who are currently without any economic resources. What has led to the crisis of governance in the world political system today is the feeling of the mass of the population in the world that they have been deprived and wronged by economic systems that have failed to function in their interests, and that they play no part in the decision-making process. To transform this negative attitude we need clearly to make the values of democracy more universal.

We are happy to note that the International Labour Organisation is committed to concentrating more explicitly on supporting the establishment of more open and just societies. Jamaica has benefited tremendously from the Organisation over many years and I wish to put on record the gratitude of the Government and people of Jamaica for past and continued assistance in the development of our public institutions.

My country is firmly committed to the pursuit of the good government of society in all its dimensions – political, technical and institutional. For us, governance has come to mean the capacity to exercise authority, solve problems, resolve conflicts and implement programmes and policies.

With the rise of open market economies and the advance of pluralist political systems throughout the world, the only winning strategy will be the establishment of an environment that complements these mega-trends by establishing an enabling environment for both the public and private sectors, by strengthening key institutions to ensure concern for social equity, commitment to the rule of law and a committed political consensus.

This Conference is very important to us. Like so many other countries represented here, our struggle to deepen our democratic process is not perfect in every way. But it is precisely because what is not perfect has the potential to become better that we have chosen to have a presence at this Conference in order to match our words and our thoughts and our knowledge with the actions that are proper to the situation and circumstances of the day.

We salute the International Labour Organisation in its effort to promote democracy around the world and stand committed to support any activity that the Organisation may pursue to this end.

Long may democracy prevail. May the democratic process deepen and the peoples of the free world be ultimate victors, whether or not they occupy the seat of power in the days that lie ahead.

Original – Bulgarian: Mr. VANOV *(Minister for Labour and Social Affairs, Bulgaria)* – Allow me to congratulate the President on his election to this position of responsibility and, through him, to wish a fruitful debate to the participations in the 79th Session of the International Labour Conference.

At the outset of my statement, I would like to stress the great importance which the Republic of Bulgaria attaches to its relations with the International Labour Organisation. Mindful of the leading position of this Organisation in international relations concerning social problems, we are convinced that the expansion of technical cooperation and a still more active share in its overall activity will contribute to the progress of our country.

There can hardly be a more timely topic for discussion by this august body than the issues raised in the Director-General's Report, which are of the greatest importance to the international community at large, and to my country in particular.

The principal object which the people and Government of the Republic of Bulgaria have set themselves at this stage is to build a democratic society and make the transition to a market-oriented economy. The general and local elections, held in October 1991, and the presidential elections in January 1992, marked a crucial stage in this peaceful transition. As a result, new legislative and executive bodies were elected at all levels and the first Government, consisting entirely of representatives of the Union of Democratic Forces, was formed.

Admittedly the transition to parliamentary democracy and the market economy has proved considerably harder than expected at the outset. Nevertheless, in the past six or seven months we have achieved a great deal in the implementation of comprehensive reforms in social and labour relations.

The Union of Democratic Forces, as a ruling coalition, is concentrating its efforts on the creation of a legal framework for the market economy and the consolidation of democratic institutions. The incumbent National Assembly has speeded up its work on the codification of the processes of privatisation and restitution of foreign investment and the restoration of agricultural land to its former owners. We view these processes as a key element of the reform. I should say here that, in carrying out the legislative reform in the area of ownership, we proceed from the understanding that privatisation should combine economic expediency with social justice. This principle underlies the legislative acts regulating the economic reform. A number of bills will be voted into law to regulate labour relations, employment, social security, social assistance and so forth.

Along with legislative measures, a number of steps have been taken towards practical implementation of the reform. Among them I would particularly single out the anti-inflationary measures, the measures to stabilise the balance of payments and to restructure manufacturing industries in line with the requirements of the market. The transition to a market economy, which is the main objective at this stage in the economic and social development of the Republic of Bulgaria, is accompanied by difficulties.

The contraction of traditional markets as a result of these factors has had an extremely adverse effect on manufacturing activity which was, in any case, severely depressed by the policy of financial austerity which the Government is compelled to implement. In turn, this has led to deep cuts in personal incomes and to considerable unemployment and has forced the Government to make structural and personnel changes in its composition in order to reactivate the reforms. The urgent need to speed up the economic reform has prompted the present Government to seek ways of revising the approach to social dialogue and its organisation. The idea behind a streamlined organisation of social dialogue is to achieve effective results conducive to an acceleration of the economic reform. Significantly, there is a public consensus that the promotion of tripartite partnership is one of the key factors in a radical replacement of the system in conditions of sustained social peace.

The Government of the Republic of Bulgaria is convinced that the more points of convergence are identified, the more feasible it will be for labour relations to turn into a constructive factor for social development. Problems can be resolved more quickly and at a lower social price when the social partners are engaged in a sustained dialogue and labour relations are based on a well-considered and carefully weighed cooperation rather than on methods of dispute and pressure. The difficulties in the selection and construction of an adequate model of labour relations arise precisely from the key characteristics of the workers' and the employers' organisations in the country, as appropriately reflected in the Report of the Director-General and in the discussion paper submitted by the International Labour Office at the symposium on tripartism, held in Brussels in April 1992. The Government takes a positive view of the joint conclusions adopted by the International Organisation of Employers and the International Confederation of Free Trade Unions during this symposium. The Government furthermore agrees that employers and trade unions should pursue their own dialogue so as to reduce the dependence on central Government. Along with that, we do not deny the need for tripartite consultations and cooperation. In corroboration, I would like to indicate that the Rules of Procedure of the National System of Social Partnership were adopted only days ago. The range of topics covered is rather wide, extending to labour legislation, social security and living standards, labour and social disputes, collective bargaining, structure of consumption, wages, level of employment and stabilisation of the country's socio-economic situation. The guidelines and organisation of this cooperation were worked out to take into account the new realities in the country and the fundamental provisions of the instruments of the International Labour Organisation. This is a decisive step in democratising industrial relations based on autonomy of the parties, pluralism and participation in decisions that affect them.

In conclusion, I would like to point out that the treatment in the Report of fundamental human rights and the protection provided by international labour standards, freedom of association and non-discrimination in employment are of particular interest to us. In this connection, we are to carry out joint activities with the International Labour Office. In the autumn of this year we will hold a workshop on these matters together with the International Labour Standards Department. We are aware of the importance of this and it gives us reason to declare our support for the policy of the International Labour Organisation of closely linking technical cooperation with fundamental international standards in the area of human rights.

As is known, the Republic of Bulgaria was admitted to membership in the Council of Europe on 7 May 1992 and negotiations have already started on the country's association with the European Communities. On this basis, the gradual integration of the Republic of Bulgaria with the social and economic structures of Western Europe may confront us with problems which pose a challenge to unifying Europe now. We must not forget that these are problems of the day and that they require concerted efforts to overcome them quickly. To this end, we need help in the form of technical cooperation aimed at successful implementation of our legislative reform, at training the social partners and particularly the employers. The idea is to overcome the dividing lines between us, so that we can join the international social dialogue and work for the fulfilment of the tasks which the ILO has set itself in its Constitution and which are specified in international labour standards.

(Mr. Nascimento Rodrigues takes the chair.)

Original – Spanish: Mr. **GONZALEZ DUBON** *(Minister of Labour and Social Welfare, El Salvador)* – I should like to express the pleasure of my delegation at the President's election to chair this session of the Conference and extend these congratulations to the Vice-Presidents. I should also like to express my appreciation to the Director-General for the task he is accomplishing at the head of our Organisation which is reflected in his Report, and extend a friendly greeting to the distinguished delegations, new Members, observers and special guests.

The programme of the Government of El Salvador has four goals: peace, democracy, economic development and priority in the social sector to combating poverty. We conceive of peace in the political sense, not as an end but as a means, forming part of a process of consensus enabling all Salvadorean people to achieve reconciliation within society.

President Cristiani in his inaugural message of 1 June 1989 said that he was ready to work, from the first day of Government, for peace, taking care not to undermine in any way the institutional framework.

Progress has been slow, but sure. The first meeting between the Government and the FMLN was held in Mexico City in September 1989. This led to the Final Peace Agreements, setting out the conceptual framework for the negotiations and establishing rules of procedure. The second meeting between the parties took place in San José, Costa Rica, in October 1989 when the Government proposed that from that time on hostilities should cease immediately and the members of the FMLN should be integrated into the peaceful and democratic life of the country, facilitating the establishment of the FMLN as a political party. Under the agreement signed in San José, it was made clear that there was a need to achieve agreement on the cessation of armed conflict, the respect of the rights of the civilian population and a timetable for the cessation of hostilities.

In the Palais des Nations at Geneva, right here where we are meeting now, the United Nations agreed to use its good offices and conclude, together with both parties, an agreement, which was signed on 4 April 1990. The intention of this process of negotiation was to end hostilities by political means and promote democratisation of the country, guarantee full respect for human rights and reunify the society of San Salvador, and no unilateral abandonment of negotiations.

Further to this, an agreement was signed in Caracas on 21 May 1990, establishing a general agenda and a timetable for the negotiations.

The first positive result of all this preliminary phase was the Agreement on Human Rights, signed on 26 July 1990 in San José, Costa Rica. This was followed by the agreement of 27 April 1991 signed in Mexico, setting out fundamental reforms of the Constitution in the fields of human rights, the electoral system, the judicial system and the armed forces. These unique constitutional reforms, without precedent in the institutional life of a republican system have already been ratified by the Legislative Assembly.

As regards human rights, the Office of Attorney for the Defence of Human Rights has been created, with the task of ensuring that these rights are respected and guaranteed and of initiating investigations into any violations which may occur. As concerns the electoral system, the body responsible for the enforcement of the law in this respect has been upgraded to the status of a supreme electoral court comprising five judges from different institutes, of different shades of political opinion. In the political field, the FMLN has been allowed to become a legal political party. In the area of administration of justice, a National Council of the Judiciary has been set up as a body independent of the judicial system. But the most far-reaching reforms have been in relation to the armed forces. The Treasury Police, the national guard and military institutions have disappeared and have been replaced by two new bodies – the Academy for Public Security and the National Civil Police.

The final phase of the peace process has been taking place as follows. In September 1991, at the United Nations headquarters at New York, the National Commission for the Consolidation of Peace (COPAZ) was set up, to be responsible for supervising the implementation of all the political agreements in conjunction with ONUSAL, the United Nations observation mission. You will recall how, at the last minute on 31 December last, the Agreement of New York was signed providing for the signing of the final agreements on 16 January and putting an end to hostilities on 1 February. The final push in both cases was given by President Cristiani himself.

The agreements are being implemented. On 16 January the peace agreement – or Chapultepec agreement – was signed. On 1 February, the cessation of hostilities or cease-fire began and COPAZ was formally set up with representatives of all political parties, the Government and the FMLN. Recently, a forum for economic and social consultation was set up, and is a tripartite body, as encouraged by the ILO.

The aim of the forum will be to create a new society, and encourage the signing of a package of agreements to help improve the country's social and economic development in the interests of all people of El Salvador.

The Government has given the forum the priority task of revising labour laws to promote and maintain a climate of harmony in industrial relations without detriment to the unemployed sectors and the public in general in a social market economy. We hope that very shortly we shall have modern labour laws which benefit producers and consumers.

It is appropriate on this occasion to announce too that the Government of El Salvador, through the Ministry of Labour, has carried out the necessary studies with a view to proposing to the legislative Assembly the ratification of all ILO Conventions laying down standards for the protection of women and young persons in employment.

As concerns wage policy in the private sector, for the third successive year the minimum wage has been increased for industry, commerce and services. This increase took place with the tripartite consensus from the private sector, workers and the Government in the national minimum wage council and amounts to a 15 per cent increase.

Within the general framework of the whole process of the institutional modernisation of labour legislation, supplementing the modern labour code which emerged from the forum for consultation, will have a new organic act, drawing by the Ministry of Labour covering the new institutions of the Ministry. We will also be presenting a Bill on apprenticeship, skilfully regulating the training and protection of young apprentices. And in the field of vocational training a national system and a national council for vocational training will be set up. The council will be a tripartite body to lay down standards and guidelines for all policy covering skilled and semi-skilled workers, thus satisfying the demands of modern industrial retraining to aid economic and social development.

The choice of *Democratisation and the ILO* as the subject of this session of the Conference, has given my delegation the opportunity to tell you about the progress made in the process of peace and democratisation in El Salvador, prerequisites of a society based on the rule of law, which respects social justice and the humanisation of the Salvadorian people. There cannot be social peace without democracy, nor political democracy without economic democracy. I should like to close by mentioning the speech made by President Cristiani at the 33rd Annual Meeting of the Board of Governors of the Inter-American Development Bank at Santo Domingo. He said that there would be major reforms in the social sectors and an integrated policy drawn up, since he could not conceive of education without health, health without nutrition, nutrition without housing, housing without work, work without welfare provision, welfare provision without development and a strengthening of the family, and effective protection of the environment.

Mr. COOK *(Minister for Industrial Relations, Australia)* – First, let me congratulate the President on his election to preside over this session of the International Labour Conference. We are confident that, under his guidance, the Conference will achieve constructive progress in relation to the many important items on its agenda.

I am particularly pleased to announce that, today, the Australian Government will lodge its ratification of three maritime Conventions with the Director-General. This brings the number of ILO Conventions ratified by Australia to 51. It is anticipated that, over the next 18 months, Australia will be ratifying more Conventions. These should include the Workers' Representatives Convention, 1971 (No. 135), the Rural Workers' Organisations Convention, 1975 (No. 141) and the Labour Relations (Public Service) Convention, 1978 (No. 151) which would complete our ratification of all the ILO's basic human rights Conventions. Australia has a federal system of government. Therefore, the strong commitment to Convention ratification reflects not only the view of the federal Government, but also the views of our State and Territory governments as well. We believe that the Conventions are fundamental to establishing and protecting minimum standards of employment and encouraging adoption of such standards internationally.

Last year at the Asian Regional Conference I announced a substantial increase in Australia's assistance effort to the ILO in this region. Our programme is designed to help implement international labour standards in the region and to provide the ILO with a flexible "quick response" capacity to meet areas of emerging need. Australia, with the full support of our social partners, will be active in seeking out further opportunities to contribute to the ILO's work in the field.

I welcome this opportunity to speak on issues raised by the Director-General's Report, *Democratisation and the ILO*. In this forum last year and in my speech to the ILO Eleventh Asian Regional Conference last December, I stressed the need for reform of the International Labour Organisation – so that the Organisation can contribute more effectively to improving international labour standards and social conditions during an era of momentous political change.

As the Director-General emphasises in his Report, the trend towards democracy and the associated liberalisation of markets may entail substantial short-term economic and social costs. Consistent with its mandate, the ILO must respond with all possible speed and effort to help fragile democracies deal with this challenge. It is important, however, that the ILO's efforts in this area be prioritised to ensure that its vitally important role in assisting the implementation of fundamental labour standards in developing countries is not diminished

We must be realistic about where the ILO's activities can have maximum impact. The ILO can only work effectively in a member State where there is reasonable political stability and at least a broad consensus about what must be done and how it might be achieved. The task may be too great for any one agency, even on matters falling squarely within its mandate. The ILO must therefore continue to develop strong links with other UN agencies and bodies such as the IMF and the World Bank so that a properly co-ordinated effort can be pursued.

The Australian Government believes that, to promote and sustain socially responsible development in line with democratic principles, the ILO should aim at the objectives of: securing recognition of fundamental human rights by the new democracies including through the implementation of international labour standards; encouraging dialogue between governments and the social partners to build the consensus needed to develop economies which reflect broad social, and not merely economic, goals; helping strengthen national institutions which enable effective and free dialogue; equipping itself to provide the help its constituents need to face these challenges.

Respect for fundamental human rights and social justice are the values which guide the ILO. The great changes taking place around the world pose serious threats to the achievement of these objectives. The ILO must continue to ensure that the implementation of its labour standards is the foundation for socially responsible development.

It must therefore be able to respond to requests quickly and with authority. Its priorities must be in harmony with - and have the effective agreement of - the great majority of its membership.

At the regional level, more emphasis should be placed on tripartite consultation to identify areas of priority need and action. This means that the ILO's constituents must have better information on organisational priorities, resource constraints and evaluation of current activities. At the national level, strong institutional structures are needed to plan and implement adjustment policies and programmes.

The ILO is right to allocate substantial resources and effort to assist the development of employer associations and trade unions, because the social partners must be independent, representative and well-informed if they are to speak authoritatively for their members. It is also right to recognise the important role of labour ministries within governments in shaping economic and social policy.

The Director-General's preliminary Programme and Budget proposals for 1994-95 provide the opportunity by which the ILO can make itself better equipped to support its constituents. The International Labour Office now has the task of translating the proposals into a concrete programme of action. Full advantage must be taken of this key opportunity to implement reforms. The approach must be bold and exhaustive. We do not want to be disappointed with the outcome.

While the basic structure of the ILO's major technical and support programmes must be maintained, each needs to be examined afresh to ensure that it reflects current priorities, justifies the resources it has received and operates practically and effectively. In many cases major changes will be required within programmes to make way for new priorities.

The Australian Government supports changes in the structure of the International Labour Office to provide a stronger capability to manage operational activities and to provide rapid effective advisory services at the area and regional office level. But, moving scarce resources to the field has to be balanced against the need to maintain a strong central focus in information gathering, analysis, policy advice, programme formulation and evaluation across all the areas within the ILO's mandate.

The Programme and Budget for 1994-95 will mark an important milestone in the reform of the ILO. The change in direction which is envisaged by the Director-General's proposal will take several years to accomplish. It will require a strong, constant commitment to reform by all of the ILO's constituents. Against this background, I wish to put forward some more specific reform ideas on behalf of the Australian Government.

Some of these ideas are already on the agenda of other ILO participants. All of them would strengthen the ILO's role in helping democracy progress and assisting member States in other ways.

First, the Australian Government considers that a review of international labour standards is now critical to ensure their continuing relevance. This review should cover the development of new standards and the rate at which they are adopted, the revision of older standards and the most appropriate supervisory and reporting procedures. Current reporting arrangements are creating real strains. Many member States, including Australia, have voiced their concern that the workload is becoming unmanageable. It is not enough to discuss strategies and review progress once every four years at the ILO's Regional Conference.

One approach to better consultation would be to establish tripartite advisory groups. These could meet ILO staff during each Conference to examine programmes at the country and regional level, resource levels and evaluation of performance against objectives.

The way the Governing Body and its Committees function needs to be reviewed. The time consumed is very high, six to eight weeks per year. The cost is also very high, 14.6 million dollars in the current biennium.

Finally, a steering and coordination mechanism is needed to ensure control and guidance for the process of reform. Though this is a role the Governing Body itself could undertake, it may be more practicable for the Officers of the Governing Body to take up this responsibility.

In conclusion, the Australian Government supports the Director-General's efforts to reform the ILO to improve its effectiveness and relevance. We continue to stand ready to assist this process in any way we can. We urge our fellow ILO constituents to join us in this cause.

Original - Portuguese: Mr. TORRES COUTO *(Workers' delegate, Portugal)* - Mr. President, I should like firstly to greet you warmly, and pay tribute to a citizen who never forgets social concerns. As a Portuguese it is a great pleasure for me to see that this Conference is being led by a compatriot who has played a very important role in the life of our country. It is a great pleasure, therefore, for me to address this Conference, as it is presided by a friend, and a person who is widely respected in my country.

I should like to stress the importance of the Report of the Director-General; it eloquently describes the progress of democracy in different regions of the world and the role and activities of the ILO in this field.

I should like to acknowledge the excellence of the Report of the Director-General in so far as he calls our attention to the fact that the liberalisation of markets can cause inflation and unemployment. The strengthening of democracy and freedom means that the right to well-being should also become a reality and this requires greater solidarity.

The message which I bring you on behalf of Portuguese workers is a message of concern, of hope and of solidarity.

We are concerned with the state of the world and with the suffering and horror experienced by millions and millions of men and women, whose civil rights and dignity are still violated and frustrated daily. Peace and harmonious progress cannot be built while the differences between North and South, between rich and poor, between the free and the oppressed persist. We are concerned with the martyrdom of the peoples and workers of Africa, Latin America and many regions of Asia. We are also concerned with the situation in central and eastern Europe. War and barbarity are turning back the clock in Europe. The threat of death and hunger weighs heavily today on millions and millions of Europeans.

The world needs to take a new stance. All the goodwill and all technical and material means must be mobilised so that wars will be replaced by peace, so that work will replace unemployment, so that harmonious economic and social development will eradicate hunger, misery and the degradation of natural resources so that freedom and democracy will replace oppression and the violation of human rights, and so that freedom of association and social justice will eliminate the exploitation of men and inequality.

This Conference is concerned with two serious problems of our day and age: the prevention of industrial disasters and the protection of workers' claims in the event of the insolvency of their employer.

In the first case, the entire underlying philosophy behind the organisation of economy is being questioned. The economy should serve man without attacking nature. Man should be the subject and the receiver of economic activities and must not be sacrificed to them. The instruments which are to be adopted should guarantee that priority is given to prevention by identifying and eliminating the causes. Industrial disasters are rarely unavoidable. The wealthiest and most developed countries and large multinational groups should be required to foot the bill for changes which may be needed.

In the second case, that of workers' claims, it is vital to understand that the interest of any man or woman are always less well defended than those of an enterprise, organisation or the State. For workers, the loss of their claims may mean hunger, misery and despair for their families.

In Portugal we are unfortunately witnessing greater numbers of bankrupcies and the closing down of companies. Workers feel vulnerable: employment is becoming more precarious and unemployment is growing. Even in the public service, thousands of workers fear for their jobs. The threat of social problems hangs over the heads of tens of thousands of workers and their families. It is essential that workers' claims should enjoy a higher privilege than those of the State, social security or any other privileged claim. But we must go further: a wage guarantee fund to ensure that workers in all events always receive wages due and compensation for dismissal should be set up by company contributions in every country.

I said previously that the message that I bring to this Conference is one of hope and solidarity.

There are clear signs which encourage the hope of a better world. Dictators are falling, countries are becoming more democratic, apartheid seems to be reaching its end, and some African countries, such as Angola are tasting peace. The need for military investment is falling and the resources thus freed can be transferred towards peace, democracy and the building of a new, more just, international order.

However, for this hope to become reality, solidarity must be encouraged. Silence in the face of the violation of human rights, indifference in the face of hunger, misery and suffering, are not compatible with humanist ethics which must guide humanity at the end of this century.

I should like to take this opportunity to call the attention of the international community and of this Conference once again to the systematic violation of human rights and trade union rights which has been affecting people for more than one decade, victimising thousands of workers in a genocide which culminated in November in the cemetery of Santa Cruz. I refer, of course, to the murder of the Maubere people, and I hope that this Conference will condemn these events and show its solidarity for East Timor. Only with solidarity can we build a better future...

Original – Portuguese: The **PRESIDENT** – The Indonesian delegation wishes to raise a point of order.

Mr. **PASARIBU** *(Workers' adviser, Indonesia)* – The Workers' delegate of Portugal has strayed from the topic under discussion, that is, the Report of the Director-General, *Democratisation and the ILO*. Moreover, this august body is not supposed to deal with political questions, which fall within the competence of the relevant United Nations bodies.

I therefore request you, Mr. President, under Article 14 of the Standing Orders, to direct the speaker to confine his remarks to the subject under discussion.

Original – Portuguese: The **PRESIDENT** – It is impossible to call to order a delegate who has already finished his presentation.

I now give the floor to Mr. Tsolmon, Minister of Labour, Mongolia.

Mr. **TSOLMON** *(Minister of Labour, Mongolia)* – On behalf of the Mongolian delegation and or my own behalf, I wish to congratulate Mr. Nascimento Rodrigues on his election to the Chair of this Conference. We are confident that under his able leadership this Conference will come to a successful conclusion. I would like also to extend our congratulations to the Vice-Presidents on their election.

May I also address our thanks to the Director-General, Mr. Michel Hansenne, and his staff, and express appreciation for the valuable Report they have prepared. The historic developments we have witnessed over the past few years make the choice of the Report's theme, *Democratisation and the ILO*, very timely and appropriate. This confirms the fact that the International Labour Organisation is playing a significant role with regard to the developments occurring in the world.

As the Report rightly points out, "democratisation is nearly always accompanied by a change of economic system or (...) by a challenge to the role of the State in economic matters". Proof of this is the developments that have taken place in my country over the past two years. During the process of democratisation of our society, the Government has implemented economic reforms directed towards the transition from a centrally planned economy to a market economy. During this period we have undertaken a number of measures aimed at the privatisation of state property and the liberalisation of prices and foreign trade. Much attention has been paid to laying down the legal basis for market relations. A number of Bills have been drawn up and passed by Parliament.

Today, the privatisation process in my country has gained full momentum. The first state of privatisation, covering small enterprises, shops and restaurants, has been completed. Over 60 per cent of small and medium-scale enterprises and 40 per cent of large-scale enterprises have already been privatised. As a result, the role and impact of the private sector in the national economy is increasing rapidly. Apart from the privatisation fo state-owned enterprises, policies are being pursued to support newly emerged private enterprises and assist them in moving towards market relations.

However, in the process of restructuring the economy and privatisation new problems are arising in the field of labour and social security. One of the most important problems today is that of employment. Unemployment, in particular among young people and women, is continuing to increase considerably. Because of the limited investments in creating employment, the Government is paying considerable attention to promoting self-employment and small businesses. The reforms carried on in the field of labour call for closer cooperation between the Government and its social partners in order to address labour-related issues together and to develop sound industrial relations.

At the beginning of this year we set up a tripartite commission to regulate social and labour relations. We have also concluded a general agreement between the Government, trade unions and employers. In this context, we fully support the idea that the ILO should play a prominent role in encouraging tripartite cooperation within its member States in order that the market economy be more effective.

Turning to the issues which are on the agenda of this session of the Conference, I would like to express our satisfaction and to stress that the ILO, faithful to its tradition, has not failed to place on it such issues as the protection of workers' claims in the event of the insolvency of their employer, adjustment and human resources development and the prevention of industrial disasters. These issues, fully in line with the ILO's mandate and noble concerns, are directly related to the problems being raised by the profound and rapid changes in the world.

My delegation supports the adoption by the Conference of the Convention and Recommendation aimed at protecting workers' claims in the event of the insolvency of their employer. For countries with small populations, like Mongolia, the development of human resources is of utmost interest and importance.

In order to overcome the changes in the structure of labour markets we do not need to improve the training system to make it more flexible and capable of responding more promptly to the new demands of the occupational environment.

We are also paying special attention to the issue of occupational safety and health. A new unit, the Labour Inspection Department, has been set up in the Ministry of Labour. The ILO's Conventions related to this subject, namely the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and the Occupational Safety and Health Convention, 1981 (No. 155) have recently been submitted to Parliament for ratification. A Bill concerning occupational safety and health is now under preparation. I would like to take this opportunity to express our thanks to the ILO for the comments and observations it has made on this Bill.

Mongolia has always attached, and continues to attach, great importance to technical cooperation with the ILO. On behalf of the Government of Mongolia, allow me to thank the ILO Regional Office for Asia and the Pacific for the valuable assistance and support that it has given my country. I should like to reaffirm the strong desire of the Mongolian Government to continue, and to further develop, its cooperation with the ILO and with all its member States.

I am pleased to welcome all the countries which joined the ILO since the last session of the Conference and wish them every success in their future activities.

Original – Arabic: Mr. DAHLAN *(Employers' delegate, Saudi Arabia)* – In the name of God, the Merciful, the Compassionate! I should like to start by congratulating – on behalf of the employers in Saudi Arabia – Mr. Nascimento Rodrigues on his election to the presidency of this 79th Session of the International Labour Conference and to wish him every success in his work.

On this occasion I should like to extend greetings to all my Muslim colleagues present here today which an important festival for Muslims – the Feast of the Sacrifice.

I should also like to thank the International Labour Organisation for having organised this Conference which takes us one step further in our quest to increase participation in the formulation of ideas and approaches to help mankind. The fact you are dealing with a number of vital issues such as democratisation and human rights is further proof that you are making great strides forward in the history of labour. This is not surprising because the ILO has always been concerned with collective action for the protection of basic rights. The ILO has a long and rich experience in trying to promote systems covering all areas relating to workers and their needs. It has also always tried to increase cooperation between the various member States, in order to create a climate likely to preserve these rights.

And if you add to the question of human rights other items of discussion on the agenda – such as the protection of workers' claims in the event of the insolvency of their employer – then you will see that we are confronted with a vast area for discussion to try to find solutions to these many questions in a large number of countries.

So far as we are concerned, in Saudi Arabia, we have always had a clear view of what should be the rights and well-being of present and future generations. At the same time, we are trying to incorporate all new developments around us, because our civilisation, culture and values allow us to incorporate all these new trends. The new regulations which have just been promulgated on the Government, dialogue and regionalisation, are proof that the Kingdom of Saudi Arabia is a State with modern law where people participate in important decisions. They are an indication of the extent of interaction throughout society where all the citizens are part of a national melting-pot – and considered as both the means and objective of development.

Whoever reads closely the text of the basic legislation in my country will understand the extent of political will in Saudi society – which is the will of all its members, from the highest to the lowest – including all those with a responsible position and all workers in the public and private sector. This legislation upholds the basic freedoms of Saudi citizens and the protection of men and women, in accordance with the Islamic shari'a and is in harmony with the changes occurring throughout the world.

In line with this approach the policy of the Kingdom is particularly concerned with local workers, who are vital for present and future development. Indeed, it is characterised by the following:

(1) The continuous expansion of job opportunities provided to the national labour force and the possibility for all workers to undergo vocational and technical training in vocational training and technical centres throughout the regions of the Kingdom, in order to respond to the various needs and changes in the economic sectors. In addition efforts are made to raise the living standards and health of this labour force.

(2) The opportunity provided to all Saudi citizens to study free at all levels, both within the country itself and abroad. The State has devoted a great deal of its efforts and possibilities towards training millions of pupils and students, tens of thousands of scientists, professionals, experts and administrators and thousands of skilled persons capable of shaping the future and dealing with the most advanced technologies.

(3) Wages and social and medical protection granted by the Government are considered amongst the highest in the world. The Government constantly grants wage increases and provides social stability, with a view to softening the impact of rapid social and economic changes occurring within the Kingdom.

(4) As regards the protection of workers' rights, the Kingdom claims to be a pioneer in this field. For instance, in the event of insolvency or bankruptcy of a company, the labour code states that workers' claims have priority. This proves beyond a doubt that workers in the Kingdom enjoy total protection of their rights, whether they are Saudi citizens or not.

Experience has shown that whatever successes have been achieved – either now or in the past – it is the future that most interests workers. This may be attributed to two main reasons:

(1) Man, by his very nature, is intrigued to know what the future holds in store for him. Whatever present conditions may be and in spite of optimistic signs, man is always worried about his future.

(2) There is no limit to people's aspirations, because whatever they acquire in material, social and cultural terms, they always want more. This is the law of nature.

It is for this reason that we must ask ourselves at this Conference what we can do in the future for workers, over and above everything that has been acquired in the past in the area of human rights – in spite of many difficulties and challenges. Indeed, the way contemporary societies are evolving does not allow us to leave the future of workers and peoples to chance. It is vital to plan this future so that it allows all countries to provide their citizens with a better life so that they might find self-fulfillment and stability within a new international order.

I am therefore not exaggerating when I say that the Kingdom of Saudi Arabia has made great advances in providing a better future for its people, taking account of the fact that its principles and values are vital to development. Let us not forget that our unique system, granting security and stability to citizens, has proven that it is most capable of fulfilling man's aspirations for greater freedom, peace, well-being and progress.

Furthermore, I am extremely optimistic about the outcome of this Conference because the frank dialogue that is taking place within these walls will allows us to reach solutions that will have a beneficial influence on human rights in our contemporary world.

Mr. TAN *(Workers' delegate, Philippines)* – I congratulate the President on his election and express our best wishes for the success of this Conference.

It is just as well that at this year's 79th Session of the International Labour Conference we address ourselves to democratisation and the role of the ILO in advancing its aims. That democratisation has once more become predominant in the world's changing political contour is by itself a moral victory for the international organisations, whose foundations have been laid upon the precepts of democracy and whose consistent actions for its advancement are bringing it to fruition. Nevertheless the death throes of totalitarianism and the retreat of many authoritarian governments do not ensure the victory of would-be democrats as, to paraphrase an old adage, even the road to hell is littered with good intentions, and the wounds of violence perpetrated by undemocratic regimes on the human spirit and in many communities remain unhealed.

This is even worsened by the turbulence of democratic transition, with the resurgence of ethnic violence, and the persistence of military regimes that continue to lord it over many Asian and other societies, or where the still tight grip of one-party States has so far successfully resisted the mounting pressure of popular movements for democratisation.

On the other hand, new democracies who are at best fragile have been weakened further by their failure to convert their political victory into tangible economic gains for their people, all because the crisis of the international economic order – a euphemism we fondly use to allude to the failure of industrialised countries to set their economies in order – continues to hamper the possibilities of economic growth and social equity in their underdeveloped societies.

For what use is democracy to people who are hungry, to children who are malnourished, to the increasing many who still wallow in poverty and illiteracy? The experience of my country, the Philippines, may be most instructive of the travails of new democracies. It is not enough for people-power to dislodge a dictatorship. The same power must be harnessed with utmost urgency to re-establish democratic institutions and to rebuild the economy shattered by the bureaucracy and abuses of the past regimes.

International cooperation must be sought and given for these efforts even to begin to succeed because, even if we attempt to push forward the frontiers of our democracy and revitalise its functioning, the forces of darkness, whose previous policies and continuing resistance have mired our economy in stagnation and instability, still lurk in the cracks and crevices of our democratic ideals, seizing every opportunity to pounce on our victory. They are often helped in their evil intentions by the onerous structural adjustment measures imposed on decrepit national economies by international banking and financial institutions.

In our country as well as in others which are similarly situated, the question has been asked before and we must raise it again: can the bitter pill prescribed by these international loan-shark institutions, which often give an overdose of allegedly temporary medication that becomes permanent structural adjustment, really be the cure for our ailing economy? And yet we find that a democratic framework in an environment of freedom, which we must defend by the very ways of democracy itself and the responsible exercise of freedoms are the best antidote to the sinister forces which would like to re-establish the dictatoship that they so enjoyed in the past. Free and honest elections, such as we have recently experienced under the aegis of political pluralism and the principle of democratic alteration of power, stand the best chance of affording real choices for people and their leaders to reach a national consensus.

However, the international economic crisis that keeps on stoking the fires of our own old-pervading domestic crisis has gone for so long that the longer medication takes the less faith we have in the doctors of international economy and their local counterparts. We cannot, for example, see the light in the long tunnel of deregulation and liberalisation when workers, such as ourselves are made to bear most of the burdens and share the least of the benefits of growth and development. Also, we see the need for the wisdom and equity of moving towards more market-oriented strategies. So we get at least the social protection that should have accompanied our acquiescence to these policies.

Yet the liberalisation of trade, investment and finance has gone far ahead, leaving our basic freedoms underdeveloped and confining to reneged promises the respect for human and trade union rights which remains shackled to date in so many developing countries and newly industrialised ones.

Perhaps this is where international governmental organisations, and especially the ILO, can contribute by further widening the democratic space and creating the proper international environment that would allow the dynamics of a socially responsible market economy to take root in our societies and thus improve the chances of greater economic growth and broader social development in societies like ours which need them most.

We must therefore praise the Director-General whose Report to this Conference speaks about the three areas in which the ILO can alter the situation in a country in the throes of transformation in its pursuit of stability.

First, the ILO must conscientiously promote observance of fundamental human rights in all respects, but especially as regards employment and freedom of association. At the same time it must strengthen its various activities to maintain its practical action commensurate with its moral authority.

Secondly, the ILO must take energetic action to encourage a market economy while emphasising the social dimension and adequate social protection, especially for the most vulnerable sections of the population. The market acting alone shows no concern for social equity and the common weal. It is thus necessary for enlightened human beings and institutions to ensure that the social aspect of the market is not left to the greed of the enterprising or crushed by the wheels of unbridled competition.

Thirdly, the ILO must strengthen tripartism and collective bargaining via its various schemes of technical cooperation. This is perhaps the main contribution it can make to strengthening democracy and to revitalising a moribund economy.

In these three areas of priority, the ILO and all of us must help the workers overcome, the pains of adjustments, and thus calm the turbulance of social transformation that have taken hold of the world today. But in all these endeavours it is the ILO's primary role in the community of international governments and institutions always to influence decisions that will broaden the social dimension of market-oriented processes and ensure greater social protection and participation ... especially to the weakest sectors of the population during structural adjustment initiated and sustained by these institutions.

In so doing, the ILO will not only have not increased its relevance in the international community but it will also have shown to the community of nations that cooperation and solidarity are the most dynamic means for creating one world of peace, harmony and prosperity for all.

(The Conference adjourned at 1 p.m.)

Fifteenth sitting

Thursday, 11 June 1992, 3 p.m.

President: Mr. Decosterd

COMMUNICATIONS TO THE CONFERENCE

The **PRESIDENT** (Mr. DECOSTERD) – Before starting our work this afternoon I would like to ask the Clerk of the Conference to read out two communications that I have received from the Government of Austria and the Government of Switzerland respectively.

Original – French: The **CLERK OF THE CONFERENCE** – The communication of the Government of Austria is dated 9 June 1992 and reads as follows:

> Mr. President,
>
> The Federal Government of Austria has repeatedly voiced its opinion that there are no legal grounds why the former Federal Socialist Republic of Yugoslavia should automatically be succeeded by the Federal Republic of Yogoslavia at international level, as advocated in the statement submitted by the representative of the Republic of Serbia and Montenegro of 27 April 1992. Any possible participation of the delegation of the Federal Republic of Yugoslavia in the work of international organisations cannot therefore be considered as a precedent.
>
> As regards the criteria for a possible recognition of the Federal Republic of Yugoslavia, account should be taken of the principles adopted by the European Community on 16 December 1991 concerning the recognition of new States. In this context, Austria attaches particular importance to the respect of human rights and the protection of minorities.
>
> I request you to bring the content of this letter to the attention of delegates at the 79th Session of the International Labour Conference.
>
> Mr. President, I beg to remain.
>
> *(Signed)* Christian STROHAL,
> Permanent Representative of Austria, a.i.

The second communication, from the Government of Switzerland, is dated 10 June 1992, and reads as follows:

> Mr. President,
>
> The Federal Council of Switzerland has taken note of the declaration of the representatives of the peoples of the Republic of Serbia and the Republic of Montenegro, dated 27 April 1992, according to which the Federal Republic of Yugoslavia continues the State, the international political and juridical personality of the Socialist Federal Republic of Yugoslavia.
>
> This declaration raises the question of whether the Federal Republic of Yugoslavia represents the continuation of the Socialist Federal Republic of Yugoslavia as a member of the international organisations, including the International Labour Organisation. Indeed, Switzerland has not recognised the automatic continuity of the Federal Republic of Yugoslavia in the international organisations.
>
> Until these questions have been resolved, the participation of the representatives of the Federal Republic of Yugoslavia in the work of the 79th Session of the International Labour Conference should be without prejudice to future decisions by the Government of Switzerland, and should in no case constitute a precedent.
>
> I request you to bring the contents of this letter to the knowledge of the Conference.
>
> I remain, Mr. President,
>
> *(Signed)* M. de RIEDMATTEN,
> Ambassador and Head of the Permanent Mission
> of Switzerland

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The **PRESIDENT** (Mr. DECOSTERD) – We now shall continue our discussion of tthe reports of the Governing Body and of the Director-General.

Mr. **NWAMUSHUATE MABUMO** *(Workers' delegate, Mozambique)* – First of all allow me, on behalf of all Mozambique workers' organisations, to congratulate the President on his deserved and unanimous election to the high office at this 79th Session of the International Labour Conference.

We are convinced that under his experienced leadership the deliberations of this session will bring about constructive debate and effective substantive conclusions.

We believe that it is most appropriate and timely that the Director-General of ILO has selected democracy, education and economic development as the themes of his Report.

We would like to address in this plenary some aspects that are of great concern to us in relation to democracy, education and economic development, in the hope of contributing to a profound joint reflection on these great and complex problems of developing countries, in particular, and the whole of humanity, in general.

Democracy is a fundamental and indispensable principle whose nature requires social dialogue and political will amongst men, nations and countries in order to safeguard the following values: freedom of individual expression collective opinion and organisational forms; mutual respect for different opinions and their manifestations; mutual respect for socio-economic, cultural and spiritual rights of each group within society.

It is true that from the historic moment in which people integrated and became interdependent, the principles of democracy forcefully applicable to relations between peoples and countries.

These relations were for a long period governed by a backward and jungle rule of "dominator" vis-à-vis "dominated". In short, "eat or be eaten". Today, unless this negative principle is totally eliminated, the whole of humanity will live under this disastrous situation.

It is our conviction that the principles of democracy, if not faithfully applied at the level of relations between people and countries, will always be in danger at local level, resulting in conflicts amongst nations.

What see today is that a failure in appying democratic principles in international economic relations has provoked a loss of immense intellectual capacities. Hundreds of millions of children are denied their legitimate rights to education, health, food, clothing and happiness.

This historic phase of democratisation requires a more elevated level of knowledge, not only to counteract the degradation of our planet, but also to promote a more accelerated development that will more fully meet the real needs of mankind. Education is one of the factors that requires great investment in the medium and long term, since it can improve living conditions for the whole of society.

When the economy of any country is unstable and unbalanced, the education and health sectors, which are vital elements for the rehabilitation of the same economy, are deeply and seriously affected, leading to a vicious circle in which there is no economic development, because there are no financial capacities to elevate the technical and scientific levels of the population.

It is also true that countries liberated from colonialism have given great efforts to education and health after achieving independence but, most unfortunately, such efforts were purposely hampered or frustrated by the degradation of their economics due to various well-known reasons.

Today, we witness the international market of labour, the so-called "intellectual market" where developed countries are recruiting experts and scientists from underdeveloped countries at lower salaries in relation to their nationals, thus brain-draining these countries at the cost of their underdeveloped economy. This state of affairs is caused by international economic conditions which are unbalanced between North and South.

We are of the opinion that there is an urgent need, an historic obligation, in the interest of a sound world economy, for developed countries to contribute effectively with all political will to developing countries, in particular Africa, to efforts to bring about a sound African economic integration by the year 2000.

The violence which manifests itself all over the world – misery, illiteracy, disease, hunger, malnutrition, nakedness, contaminated drinking water – which kills and degradates billions of human beings, as well as the dangers of ecological catastrophy constitute a reality of our days that should alert us to take urgent and effective measures which would prevent a social catastrophy.

Finally, I do not wish to leave this rostrum without reiterating an urgent appeal, launched last month by my Government jointly with workers' and employers' organisations, to the international community to give assistance to Mozambique in terms of food, materials and financial means to alleviate a very grave situation faced by the Mozambican population due to a prolonged war of aggression, drought and, recently, oil pollution on part of our sea coast.

Mozambican workers are confident that the ILO, through the Director-General, will give a very positive response to our appeal through its member States.

Original – German: Mrs. ENGELEN-KEFER *(Workers' delegate, Germany)* – What do we expect in 1992 from the International Labour Organisation by way of the strengthening democracy and social justice?

These have been the basic aspirations of the ILO since its inception. The desire to fulfil them is the driving force behind the commitment by so many countries in this Organisation.

Of course, things have changed over the course of the 73 years of existence of the ILO. Democratisation moves forward, even if there have been moments of regression. However, democratisation at the political level and the establishment and functioning of free trade unions and employers' organisations are not possible without true democracy.

Gradually dictatorships are being swept away in Africa, Asia and Latin America and since the beginning of this year the Wall between East and West in Europe has ceased to exist.

Unfortunately, democratisation is not always of a lasting nature. It is sometimes accompanied by terrible bloodshed and is not always accompanied by the necessary social justice – without which no form of State, not even democracy, can survive in the long term.

That the ILO can give considerable assistance was recalled to us by a guest of honour at the Conference, the Head of State of Zambia, Mr. Chiluba, of Zambia, who very eloquently spoke of the example of his own country. I would also like to recall that the fall of the Wall between East and West and the resulting unification of the country of Germany would not have been possible without the assistance provided by the ILO.

Here, I would like repeat emphatically the warning given by Mr. Chiluba. Without effective help in these young democracies in the fight against poverty, hunger, misery and hopelessness they will not have any chance of survival. This applies to Africa, Asia, Latin America and now, also, for Central and Eastern Europe.

The cold war between East and West is now over. We now for the first time have the chance for worldwide peace. But as long as social injustice on such a scale continues to grow, we shall remain far from permanent democracy and justice.

Only two hours away from here, in Yugoslavia, there is a deadly, murderous war going on which every day is destroying human lives and bringing in its wake untold misery.

We are facing problems today that are greater than any since the end of the second world war. Have we not lost something of our sense of social conscience? Is it not time, perhaps, to take decisions? Do we not recognise our failure to achieve our objectives? The objectives of the ILO and the United Nations. The hopes of the founding fathers have not been fulfilled, the hopes for social equality, a genuine international community. There is a gulf between standards and reality.

Of course, there is talk of a new international economic order although unfortunately nothing specific has yet emerged. Neither is there any sign of wide-ranging political movement which would make it possible to justify appropriate social alternatives to the growing internationalistation of capital.

In contrast to the period after the two World Wars, there are no new paths opening up for the materialisation of social ideals and hopes.

After the fall of Communism there emerged in many places a blind hope in market forces which can lead us only to a Wild West kind of capitalism if we do not apply the appropriate social correction measures.

Our experience in Eastern Germany has shown that the market process must be strengthened during restructuring and that at the same times a social framework must be established to regulate the whole, so that what happens on the market is not contrary to social objectives and the freedom of others.

If we wish to avoid extreme solutions which are dangerous and unacceptable, a balance must be found between market efficiency and social policy.

The assistance provided by the West so far in the reform process is not sufficient. It is devoid, I believe, of the vision and readiness which characterised countries and social groups which had participated in the Marshall Plan after the War. Aid from donor countries must be substantially increased and better coordinated, as was recommended in the joint declaration of the IOE and the ICFTU at the ILO symposium on tripartism in Europe in April of this year.

There is often a lack of proper social conscience. In the same way there is often an absence of political will to adress the social problems and to use genuinely social measures to help shape the market economy process.

This has catastrophic effects which go deep into our Organisation.

We must as trade unions and employers' organisations note that the instruments of our Organisation are tending to become blunted in their effect. I would like to ask the Director-General to correct this dangerous trend.

Firstly, the standard-setting activity of our Organisation, through the intermediary of the International Labour Conference, should not be restricted. It is an error to believe that if there is already a certain number of international labour standards, then this is sufficient. Political, social and economic circumstances change constantly and the same is true of requirements regarding national and international social standards.

It is for this reason that we cannot pause in our task or accept any slowing down in the progress made.

Or course, there must be constant supervision of the ratification and observance of international labour standards at the level of the member States. In this respect the ILO as a world-wide organisation has supervisory machinery of a very high quality.

We would like to ask the Director-General to do everything possible to prevent this supervisory machinery from being jeopardised or simply blunted. In the Governing Body we have seen there are gross violations of both human rights and trade union rights in the developing and developed countries. These matters are always on the agenda. They show clearly that we need strengthen international standard-setting activities. We must also strengthen the respect for the basic rights of employees and workers and for human rights.

I would also like to ask the Director-General to ensure that the standard-setting activities of the ILO are not subject to restrictions imposed by the European Community. In Germany, the Government and employers are together calling for the abrogation of essential international labour standards.

As a trade union organisation we see this as a sign that some industrialised countries feel they can take certain liberties.

Furthermore, steps must be taken to ensure that the autonomy of member trade unions and employers' associations in the preparation of new instruments is not restricted. Such conflicts are increasingly frequent in the various technical committees of the ILO.

These then are our expectations from the Organisation – that the opportunities offered by the destruction of the Wall between East and West are not wasted and that they can be used to create a lasting world peace.

The ILO must not limit its activities as some would often wish. It must of course adapt to the rapidly changing world conditions. It must show greater commitment in Central and Eastern Europe, although not be to the detriment of the pressing tasks which await us in the developing countries.

At all events, our Organisation must remain the bulwark of peace, democracy, humanity and social equality. We have as much need of all this today as we had in 1919 when this Organisation was founded.

Mr. FORSYTH *(Minister of State for Employment, United Kingdom)* – I would like to begin by congratulating the President on his election. It is not only a well-deserved tribute to him personally, but also an honour for Portugal and for the whole of our European region. I myself regard it as a great privilege to have this opportunity to address the International Labour Conference on the important theme of democratisation, which I am particularly pleased was chosen by the Director-General for his Report to the Conference this year. But I hope to demonstrate also the support of the Government of the United Kingdom for the ILO's commitment to administrative reform by sticking scrupulously to the ten minute time limit for my speech.

It has been 71 years since the International Labour Organisation, having held its first two sessions in Washington and Genoa, first met in Geneva. In those 71 years the International Labour Organisation has witnessed and contributed to remarkable transformations in every aspect of society. But none, I would suggest, has been more remarkable than the untiring pursuit of freedom and democracy throughout those years by the peoples of the world.

There have, of course, been many setbacks along the road. All too many of the countries gathered together at this Conference have, over those 70 years, experienced periods when democracy was extinguished by forces from either the left or the right. There remain many countries today where democracy is not yet the reality that many of us would wish to see.

Nevertheless, there is now more reason to be hopeful about the strength and extent of democracy than perhaps ever in the life of this Organisation. Not only in Eastern Europe and the former Soviet Union, but many other countries of the world as well, new democratic forces have taken hold which are genuinely seeking to respond, often in very difficult circumstances, to the desire of their people for a freer and better life.

But democracy is not a plant which can flower and survive in an arid or barren climate. Only by giving individual men and women the freedom to improve and better themselves and to profit from their own efforts can we ensure that political freedom becomes established within the foundations of society. As the Director-General's Report itself says:

> It is a striking phenomenon that democratisation is nearly always accompanied by a change of economic system or, at the very least, by a challenge to the role of the State in economic matters. The countries subject to totalitarian regimes all considered that the population's well-being could not be improved without a change of economic model, and they are resolutely undertaking the transition towards the market economy... They consider the market economy as both a guarantee of prosperity and an indispensable ingredient of regained political liberty.

These are words which I wholeheartedly endorse. They recognise the reality that political and economic freedom must go hand in hand. It is impossible to have one without the order. Moreover, the Director-General's words do, I believe, point to the areas in which the ILO should increasingly be devoting its efforts to ensure the long-term health of democracy in its member States.

Making the transition to a market economy in a society which has for more than a generation been subject to the dead hand of state or centralised control is far from easy. The immediate consequences, both for the industries which have become outdated and uncompetitive and for the people whose skills and education have often failed to keep up with the demands of the wider world, can be difficult and traumatic. That is why my Government applauds the efforts which the ILO has been making to help those countries carrying out this difficult and painful transition to do so in a way which reduces to the greatest possible extent the inevitable difficulties which they will be experiencing.

I am pleased to say that my own Government has been ready and willing to play its part. We decided in 1989 to set up a special fund – which we called the "Know-How Fund" – to provide assistance to the countries of Central and Eastern Europe as they moved towards democracy and a free market economy. We sought through the Know-How Fund to provide practical help, in particular as these countries move, as they must, to restructure their labour markets. We have sought to help them establish employment services and social security systems, develop training for new skills and create an enterprise culture which allows and promotes the growth of small firms and self-employment.

We are now providing such assistance in Czechoslovakia, Hungary, Poland, Bulgaria, Romania, Russia, and increasingls in some of the other new republics of the former Soviet Union. I hope that these efforts are seen as useful and practical by the Governments of those countries. Indeed, I have learned today that they have.

At the same time, we do not believe that any one country can have a monopoly of wisdom as to how such assistance can best the deployed and made effective. Self-evidently, no one country can provide more than a fraction of the assistance which is necessary. Accordingly, we have supported and will continue to support the efforts of the International Labour Organisation and other international bodies to monitor and disseminate information about such assistance programmes, to ensure that we learn from each other what forms of help are likely to be most useful and practical and do not, however unwittingly, duplicate what others are already doing.

Indeed, it was in this context that the British Government hosted a round-table meeting in London earlier this year which brought together the labour ministers of 11 countries of Eastern Europe and the Republics of the former Soviet Union to examine ways of making our assistance more effective, particularly in the area of help for small and medium-sized enterprises. We are particularly glad that the Deputy Director-General of the ILO was able to participate in what proved to be an extremely useful and valuable event.

I would like to finish by saying something about the ILO itself and about the moves taking place towards its reform. The 1980s have been a watershed in many areas of national and international life. In my own country, we have seen huge changes in working methods and patterns. We have seen business reorganising themselves so as to be able to respond more flexibly to the pace of technological change and to the needs of their customers. We are seeing the disappearance of large mass-production units with employees doing the same basic job for a standard number of hours each week. More work is now being done in small units, with each member of the unit contributing a range of skills.

Such changes are, in different degrees and at different speeds, being mirrored by similar and other changes in many other countries of the world. Such changes inevitably need to be reflected in the work of the International Labour Organisation. We need to ensure that the ILO is well equipped to influence and respond to the rapid political, social and economic changes taking place throughout the world.

Accordingly, my Government strongly backs the efforts of the Director-General to focus attention on those areas where the ILO has the maximum potential to support the transition to democracy and a market economy and, conversely, efforts to reduce or withdraw from those activities which may once have had a rationale and a place within its programme of work, but which now appear increasingly irrelevant in the fast-changing world of the 1990s. We believe that the Director-General's Programme and Budget proposals for 1994-95 pave the way towards an ILO which is increasingly relevant to the needs of its Members. The task now is to translate those proposals into a concrete plan of action.

The ILO needs to maximise the cost-effectiveness of its activities by scrutinising and, if necessary, reforming every aspect of its work – this Conference included. If the ILO is to help its Members meet the challenges of democratisation so ably set out in the Director-General's Report, it needs to focus more of its expenditure and effort on activities that will achieve that end.

We have the privilege to be living in an era in which democratisation has made strides which to many of us seemed unimaginable only a few brief years ago. We need, through our efforts both as individual States and as Members within the ILO, to do the maximum to ensure that this process is strong and irreversible. I have every confidence that we shall succeed.

Mr. SANGMA *(Minister of State for Labour, India)* – May I extend on behalf of my delegation and myself the warmest congratulations to the President. I am confident that under his able guidance and that of the two distinguished Vice-Presidents, this session of the Conference will reach meaningful conclusions on the various items of the agenda. I would also take this opportunity to offer my greetings to the Director-General and his colleagues for the excellent support they have always given to our deliberations.

My delegation has studied with deep interest the Report of the Director-General on *Democratisation and the ILO*. Democracy was an article of faith with Indians long before independence in 1947. Our Constitution has declared India a Sovereign Democratic Republic. We are aware that the Constitution of the ILO articulates the same faith. It is a matter of pride to us that our commitment to the democratic system has been progressively nurtured and deepened by our faith in secularism and equality. We are aware that democracy as a political system and way of life evolves from the aspirations of the people. The significant political changes that we have witnessed in recent years in the Eastern part of Europe are expressions of these aspirations. But while democracy may be a very recent phenomenon there, many countries in Asia, Africa and Latin America adopted democracy as a way of life and political system in the fifties and the sixties. It is to their credit that, despite economic difficulties and lack of adequate support from the international community, these countries in the developing world have maintained their faith in democracy. While all countries and all international organisations must support the adoption of democratic values universally, it would be a disservice to the old democracies in the developing world if the international community were to give preference, both material and moral, to the sustainment of these democracies only. Poverty anywhere is a danger to democracy and ultimately to prosperity everywhere.

Democratic values have to be safeguarded from practices which pose a threat to democratisation. The most pernicious of these threats today and in the years to come is terrorism, which is increasingly supported by nacro-trafficking and is often externally inspired and supported. No State which sponsors or supports terrorism in another sovereign State can be truly democratic since its value system inculcates callous disregard for the most precious of all human rights, namely the right to life and liberty. Genuine practitioners of democracy must abjure terrorism in practice; lip service is not enough.

We in India have recently embarked upon a number of initiatives in our macroeconomic policies as part of the process of structural adjustment. These measures include restructuring industry and trade. We are aware that many hard issues will be thrown up by this process. We are trying to ensure that even in the changed circumstances the interests of workers are needed to the full. We believe that cooperation between social partners in the true spirit of tripartism is the most effective way of finding lasting solutions. We have, in the last year, undertaken wide-ranging consultations through our tripartite committees and otherwise. While each country has to evolve its own strategies and areas of cooperation for its developmental programmes, for my country the stage has come when there is a need for greater understanding among international organisations to support the national effort. We have, in this context, greatly welcomed the item on the agenda relating to structural adjustments and look forward to sharing our experiences with member States.

We also welcome the emphasis that has been placed on poverty and problems of the informed sector. We recognise that the growth of employment opportunities and the meaningful involvement of people in productive activity is extremely important for sustaining democratic systems. In my country, we have considerably stepped up our efforts in this regard. We have launched several innovative and specific anti-poverty programmes and would welcome sustained and substantive support in this endeavour. We also note with interest the new focus on the development of human resources and look forward to the report of the Committee on Human Resources. These two issues – poverty and the development of human resources – are extremely relevant to our present stage of development.

Against the background of restructuring industry, the question of the protection of workers' claims in the event of the insolvency of their employer has long been recognised in India. If the proposed Convention is adopted and ratified by all countries, the mandatory payment of workers' dues in the event of insolvency would be a normal incidence of cost in the event of enterprises closing and would not be considered as an additional burden for the industry. We commend the efforts of the session of the Conference last year which led to the drafting of an instrument on the subject. Our objective should be to adopt a flexible Convention so that a large number of countries are able to ratify it.

In choosing the subject of "prevention of industrial disasters" for formulating a Convention, the ILO has sought to address an issue of considerable importance to workers worldwide. The Government of India has taken a number of measures to strengthen the major hazard control system.

We are hosting next April the Thirteenth World Congress on Occupational Safety and Health. The first such conference in the developing world, and I have the pleasure of inviting every one of you to participate in that Conference.

I would like to congratulate the Director-General for his comprehensive report on the conditions of workers in South Africa. The positive developments in South Africa are a result of united action by the international community. We must, however, strike a note of caution as more needs to be done before racial discrimination is completely eliminated. Pressure on the South African Government to hasten the end of apartheid in any form should continues with unrelented vigour.

The Constitution of the ILO mandates that the activities of the Organisation should be directed towards promoting economic development within a framework of social justice. Standard-setting and technical collaboration are twin instruments for achieving this objective. India has always attached great importance to the ILO's standard-setting activities.We recently ratified the Benzene Convention, 1971 (No. 136), and the Labour Statistics Convention, 1985 (No. 160), taking the total number of Conventions ratified by India to 36, and we are reviewing the question of ratifying a number of other Conventions. We feel that the technical cooperation activities of the ILO should have due priority so as to hasten our primary objectives of eliminating poverty, encouraging human resource development and enhancing opportunities for gainful employment. In the final analysis, our success will depend on the cooperation and coordination we achieve to attain our common goal, namely to find work for all and to preserve and cherish all human values.

In conclusion, I would like to congratulate the Director-General for the excellent work done by the ILO under his able leadership. I offer my best wishes for the success of the 79th Session of the International Labour Conference and look forward to productive deliberations.

Original – Spanish: Mr. ROSAS *(Minister of Labour and Social Welfare, Panama)* – I am honoured to address this select audience and I would like to extend the greetings and congratulations of my Government and my delegation to the honourable Mr. Nascimento Rodrigues on his honourable election to chair the discussions of this International Conference, and also to Mr. Solórzano Martinez and the other Vice-Presidents on their election. Furthermore, I would like to express our highest esteem of the distinguished Director-General of the International Labour Organisation and of the honourable delegates of the countries represented at this the 79th Session of the International Labour Conference.

The Report of the Director-General on the burning theme *Democratisation and the ILO* concerns us all. It is a challenge for developing countries to establish and implement programmes to bring about far-reaching improvements in the economic, social and cultural fields in an atmosphere of freedom, respect for the fundamental rights of human beings, and for social justice, all aspects which embody representative democracy.

The topic is of crucial importance for the people of Panama. In the light of a return to a regime of freedom, democracy and justice, and having overcome the institutional trauma of the past few years whose negative effects had repercussions not only in the fields of public freedom, of civil rights and illegal political order, but also in the field of national production. These repercussions were so great that they are still being felt and are proving to be a hindrance to the recovery process even now, two years after our return to a state of law represented by the Government that was elected by the people during the elections in May 1989.

Indeed, during the gloomy times of the *de facto* governments, and more specifically during the 1980s, the Panamanian economy showed obvious signs of impairment in every respect. This situation further deteriorated as of 1987 as a result of the institutional crisis which affected the country and became more acute with the painful events that preceded the process of transition from an authoritarian and corrupt regime to a democratic, organised and transparent one at the end of 1989.

In the financial fields, the public debt exceeded $6,200 million – way beyond the credit worthiness of the State. This is currently one of the most severe obstacles to our economic recovery and to our achieving the growth and development rates demanded by our social requirements.

The general reduction of economic activity had certain negative consequences on the labour market. We found ourselves at the end of 1989 with an unemployment rate which exceeded 25 per cent of the economically active population. This situation has its repercussions on the social and economic conditions of Panamanian families, 50 per cent of which, according to reliable estimates, live in a state of poverty; that is, they cannot cover their basic needs.

In this connection the distribution of income is a factor of great concern. We have observed that poor families, that is 50 per cent of the population, only receive 18.6 per cent of total income. This means that the other half of the population, not considered to be poor, receives 81.4 per cent of the income generated in the country. The immediate return to full constitutional order has re-established the validity of the individual and social rights of the people of Panama: freedom of expression, freedom of assembly, religious freedom, freedom of movement, freedom from fear, equality before the law without exemptions or privileges, the inviability of the home, the right to the social benefits of the public health system, the right to social security and assistance, the right to work with a set of protective standards for the true exercise of freedom of association and the right to strike, the right to a minimum wage, the right to damages in cases of unjust dismissal, the right to free vocational training, and the right to trade union education and training.

Likewise, my Government has re-established the importance of universal suffrage as an undeniable duty, confirming equal, universal, secret and direct voting. It has established political pluralism represented by political parties that are functional organs of the nation. It has renewed the importance of autonomous electoral jurisdiction to guarantee the freedom, honesty and effectiveness of universal suffrage.

However, this democratic rescue cannot restrict itself solely to political freedom and individual rights. It has become part and parcel of the foundations of the economic and social recovery of the country. In this respect, during 1990 and 1991 the economy started a dynamic recovery process. The gross domestic product rose by 4.6 and 9.3 per cent respectively. We hope that there will be even greater growth this year. This recovery has been reflected in an improvement of the employment level by absorbing the growth of the economically active population.

My ministerial administration is aimed at creating closer ties between the production sectors, advocating social and labour consultation for the adoption of the measures necessary for the economy to recover, for production to increase, for unemployment to fall, for the number and quality of jobs to rise, for the economic benefits of production to be distribute more fairly, whilst preserving and improving general working conditions and workers' social benefits.

With this aim in mind, we have organised a symposium on social and labour consultation. In a joint statement submitted by the representatives of the workers', employers' and government sectors, it is stated that "all sectors must make every possible effort if the serious problems facing the country are to be overcome" and also that "the representatives of the workers', employers' and government sectors repeat that dialogue is the best way to overcome current problems". To this end they agreed to set up a tripartite working group which has already started its consultation work.

With the same aim, the Ministers of Labour of Central America, Belize, Panama and the Dominican Republic, in our fifth meeting held in Panama last April, recognised that within the process of consultation which is being developed in the region, the importance of tripartism in the discussion and consideration of social and labour policies is conducive to the incorporation in our legislation of the idea of economic growth linked to social developments, so as to reduce the well-known differences between the various sectors of society.

To this end, we have improved the taxation system in Panama and have exempted from income tax more than 250,000 workers earning less than $350 per month, including workers who receive tax rebates for dependent family members.

The minimum wage, which has been in force since 1983, is being studied by a national tripartite committee and will be revised by the Government as soon as possible taking into account basic family needs.

My Government is eager to implement, preferably within the framework of social and labour consultation, the measures which will lead to a better life for Panamanian families in the economic, social, cultural and political fields, in a climate of freedom, democracy, justice, legal security and institutional stability. We wish to thank the ILO for its cooperation in helping us to achieve these objectives.

Original – French: Mr. VERONESE *(Workers' delegate, France)* – A symposium recently held jointly by the International Labour Organisation and the Ministry of Employment and Labour of Belgium permitted a large-scale exchange of opinion between workers, employers and governments from all over Europe.

In view of its commitment to the prospect of tripartism in Central and Eastern Europe, concern was obvious at the seminar over the dramatic effects and social and economic consequences in these countries as they are forced along the path of capitalism for the sake of liberalism.

The Director-General's Report on democratisation reflects this. I would like here, to highlight amongst many others, five questions.

Firstly, is the market economy incompatible with nationalised enterprises and trade sectors? In a great number of countries and in France experience has shown that there is no incompatibility. Why then is there a tendency to pass over this important fact? Why leave the field clear for employers and governments who can only concieve of a market economy dominated by private capital and subject to its rules, restrictions and its risks? The 15 million unemployed of the EEC can testify to this. For them, what is required is to establish a relationship, a state of mind and minimum rules to ensure the return of capitalism in these countries. But there is, at the same time, growing anxiety everywhere in the face of the risks of major social disruption; wars and armed conflicts are already springing from the inequalities of development.

Beyond the foreseeable future, are we not on the verge of a new struggle by humanity for liberty and democracy, a struggle quite different in nature and much more complex than the simple crusade that the supporters of so-called liberalism may have imagined?

The second question is why should employees who, in conditions that we all know, have created wealth and have thereby acquired social rights and means of participation in the management of enterprises, accept social defeat today because the capitalist system is trying to impose its rules and regulations?

These workers want, with democracy and liberty, a good life. But they see vultures swooping down who buy up at cheap prices and dislocate the productive machinery, plunging millions of men and women into unemployment at record speed, and making big cuts in the welfare budgets. A new race of adventurers is proliferating, whose first aim is not the development of production to meet the needs of the people and the country.

Freedom at this price? It is quite obvious that the great industrial and financial groups and the great powers have decided to operate a terrible and lasting policy of debilitation – all the better to carry out their strategy of domination over the planet, faced as they are with their own development crisis.

The third question relates to an obvious fear: how do you avoid social disruption?

The answer is all in the art of trying to make trade union and employees participate actively in the renewal of capitalism that dominates the market economy and, through tripartism, make them take on a share of social responsibility.

As if they were both really on the same footing. And yet we have so much experience of these structural adjustment schemes, economic constructions which put people into a kind of a strait-jacket of endless political austerity, autocratic decisions by the IMF, the World Bank, the G7, and now the EBDR. For whose benefit? Has any one of these countries really managed to escape from underdevelopment and satisfy the needs of its people? The ILO must use all its experience and authority to point to other solutions that will ensure the application of its standards so as to achieve real social progress.

Fourthly, what if the workers or their unions were to endeavour to promote new forms of cooperation and solidarity on the basis of the needs and aspirations of the working world in all its diversity towards progress and social justice?

This would presuppose that the ILO with its experience and competence should devote itself more than ever to its mission, which is to contribute to improving the well-being of the workers and, to this end, set standards and adopt Conventions and Recommendations backed up by adequate control mechanisms.

In this area there are of course conflicting interests, and it is essential that the ILO should preserve its independence as regards an economic system which, even if it is predominant, must be examined all the more critically because of its sharply contrasting interests. More significantly, the crisis in which this system finds itself is evident when we examine and analyse the state of the world, with its increasing areas of poverty, its deepening inequalities, the greater numbers of disadvantaged side by side with the considerable human and financial waste which they feed. And yet employers and governments dispose of considerable means and mechanisms whereby they may impose their conceptions and choices of strategy, be it financial or political.

It is therefore not the role of the ILO to participate in the support and training of the employers, especially in these Central and Eastern European countries, or to reduce its capacity for reflection and action for the establishment of a trade model that could be exported to all regions of the world. There are mechanisms other than tripartism by which to achieve a positive solution for wage-earners and their families. The true problem here is that of strengthening the organised force and unity of the workers.

The ILO has more to do than to serve as a pedestal for privatisation and prepare the workers to submit to it. The evolution of productive forces following from the computer revolution, the evolution of social relationship with the upsurge of democracy, require the development of all the capacities of men, women, of the young generation.

For this reason, the multiple choices of individuals, social groups and peoples must be respected and encouraged to enable them to decide on their own system and innovate in all areas.

The fifth and last consideration is can the institution not contribute to the creation of another type of growth, giving priority to an active struggle against all social exclusions and the inequalities they foster: growth which puts emphasis on the resources and economic potential of every country, which can be enhanced through cooperation to open up considerable areas for development.

In these conditions, the workers' group must intensify its efforts to support the promotion of stable, well remunerated employment for skilled workers, and good working conditions. Workers with good individual and collective guarantees and regulations which ensure job security and contribute to efficient development

This investment is indispensable in order to permit social and occupational mastery of rapid changes in techniques and technology.

This efficient growth will, in turn, permit the redistribution of wealth to increase salaries, reduce working time and finance social proteciton.

We continue to call for economic and social democracy at all levels; improved collective capacity so that workers may participate in economic and social choices affecting their conditions of work and life and the development of cooperation among workers in their occupational life.

This advance of economic and social democracy is essential on the part of and for the workers themselves, management, governments and public opinion. It is a basic prerequisite for a more decent life, a more normal society, and for stronger organised trade unions.

There is important and urgent work here for the ILO.

There is so much to do to support the most disadvantaged throughout the world encourage their progress.

Let us not wait too long but open up new ways, for should we not open new doors to collective bargaining and tripartism, so as to obtain true efficiency in the workplace and employment for everyone?

Original – German: Mr. HESOUN *(Federal Minister for Labour and Social Affairs, Austria)* – First of all I should like to congratulate the President and Vice-Presidents on their election. I am convinced that under their leadership, we shall be able to achieve the positive results that we all seek.

The Director-General has devoted his Report this year to the role of our Organisation in the democratisation process in countries undergoing reform. The ILO has always endeavoured to defend the democratic values enshrined in its Constitution, even in difficult times. This is due, not least of all, to its structure – unique in the United Nations system – of tripartism. Today, when people in all part of the world are striving more than ever before to attain democratic values, the ILO has many possibilities to participate in this process. In this context, the Director-General has identified areas in which it is particularly concerned, such as human rights, social market economy and social partnership.

Given the many institutions and mechanisms concerned with the respect and application of human rights, which are familiar to the community of nations, the role of our Organisation is often overlooked. The ILO, however, has a broad-based network of standards which, although of social and political origin, often extend far into the general areas of civil and political rights. There is also efficient machinery to supervise the application of these standards.

In 1993, Austria will host the World Conference on Human Rights. We believe that the specific experience the ILO has in the area of standard-setting and the monitoring of these standards should be put to better use. The Preamble of the Constitution of our Organisation states that "lasting peace can be established only if it is based upon social justice". We believe that social justice is inextricably linked to the democratic system. Democracy and social balance are not only prerequisites for peace within a country but also for peace among nations. If these cornestones are not present and excessive nationalism and chauvinism gain the upper hand, then a situation might arise such as the one that developed last year in Slovenia, that still exists in Croatia – and is now unfortunately occurring also in Bosnia-Herzegovina. Austria strongly condemns the violation of the independent and territorial integrity of these State due to Serbian aggression.

The war of terror is bringing death and poverty in its wake and creating countless innocent victims – paying no heed to nationality, religion or ethnic origin. The ensuing violence is not only resulting in the tragic loss of human lives but also destroying and undermining the social fabric in these countries. I would like to express the hope that the sanctions of the Security Council will have the desired effect and that strife may be ended and peace re-established.

In those countries in which the process of democratisation has been able to occur without violence, there is a transition or in some cases a return from a centrally planned economy to a market economy system. However, the measures have – in the short- or long-term – clearly led to a worsening of the economic situation. The ILO intends to provide support to these countries to help them overcome this difficult transitional period, laying special emphasis on the social dimension.

As a direct neighbour of those countries which are now undergoing transition, Austria especially appreciates the endeavours of the ILO. We intend to increase our support for the Organisation. We also want to place the experience we have gained in labour market monitoring and social security at the disposal of the Organisation.

Due to its geographical situation Austria is directly and greatly affected by the changes in the former Eastern bloc countries. In other words the Austrian labour market has been faced with a growing number of workers who have sought work in our own market after the opening of the borders.

In January 1991, Austria took the initiative of holding the Council of Europe Conference on Migration, in Vienna. Two major problems were highlighted during the discussions: first, the Austrian labour market is faced with clandestine labour which undermines competition; second, the imbalance in the labour market of countries undergoing transition is threatening the economy of these countries. Both developments are potential causes of social tension. A political solution is necessary to resolve these problems.

As Minister of Labour and Social Affairs, I have adopted effective measures to counter these trends. Strongs steps have been taken to curb clandestine labour, which harms our own workers. The Ministry has also established a programme to help Eastern European countries which covers such areas as: the training and re-training of workers; support and advice in establishing labour market structures; employment projects for unemployed young people; training of workers' representatives; seminars on the establishment of employment offices and accompanying measures to prevent and limit unemployment.

We have, for example, started programmes with Hungary, Czechoslovakia, Romania, Poland and the former USSR and also implemented training programmes that go beyond national borders.

In tourism, particularly, the existing structure may be used to provide training possibilities. This also applies to industrial manufacturing process, in which skilled workers may obtain the necessary know-how through training to be able to work with new technologies. It is essential that alongside such specific measures for individual branches of activity, assistance should be given to help certain structures. These should include an effective labour market administration as well as information on ways to introduce democratic workers' representatives in the countries undergoing reform.

We all know that labour and capital determined the recovery of Western Europe in 1945. In Austria, since the end of the Second World War, there has been a specific system of economic and social dialogue involving the social partners. This is based on the principle of an economic and social partnership, which tries to seek a peaceful alternative to disputes through negotiation. The positive experiences of the system might be of use to young democracies.

It is also understandable that in a tripartite organisation such as the ILO, the social partnership element plays a major role in attempts to achieve democratic ideals. Austria, which, as described above, has a system of cooperation between government, workers' and employers' organisations in virtually all areas of politics, naturally supports these efforts.

The Director-General emphasises in his Report that there is no clearly marked or obvious path for social partnership. Moreover, the basic positions of individual countries differ greatly. In many cases their political resentments cannot be dispelled overnight. In addition, there are structural problems such as the lack of skilled managers. We should also not overlook the difficulties the trade unions are encountering in coming to grips with new problems. They often do not have the necessary know-how, experience and strength to take up the task of collective bargaining.

I hope therefore that the methods of assistance that Austria has introduced, as well as the steps that the ILO has taken, will lead to rapid and smooth economic recovery in the countries undergoing reforms and that this will be accompanied by social peace and balance.

Original – German: Mr. THIEL *(representative of the International Social Security Association)* – It is a very great honour and privilege for me to address the pleanary of the International Labour Conference on behalf of the International Social Security Association.

The ISSA, since its inception, has become a worldwide organisation with over 300 members from almost 130 different countries. These facts confirm once again the rightness and the need for this association through its ten standing technical committees and specific research activities which constantly tackles the problems of social security in an attempt to find solutions or proposals for solutions.

Moreover, the ISSA has developed regional action programmes to provide specific and direct assistance to its members in the various countries.

All these activities can, however, be brought to fruition only because the close cooperation and work of all members in the form of comparative studies, specific analyses and research projects which provide constantly updated information on all aspects of questions concerning social security.

As the Chairman of the Standing Technical Committee on the Prevention of Accidents and Occupational Diseases I know from a number of meetings, seminars, round-table discussions and working groups that the role of the ISSA as a source of information is recognised and valued throughout the world. But the high quality and density of expert knowledge also bring home quite clearly the problems which we will have to give the greatest attention to in the years.

I should like to highlight, in particular, two problems. More and more frequently the principle of social security is the subject of discussion. Observations on such basic areas as financing, minimum benefits, private insurance, privatisation at the national level or the necessary and positive efforts towards harmonisation at the international level, suggest, among other things, that the upheavals we have been experiencing in recent years and are still experiencing are more likely to undermine – than change – present social systems which are the essence of every State.

What will be decisive in the coming years will be how this challenge on the threshold of the century will be met throughout the globe. It must be the aim of all of us to offer all people in all countries and on all the continents of the globe adequate social security. In the creation of a new economic space, which will depend on market criteria, social and humanitarian principles must be taken into account as equal partners.

I hope you will understand that these problems which I have just mentioned cannot be examined in detail because of the lack of time. However, the fact remains that these problems can be solved and must be solved, because if not, then we shall be confronted with enormous and far-reaching problems which will reduce to nothing the leeway which we still have today. To work together towards joint solutions means to be ready to accept compromises and changes for the sake and benefit of the community and mankind as a whole.

The social networks of States throughout the world must be sufficiently elastic to allow them to be interwoven at the edges with other contiguous networks. This means that they must have a similar width of mesh, and be made of similar materials.

These comparisons with the technical meshing of nets lead me now to a second subject concerning the consequences of deficiences at the technical level: namely industrial disasters.

I would like to congratulate the Director-General and his colleagues on the detailed report they have prepared on the prevention of industrial disasters. It clearly shows the path that we must follow if we are to live a safe and healthy life.

A whole series of horrendous disasters over the past few years has shown that we must still be prepared to invest time and money into safety. There are many reasons for these disasters, ranging from lack of investment in maintenance and technical developments to low-level technology and human error. Alongside the observance of technical provisions and priority considerations for the environment, the driving force behind our action must be the protection of human life. Thousands of people have been killed or seriously injured for life on account of technical errors; thousands of human lives have been shattered. The last in a tragic series of disasters – which include Seveso, Mexico, Bhopal, Chernobyl and Basle – was the explosion in Guadalajara in Mexico, resulting in 2,000 dead, about 2,000 seriously injured, 5,000 homeless and a total cost of about US$7 billion in damage.

We, inhabitants of this planet, must therefore realise that accidents transcend all frontiers; that we must provide technological and financial assistance in the area of prevention. But this is not enough. All institutions, organisations and countries, involved in scientific and technical activities, must coordinate their work and develop further systems to prevent or totally do away with this threat to mankind; in this way, we can also minimise potential dangers or disaster spreading from other countries.

In this context I would like to refer to the refer to the 13th World Congress for Occupational Safety and Health, which will be held in New Delhi from 4 to 8 April 1993. It will be jointly organised by the ISSA and the ILO. Two thousand participants are expected to attend this Congress which will concentrate on matters such as safety at work, occupational medicine and subjects dealing with technical safety structures – in other words practical safety measures. I am persuaded that this Congress, last held in 1989 in Hamburg, will constitute a major event. On behalf of the National Safety Council of India and the Indian Ministry of Labour I should like to invite you all to come to New Delhi.

I should now like to return to my initial remarks. During the past decade, the world has been growing smaller. Given the vast number and complexity of problems, we are unable to cope with them in isolation. We must try and overcome them by exchanging information and working closely together; indeed, this is vital. At this point I should like to refer to the rapid development of chemical substances and point out that the combined effects of many of these are still unknown.

Technological and social systems are becoming increasingly unstable and only joint action will allow us to survive. It has always been a goal – and must still be a goal, to strive for maximum well-being. If this goal were to be undermined, we should all have to face the fearful consequences.

We must bear in mind the words of Mr. Boutros Ghali at the opening of the Earth Summit in Rio de Janeiro. He said that our understanding of progress and development should change. In the future, development would only imply satisfying needs of the present; and an attempt not to erode prospects for the future. In his opening speech he stressed that: "Never will so much depend on what you do or do not do here – for your selves, for others, for your children and grand-children, for the planet – for life in all its interdependent form."

Original – English: Mr. FALBR *(Workers' delegate, Czechoslovakia)* – First of all, my sincere congratulations to Mr. Nascimento Rodrigues on his election to the significant and responsible position of the President of the 79th Session of the International Labour Conference, and best wishes for success.

We have studied thoroughly the reports of the Director-General and the Governing Body submitted to this session and consider them to be very good. We consider the subject of the Director-General's Report very important and topical; democratisation is of great interest to our unions. The issues of tripartite relations, protection of human and trade union rights, the social aspects of economic reforms in the countries of Central and Eastern Europe, as well as the defence of newly gained democracy in our societies – these are the basic pillars of activity of the Czech and Slovak Confederation of Trade Unions (CS KOS).

One of our main aims, which we set two years ago, was a full restoration of the genuine role of trade unions, discredited during the past forty years. By this we mean a real and active role in all questions involving workers in their jobs and lives. Our task is complicated by the fact that the present period of transition brings about so many problems having impact on the life of every citizen of our country.

I do not want to exaggerate, but it is a fact that, in spite of the situation, the CS KOS has recently boosted its authority and secured not a small measure of prestige within the Czechoslovak society as a whole. In spite of a number of difficulties, we have been able to influence the adoption of new legislation on freedom of association, collective bargaining and wages, as well as amendments to the Labour Code, which undoubtedly means that we are successfully defending the interests of our members. We initiated the establishment of the Economic and Social Pact Councils, tripartite bodies at the level of the federation and in both republics; for the time being, these bodies are an important platform for negotiation, discussion and the search of common positions in the formulation of fundamental social and legal documents and measures. In the framework of this tripartite mechanism, we succeeded in concluding the general agreements for 1991 and 1992, creating a basic framework for collective bargaining on various levels. In this connection we have to say, however, that in spite of the results achieved, the principle of tripartite negotiations has been sometimes questioned by some of the members of the present and previous Governments. As a matter of fact, we have had even greater problems with our Parliament. Without wishing to offend the representatives of our employers here present, I must emphasise that one of our big problem in these negotiations is still the absence of genuine employers' organisations. We hope the process of privatisation will help to create them.

In spite of our general agreement with the economic reform, the CS KOS has many critical objections in respect of its social impacts. We have never hesitated to express our deep disagreement with measures proposed by the Government and the Parliament which were motivated by other than economic reason. Our representation concerning the Screening Act is a testimony of our will to respect all the Conventions our State has ratified. According to our data, the real income of the population dropped during the first year of the reform by 25 per cent, and the average real wage was lower by 24.3 per cent when compared with the year 1991. The rate of unemployment has reached 6 per cent in Czechoslovakia as a whole, and in Slovakia it is 12 per cent. There is a real threat that these problems will grow worse this year. It is expected that unemployment in Czechoslovakia as a whole will reach the figure of one million unemployed, which represents 15 per cent of the working population.

It is evident that in spite of our warnings the Government has prepared sufficiently neither programmes for the restructuring of individual industries and regions nor programmes of retraining and job creation for those who lost their jobs or were never able one to find one after leaving school. Here we see one of our most important tasks for the future, a broad participation in creating retraining and vocational training programmes and in improving the occupational skill of all the workers who will not be involved in the programmes of early retirement. Of course, we also hope to be active in creating new systems of social security in our country.

Another important issue that the CS KOS is now facing is privatisation. According to the scenario of our economic reform, privatisation should be the main remedy for all the existing difficulties. We fully support privatisation when the newly privatised enterprises and plants promise to be much more effective and more sensitive to the needs of consumers. We did not object to the privatisation of small shops and services which had always been private in other countries. The privatisation of large enterprises, however, is another question. We simply do not agree with the idea that the only remedy for making enterprises effective is their privatisation. We feel that our main problem is poor management. We are of the opinion that the State has an important role to play in the transition period. The market can solve many problems and existing discrepancies, but so far it has failed to solve absolutely everything. We want a greater participation in decisions on privatisation. We want public control of privatisation. Step by step we strive to increase our weight in negotiations with foreign investors; our aim is to ensure that our workers will enjoy also the security of stable employement and acceptable working conditions.

In this connection we face another very significant problem in the public sector. This sector, as many of you certainly know, was, unlike the public sector of other countries of Central and Eastern Europe, fully in the hands of the State. Thus, in the framework of privatisation, there is also another important task for our trade unions: to participate in drawing a clear line between private and public and in creating a new and operative infrastructure which will efficiently serve the private sector. We fully support the conclusions of the Prague Congress of the European Public Services Committee and the European Charter of Public Services it approved.

We think that the social responsibility of the trade unions is irreplaceable. At the same time we realise that any direct actions of confrontation are double-edged. We are of the opinion that an basic approach must be the systematic enforcement of social dialogue and an insistence on the social dimension as a main precondition for the success of our economic reform. At present, after general elections held barely a week ago, our situation has been complicated by the fact that we do not know whether the new Government in our country will be inclined to listen to the voice of trade unions, at least to the extent that the former Government did. In any case we need social peace and the strengthening of deep democratic principles in our country, so neither social demagogy nor real poverty will lead to the blocking of current reforms.

Permit me to say a few words about a topic of extreme interest regarding the situation in Czechoslovakia after the elections.

First, the CS KOS had welcomed the extensive participation of our citizens in the elections. No one can have any doubts about the fact that all of the three Parliaments were elected democratically. While in the Czech Republic the majority of the citizens backed the policy of the Government, in the Slovak Republic the winning parties support the reforms but have certain fundamental objections.

At the same time it is necessary to emphasise that in Slovakia parties which do not favour a federal State in the existing form drew much of the vote. If there is no agreement on a looser organisation of our State, we cannot exclude the possibility that it will break up. CS KOS recognises and respects the right of the Slovaks to formulate and realise their own wishes, and refuses to qualify such wishes as undemocratic and catastrophic. We express the hope that the negotiations will be successful. But if an agreement is not reached, we see as our main task the dignified and friendly division of our nations, opposition to any manifestation of chauvinism, intolerance and xenophobia, and the protection of democracy and human rights. Our common path, common links and existing friendly relations are a commitment for all of us.

Original – French: Mr. ALLINI *(Workers' delegate, Gabon)* – Allow me, on behalf of the workers of Gabon, to congratulate the President most sincerely on his brilliant election to chair the 79th Session of the Conference. I should also like to congratulate the other Officers.

I am convinced that with their experience the work of this session will take place in good conditions and will lead to fruitful conclusions which will further enrich the work of the Conference.

I would also like to express my appreciation to the Director-General of the ILO for having chosen as a topic for discussion this year *Democratisation and the ILO*, and for the acute sense of social progress he has shown in the Reports dealing with structural adjustment, human resources, the protection of workers' claims and minimum wages.

For many years now, the workers' delegates of Gabon have hoped political democracy could be complemented by genuine tripartism in our States, since the people cannot make themselves heard through political channels alone in a democracy plagued with aggression of all sorts and destruction.

We strongly reaffirm our desire to see the participation of social partners become a reality, or even one of the conditions for granting aid and maintaining trade and economic relations with the countries of the Third World. Such was the case for the return to the multipartite democracy.

For us, the difference between one-party governments and those resulting from pluralist elections is just a matter of form. It is another dilemma altogether to see our peoples becoming resigned to a growing debt, unemployment, poverty and the loss or late payment of salaries which are becoming common practice in many countries. The loss of social gains and of fledgling industrial bases means not just stagnation, but also decline.

What framework do we have which permits us to recover what we are now losing, until we are able to make up for the time lost and boost growth?

While democracy is a new way of living, a new way of acting – in a nutshell, a novelty for us – the various candidates are not new faces. The people know them all. For us, only new institutions safeguarding democracy can rekindle trust and provide the best opportunity for economic recovery.

We believe that only a well though-out economy, functioning in peaceful conditions and well managed with everyone's participation, can create jobs and guarantee the well-being of the people.

In terms of employment, production, exports and social protection, what do the statistics of the UNDP, OECD, UNIDO and the ILO tell us about the period since nearly three years ago when the African countries embarked on the democratisation of their regimes? The cost is making things worse where they were already exceedingly bad. There is no good news. And we have reason to believe that nothing will be better than before, and that the entire debate will always be held between "insiders". We should like to recall that the development of the mind must come first because education and training through tripartite symposia and seminars are the beginning of the solution which will take us out of this mire.

We believe that it is essential to educate and to introduce morals into public life. These activities are quite rightly becoming the ILO's contribution to establishing democracy on a more firm basis. It will be all the more beneficial when all citizens acquire a sense of civil responsibility and when the pursued ideal is the well-being of the people rather than a race for jobs, which worsens the situation. It is only at this price that security can prevail, that the social climate can be stabilised, and guaranteed employment for all can become a watchword.

The protection of workers' claims in the event of their employers' insolvency is a pressing and urgent issue. The reasons for stopping activities are today manifold – from bad management to the effects of the economic crisis, and including the consequences of recommendations of the IMF and the World Bank.

Obviously, many abuses can be committed based on these reasons. The only sure protection which remains is the adoption of a Convention in this regard, and then the establishment in each country of mechanisms for its ratification and its effective application.

We are especially interested in structural adjustment and the enhancement of human resources.

The IMF and the World Bank models call for cutbacks, or lay-offs, instead of advocating a new driving force to boost employment. They recommend the closure or privatisation of undertakings instead of encouraging healthy competition. As far as we know, institutions such as the IMF and the World Bank were created to support any country in difficulty. But what we do not understand is how they can foresee an economic recovery while laying off workers and reducing consumption and, with it, production.

We request the Governing Body and the Director-General to listen carefully to the voice of the Third World, as it was expressed at the high-level meeting in November 1987, and in the symposia of October 1989 in Nairobi and August 1991 in Caracas.

On each of these occasions, a request was made to associate the partners and to introduce some discipline, even minimally, into the informal sector. The meetings mentioned above always insisted on the need to take specific measures in favour of the weakest and most vulnerable social groups so as to avoid an ever worse collapse of their standard of living.

Apart from protecting such groups, we see that it is essential to involve them whenever decisions are made which concern them. This will enable them to acquire responsibility and stature, and thus avoid a feeling of alienation from the conduct of the affairs of society.

The voice of the workers of Gabon will conclude with the hope that democracy, which is the only path leading to salvation, as it bears freedom and respect for human dignity and the opinions of others, will continue to profit from the assistance of the ILO and countries devoted to peace and social justice, for the benefit of all mankind.

Mr. SKOGMO *(Government delegate, Norway)* – I am honoured to have this opportunity to address the International Labour Conference. We would like congratulate the President upon his election to this important position. We feel certain that he will guide us safety through our proceedings and our agenda.

The main theme for this session of the ILC International Labour Conference, *Democratisation and the ILO* could hardly have been more relevant and important. The Director-General deserves great credit for having produced an outstanding Report to inspire and guide our work.

We are living in an age of dynamic international change. We have seen an almost universal movement towards democracy, starting in southern Europe, spreading to Latin America, before returning to Europe to inspire the fall of communism in Central and Eastern Europe. Important developments have also taken place in Asia and in Africa. Even in South Africa, the system of apartheid and minority rule is in the process of being replaced by dialogue between the parties. We trust that this process will soon lead to a new, fully democratic Constitution in that country.

Democracy itself is a dynamic concept. The relationship between the government and the governed, between rights and responsibilities, between the State and the market, is in the process of constant evolution. Very often, this process is determined by economic and social factors, by the transition to a market economy, by the distribution or lack of distribution of economic growth, or by poverty and dissatisfaction among voters and peoples.

Democracy is a prerequisite for solving the problems of modern society, but democracy cannot do the job alone. We must continue to stress the fundamental importance of development, of establishing economic processes which can offer hope and progress to the 1 billion people presently living in absolute poverty.

Norway believes that all industrialised countries should meet the long-established ODA target of 0.7 per cent by the year 2000. A new commitment to this target is necessary to meet the demands of our global agenda for the twenty-first century. In this effort, the fight against poverty is crucial both for the environment and for development.

More just North/South cooperation is essential to combat world poverty, but governments must also undertake efforts to bring about social and economic justice at home. We must never lose sight of the need for good governance.

Sustainable development must be an integral part of the strategy to manage global change. This is one area that we found somewhat absent in the Director-General's Report, because it also affects our main theme. Sustainable development is not only about environment and development, it is also a vital part of our democracies. It is about the rights of the poor to a better, more healthy and sound environment; it is about the participation of all layers of our society in decisions affecting our common future; and it about the conservation of natural resources for future generations. We trust that the Earth Summit in Rio will make the decisions needed for a new approach to the environment and development in the years to come.

In this period of transition, the aims, the working methods and the structures of international cooperation must also adapt to the new global tasks. We would like to commend the Director-General for underlining the dynamic character of this challenge – the activities of the ILO should be part of a process of continuous adjustment.

Norway supports the priority areas suggested by the Director-General for the future work of the Organisation. The promotion and implementation of human rights should remain central to the work of the ILO. We believe that the ILO should centre its work in this field on its core objectives – the fight for social justice, for worker and employer participation in free discussions with governments, and for democratic decision-making, based on the fullest possible participation.

The ILO continues to have a special role in the field of employment, to ensure ratification and application of the standards developed by the ILO to safeguard human rights and participation in economic decision-making. It should promote the strengthening of tripartism and collective bargaining through support for the constituencies of the ILO and for labour institutions.

Let me add comments on two areas in the field of human rights – both concerning particularly vulnerable groups – where Norway feels that the ILO has a special role to play.

We would like to commend the ILO for its work for indigenous peoples, to which Norway attaches great importance. The ILO is the leading United Nations agency in this field, and the main supporter and partner for the United Nations Centre for Human Rights. We urge the Organisation to keep up its good work and to participate actively in preparations for the International Year of Indigenous Peoples in 1993.

Let me also point to the special role of the ILO in the protection of the rights of the child. The recent report on child labour contains more than enough evidence to demonstrate that the fight against child exploitation must remain one of the ILO's main priorities.

The ILO should assist in the transition to a market economy with a social dimension. We support the work done by the ILO to devise mechanisms that can soften the negative social effects of some of the structural adjustment measures applied in the transition process.

Some countries, including my own, have been practising tripartite consultations for decades. The economies in transition, which have not had an independent private sector, are now struggling to establish similar structures in their world of work.

We must be prepared to help them to cope with the new situation. In the fledgling democracies of Central and Eastern Europe, as in the developing countries, it is important that the ILO intensifies its traditional assistance to employers' and workers' organisations that are struggling to consolidate their structures. We must support efforts to establish a framework of laws and regulations guaranteeing respect for fundamental rights.

The ILO has paid particular attention to standard-setting and technical cooperation. Perhaps the time has come to fully acknowledge a third dimension, in which the old ones come together – that of policy advice.

Member States, workers and employers not only need standards and technical cooperation from the ILO. Many of them also need policy advice, inter alia, to learn from the experience of others. The ILO has such experience. We welcome efforts within the ILO to develop a strategy for dealing with such needs, and we eagerly look forward to its implementation.

Norway also supports the proposals for an expanded programme of activities related to the environment within the clear competence of the ILO.

Employment, education and training are closely linked. International cooperation will be necessary, both with regard to organisation and content. We would like to compliment the ILO for the initiatives taken within this field.

In a time of rising demands for qualifications and competence, all countries must keep their workforce as well-educated and trained as possible to maintain competitiveness. A good State primary and secondary education system, open to all layers of society, remains essential. But education in our modern societies is a continuous, lifelong task, important also for those already in the workforce. The growing necessity for occupational mobility further enhances the need to create conditions for continuous education and training of the workforce, through a good and flexible educational system that is able to interpret the signals from the market.

Women remain an underprivileged and often underpaid part of the workforce. They are vastly underrepresented in management positions and are often the first to lose their jobs. Norway supports the programmes initiated by the ILO to improve the situation of women in the working envirionment. Such programmes should be further developed.

The Report on adjustment and human resources development indicates that reduced government revenues often lead to severe cuts in education and training budgets. This is very regrettable. Education, training and investments in human resources is a necessary and cost-effective method of promoting economic development.

In Norway, we have faced growing unemployment in recent years. We have increased our capacity in higher education, both at high-school and university levels. Our Government has proposed to Parliament a new Act that will guarantee all young people the right to three years' further education following the compulsory primary and secondary school. In the years to come, a great share of new employment will have to come from the creation of new small businesses. This has to be based upon initiatives from private persons or groups of persons. The ILO's programme for entrepreneurship and management development to encourage and support entrepeneurship, is most valuable in this context.

We agree with the Director-General that the entrepreneurial spirit is a very good way of promoting democratisation.

In this age of global interdependence, there is a growing gap between opportunities for international cooperation on the one hand, and the financial resources available for such cooperation, on the other. All global institutions – including the ILO – must therefore adjust their priorities and activities to ensure optimal results.

Norway believes that the ILO could do more to concentrate its activities on its core areas, where the competence of the Organisation is unique, where it could and where it should consolidate its position as a global centre of excellence in the world of work. If operational activities are spread too wide, the Organisation and its member States inevitably receive diminishing returns.

We are convinced that the complexity of the problems with which the ILO is dealing requires a multidisciplinary approach that cuts across the departmental structure of the Office. The ILO needs flexibility in its programme planning and in the way it organises its work. We are confident that the Organisation will live up to this challenge.

Original – French: **Mr. YAMALE** *(Minister of the Public Service, Labour, Social Security and Vocational Training, Central African Republic)* – On behalf of my country, the Central African Republic, on behalf of the delegation accompanying me, and myself, I join with the eminent speakers who preceded me at this rostrum and congratulated the President on his brilliant election to chair this 79th Session of the International Labour Conference.

I also congratulate the two Vice-Presidents called upon to assist the President in the accomplishment of his difficult and noble task.

I congratulate Mr. Michel Hansenne, Director-General of the International Labour Office, on the relevant choice he made for his Report: *Democratisation and the ILO.*

This extremely topical subject has particularly attracted our attention as democracy was at the very heart of the creation of the ILO in 1919, after the First World War.

Today, more than a half century later, the process of democratisation, which calls into question the political structures and regimes of many countries, is at the centre of the major concerns of all people who aspire to greater freedom and lasting peace.

Subjected, for more than 25 years, to a dictatorship in a one-party system, the Central African Republic has opted for full democracy since the historic declaration in 1990 of His Excellency, General André Kolingba, President of the Republic and Head of State.

Today, political and trade union pluralism has become a national reality in the Central African Republic.

This reality has been consolidated by setting up democratic institutions.

Thus, as part of this dynamic process of democratisation, 19 new political parties have been created and the law has re-established freedom of association and the protection of the right to organise. More than 60 rank and file occupational trade unions have been freely formed and have created unions and federations. Thus trade unions stretch across national territory. The trade union organisations are henceforth thus a vital part of our economic and social life.

A transparent and free social dialogue exists outside and within enterprises, and with the political and administrative authorities. Measures have been taken further to integrate trade unions into the life of enterprises.

In the same dynamic process, the Government is encouraging and supporting the organisation of seminars by trade unions in order to promote and develop trade union training and workers' education.

The Government has encouraged and supported free collective bargaining between employers and trade unions for the revision of wage scales which were frozen for more than ten years, despite some upheavals within trade unions and the reticence of the employers due to the worldwide economic crisis from which my country has not been spared.

All of these measures are in line with the provisions of the Constitution of the Central African Republic, whose principle of government is "development through labour in a democracy".

It is in these areas that we are expecting much of the ILO in the framework of its technical cooperation activities aimed at bringing about social justice in the world.

We have the firm conviction that the recovery of freedom will allow for the creation of conditions for a market economy. Freedom of association and the efficient protection of all fundamental human rights are a measure of the democratic, dynamic process which will help us to make economic and social advances.

As a young democratic country with a fragile economy, we are seeking to promote economic growth by the efficient use of our own resources and by the creation of open policy encouraging foreign investment which along side national investment will help us to optimise economic growth and maximise the possibilities for job creation on our territory.

The major reforms of our investment code, the liberalisation of trade and competition, are additional measures which are to underlie this policy.

Moreover, the Government has set up and is continuing to develop instruments and measures to promote private investment.

Thus we feel that, with international solidarity, we will be able to promote conditions in which to lay the foundations of and consolidate our institutions and create an economic and social area guaranteeing to each and all an environment which is conducive to individual growth and development.

These then are the few comments I have in connection with the excellent Report of the Director-General of the International Labour Office.

I am convinced that given the competence of the President, the work of this session of the Conference shall achieve the success my delegation hopes for and which will allow the Director-General to pursue the noble tasks that we have conferred upon him.

Original – Spanish: Mr. ESPAÑA-SMITH *(Employers' delegate, Bolivia)* – On behalf of the Bolivian employers, I extend the warmest congratulations to the President of the Conference and to the Employer, Worker and Government Vice-Presidents, adding our wishes that under their able conduct the 79th Session of the International Labour Conference will benefit the world of work and the interests of humanity in general.

The subject which the Director-General has proposed – democracy – not only is of great and constant importance but also is highly topical in today's world.

The Bolivian Private Employers' Confederation has adopted with deep conviction a firm position of wholehearted support to democracy, and consequently advocates, as a matter of principle and in its activities, the full expression of democracy in the political, economic and social spheres. When my country languished under the yoke of one military government after another, the Bolivian Private Employers' Confederation was in 1981 the first national organisation which publicly, directly and unequivocally requested the immediate return to democracy through an appeal contained in a document which is today historical, *Democracy now.* Furthermore, through this appeal, it indicated the quickest and most accessible way to achieve the return to democracy, namely, to reconvene the Congress, elected by popular vote in 1980, which was unable to fulfil its mandate because of a coup d'état. This proposal, which initially was received with much scepticism, was gradually supported by almost all the political and civil sectors and represented finally the channel through which the democratic and constitutional government was reinstated in Bolivia ten years ago. The main organisation of Bolivian employers has actively endorsed the continuity and reaffirmation of the Bolivian democratic process during its uninterrupted decade of existence.

As the Report of the Director-General aptly states, "democratisation is nearly always accompanied by a change of economic system". This also occurred in Bolivia. Once the democratic regime was re-established, inertia initially sent the country into a catastrophic process of hyperinflation, caused, inter alia, by following the path of a worn-out model of inorganic protectionism and excessive state capitalism. However, the legitimacy and the alternability which democracy grants in the act of governing enabled it to re-establish the process and apply in 1985 a severe and successful programme of structural adjustment and to set up an open, market economy. Without the presence of a democratic government it would have been impossible to apply a programme of deep economic reforms without much violence.

The great concern regarding the social costs of structural adjustment is fully justified. Fairness dictates that these policies be designed and implemented with due account taken of both the human dimension and the economic requirements. We should not forget that the social consequences on employment and wages are not only an effect of the adjustment, but are also a result of the critical situations that the adjustment aims to correct. Moreover, we must remember that the social cost would be all the greater and rage out of control if we failed to apply the adjustment.

There is no doubt that, as the Director-General has pointed out, democracy is the guiding principle in the ILO's structure, and the method that it advocates. In fact, tripartism, when it is freely and genuinely practised, is the supreme expression of democracy in labour relations, just as pluralism is in political relations.

Tripartism is, in some countries, an ideal not yet achieved, despite the fact that almost all States are members of the ILO, and that membership implies the acceptance of the basic procedural norms enshrined in its Constitution. However, tripartism in many countries of the world is not an ongoing practice, is not a custom which is genuinely applied with sufficient openness and good faith. My country, Bolivia, is still far from reaching this ideal. The tripartite formula is frequently replaced by unilateral government orders. Sometimes governments act jointly with one of the social partners, to the detriment of the other. This occurred recently when the Government of Bolivia and the Bolivian Workers' Confederation signed an agreement that claimed to involve the employers without the participation of the employers or any consultation.

In our view, the standards and procedures which govern labour relations will be more democratic to the extent that, before prescribing coercive measures, the Government gives the social partners every opportunity to engage in dialogue and to resolve their differences. In this scenario it is not desirable for the authorities to interfere. Their intervention is legitimate and welcome only when they have to ensure compliance with the law or sanction its infraction. In this connection I would like to highlight the social utility and the effectiveness of collective bagaining, provided that, in accordance with international labour standards and their proper interpretation, such bargaining is carried out freely, voluntarily, and subject to the principle of legality, leaving the social partners to determine the agenda and the level at which it is carried out, either in individual undertakings or in a joint or sectoral manner. We believe that the ILO could intensify its work to assist in this area to achieve a full understanding and exercise of this institution in countries where it is not yet much practised.

The Report of the Director-General emphasises – inevitably – the generalised trend in our days towards a market economy. One of the characteristics of a market economy, as we all know, is to achieve the greatest deregulation possible. This trend should also apply to the field of labour relations. I mean that the ILO should remain in step with the times and avoid a proliferation of standards. I repeat here the suggestion that, instead of devoting all our efforts to a continuous increase in the number of standards, we should focus on consolidating what we have already achieved, which implies reviewing, perfecting, modernising and truly universalising existing standards, depending on their value and current utility, and taking also into special account the number of ratifications and their foreseeable potential, all this with a clear objective of social protection which is realistic and effective.

The ILO, in its worthy support of democracy and democratisation will act more wisely if its actions promote these values through training, information and creating awareness. We agree that "a system of laws is ineffrectual if not coupled with a system of education", and that it is necessary to make "a realstic assessment of the economic situation", as noted in the Report. A greater activity of the ILO based on these principles will facilitate true and reasoned adherence to democratic principles and will help to prevent attitudes which are incompatible with the spirit of democracy, such, as the unfortunate attitude exhibited at the last congress of the Bolivian trade union confederation, which a few days ago adopted an openly subversive platform and, for good measure, approved a boycott of the national population and housing census. These attitudes are not good for the philosophy and the instruments of democracy.

In closing, I would like to say that the objectives of information, training and awareness, will require ongoing dialogue between the ILO and its tripartite constituents, as the Director-General himself has noted. Let us hope that this will be for the benefit of all, and that this dialogue at national level will be more fluent, not only between the ILO and the governments, but also between the ILO and the workers' and employers' organisations concerned.

Original – Turkish: Mr. YILMAZ *(Workers' delegate, Turkey)* – At the outset of my speech, on behalf of myself and the Confederation of Turkish Workers' Unions, TURK-IS, please allow me to congratulate the President most sincerely on his election.

May I also take this opportunity to extend my congratulations to Mr. Michel Hansenne, Director-General of the ILO, for the excellent report he has submitted to this Session of the Conference for discussion.

The Report of the Director-General rightfully indicates that due to the recent dramatic changes in the political climate of the world, totalitarian and authoritarian regimes have disappeared. But on the other hand, he further points out that, in this process of democratisation, economic and social problems are also intensified. This correct diagnosis is a global invitation to be more sensitive on these problems.

We are living in an unbalanced world. While on one hand the technological revolution is offering unprecedented prosperity to citizens of developed countries, on the other hand, millions of people are starving to death in other parts of the world. It is a regretful fact that in some countries with a lesser degree of economic development, social peace is shattered and the foundations of democracy deplorably destroyed.

Therefore, it is our duty to fight vigorously any possibility which might endanger democracy anywhere. In this rapidly changing world, we urgently need a new socio-economic order, which respects and is dedicated to human rights, protection and improvement of the environment, and to the ideals of democracy. It must be emphasised that every single person has a responsibility to create an atmosphere where all peoples of the world will be able to live freely and fraternally in lasting peace and prosperity.

The pace of technological change is very rapid. How will the relations between such innovations and humanity affect life and change social balances? These questions are still awaiting answers.

My country, Turkey, has often been on the ILO agenda over the last ten years regarding various violations of human rights and freedoms, in particular the freedom of association.

You all know that during those ten years, we, the Turkish workers, have been fighting vigorously for our democratic rights on this rostrum and on the other ILO platforms, hand-in-hand with the ICFTU and the ITSs.

Previous governments have done very little except make some cosmetic changes and have beguiled all of us, wasting precious time. You will remember that, consequently, here we have criticised these governments very strongly.

The new coalition Government has initiated a process of democratisation, as defined by the Director-General in his Report. In this process, the main sources of our complaints, such as the restrictions on trade union rights and freedoms in the 1982 Constitution, and the suffocating legislation on trade unions, collective agreements and strikes are expected to be dealt with as priority subjects.

In this context, ILO Conventions Nos. 87, 135, 151 and 158 have been forwarded to Parliament for ratification. We welcome this initiative as a hopeful step forward.

I am pleased and proud to note that we reached this point through the valiant struggle of Turkish workers and their trade unions in cooperation with the ICFTU and the ITSs.

However, I should like to point out that, in spite of this optimistic picture, we have not yet reached any substantial and concrete results.

TURK-IS still insists that all the suppressive provisions in Turkish legislation should be removed immediately, such as those which restrict the right of free collective bargaining, limit the freedom of association, restrict or prohibit the right to strike or curtail the use of trade union rights.

I am convinced that this is imperative for the democratisation process in Turkey and therefore I invite the Government to take concrete steps to this end. I must also indicate that we support the Government's positive initiatives to start a tripartite consultation process, in line with ILO principles on two most fundamental issues – the protection of workers against unfair dismissal, and the establishment of unemployment insurance.

As you can see, this year I am referring to positive developments in my country and making and optimistic speech, and I am especially happy to note that we have reached this point through the long democratic struggle of Turkish workers, in particular, and the Turkish people in general.

However, as the ILO knows, previous governments also painted such promising pictures but then betrayed all hopes and led us into lamentable disappointments. Keeping these bitter experiences in mind, we are now expecting the present Government to implement the political goodwill that has so far been declared. I should especially like to indicate that the ILO could make notable contributions in this direction. The ILO has a dual role in helping governments to turn their political goodwill into action through enlightening them and supervising implementation of appropriate measures.

The ILO has always fulfilled its duty of enlightening and inspiring Turkish governments. I now hope that the present Government will take the necessary inspiration from this function of the ILO. Naturally, I further insist that the ILO should also effectively supervise the Government's implementation of the measures needed. This is what we expect above all from the ILO at this stage.

I continue to hope that next year I shall be able to address the session of the Conference as the Workers' delegate of a country where democracy is fully operational. In order to fulfil this hope, please allow me to repeat that we are looking forward to the continued support and solidarity of the ILO and the international trade union movement represented by the ICFTU which have been invaluable to our struggle so far.

Mr. OWUOR *(representative of the Pan-African Employers' Confederation)* – May I, on behalf of the Pan-African Employers' Confederation congratulate Mr. Nascimento Rodrigues on his unanimous election as the President of the 79th Session of the International Labour Conference. It is my delegation's hope that the Conference will come to a successful conclusion under his wise guidance.

The Director-General should be congratulated on the choice of the theme of democratisation and the ILO. As he notes on page 11 of his Report, "the transition from authoritarianism to democracy is fraught with dangers", both at the political and economic levels.

The 1990 African Charter for Popular Participation in Developent and Transformation referred to in the Director-General's Report which urged all governments to vigorously implement the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), opened the way for closer cooperation among the social partners in Africa in the social field. We share the Director-General's concern but the mere existence of employers' and workers' organisations does not constitute genuine participation in social affairs unless they are actually involved in the social and political life of a nation.

In many developing countries, the vital social role of organised emplloyers has not been given due attention by governments. This is despite the fact that the enterprise, as noted on page 51 of the Report, is the creator of wealth and the provider of jobs. We, therefore, laud the Director-General for acknowledging in the Report that employers' organisations are the driving force of a country's economy as they play a promenent role not only in the rational allocation of resources and the accumulation of national wealth, but also in stimulating individual initiative, in proving management competence and promoting vocational training. In order to break the chain of economic stagnation and political instability in Africa, we need a missing link. One of the missing links in African social development has been the lack of strong, independent, representative and politically relevant institutional structures of employers that are capable of engaging their governments in effective social and economic dialogue.

In this respect, my Confederation is committed to the creation and development of strong and independent national and sub-regional employers' organisations. Already, 31 national African employers' organisations have joined the Confederation and its programme of action includes strengthening national employers' bodies as well as creating subregional employers' blocks where they do not exist. The Confederation also expects to act as a clearing-house of information on economic and social development in Africa. Its future participation in the Organisation of African Unity (OAU) labour commission meetings as well as its association with both the ILO and the International Organisation of Employers (IOE) will enable the Confederation to fulfil its principal objectives of assisting employers' associations.

Turning to the activities of the ILO in 1991, my delegation would like to urge the ILO to increase its budgetary allocation to the Bureau for Employers' Activities in order to enable this division to strengthen the role of employers at both national and regional levels in the social development of society. Of particular interest to employers from Africa, would be technical assistance that would enable them to strengthen their institutional capacity with a view to ensuring the long-term self-sustainability of their activities, management training, environmental education, vocational training and entrepreneurship development. In this regard, the ILO should be congratulated for providing fellowships to executives of employers' organisations in Africa to study the activities of their more advanced sister organisations as a way of promoting South-South cooperation, organising regional and national seminars for the exchange of ideas on labour matters and promoting entrepreneurship development and management training in the African region.

The ILO also cooperated with the Pan-African Employers' Confederation, the Federation of Egyptian Industries and the International Organisation of Employers in organising a very successful seminar in Cairo in May 1991 on the privatisation of the African economy. One of the main conclusions of this meeting was that, to ensure that the process of privatisation is properly executed, it is essential that national schemes be carefully planned and well-studied with shared responsibilities between the social partners, especially in matters of management training, development of financial markets, elimination of bureaucratic red tape and formation of appropriate macroeconomic policies, all of which are essential for the functioning of a market economy.

The ILO should also be congratulated on organising, together with the International Organisation of Employers and the Pan-African Employers' Confederation, a meeting in Harare in January 1992 of the South African representative employers' organisations with a view to encouraging them to form a non-racial umbrella employers' body in line with the conclusions of the 78th Session of the International Labour Conference. At the Harare meeting, the three South African employers' organisations, namely the Foundation of African Business and Consumer Organisations (FABCOS), the National African Federated Chambers of Commerce (NAFCOC) and the South African Employers' Consultative Committee on Labour Affairs (SACCOLA), expressed their agreement in principle with the creation of such an organisation.

The ILO has also extended its diplomatic support to the efforts made by both the Pan-African Employers' Confederation and the Organisation of African Trade Union Unity (OATUU) to transform the OAU Labour Commission into a tripartite body.

These efforts have borne fruit. At the 15th Ordinary Session of the OAU Labour Commission held in Addis Ababa in May 1992, the Commission transformed itself into a tripartite organ composed of delegations of governments and the most representative employers' and workers' organisations. For the first time, employers and workers will be allowed to vote independently of their governments in all future commission sessions. This historic decision is a reflection of the democratisation process sweeping across the continent.

Africa is undergoing its most difficult period within the last 30 years. Apart from economic difficulties caused by the grinding external debt crisis, deteriorating terms of trade, social upheavals brought about by the hurried pace of structural reforms, many African countries are suffering from the most severe drought in living memory. It is estimated that in the Horn of Africa alone some 23 million people are faced with starvation. Their plight has been exacerbated by the massive refugee problem caused by civil disorder.

May I therefore conclude by appealing to the world community, including the ILO, to give urgent assistance to the refugees who have been displaced by both drought and civil disorder, not only in the Horn of Africa but also elsewhere in Africa.

Original – French: Mr. MARCELIN *(Workers' delegate, Haiti)* – On behalf of the workers of Haiti, I should like to express here my heartfelt congratulations upon his election to the President of the 79th Session of the International Labour Conference, organised under the auspices of the International Labour Organisation of which my country is a Member.

In 1986 the dictator Jean-Claude Duvalier, son of the despot François Duvalier, had, due to popular pressure, to give up power in my country. Since it was just a mere uprising, he had the time to have himself replaced by his own disciples and those of his father.

The political and economic instability lasted four long years – five presidents from 1986 to 1990. Thus, the ILO has continually had to interrupt its programme in the country and begin again sometimes from the beginning. It was almost impossible for trade unions to tackle seriously on a legal or practical basis the major problems facing the workers.

Thus, the organisation of free and democratic elections, theoretically obligatory for economic and political stability, became one of the major objectives of the sectors connected with the Haitian working class.

It is for this reason that two years ago at this rostrum, on behalf of the workers and people of Haiti, I asked the member States of the ILO, as well as the members of the specialised United Nations bodies not only to assist us in organising elections, which were set then for the end of 1990, but also to take up and strengthen ILO programmes in Haiti.

Unfortunately, the ILO has not had the time to take up these programmes again since on 30 September 1991 the news, incredible but true, broke that there had been a coup d'état in Haiti against the first President to be freely, democratically and overwhelmingly elected in Haiti, the Reverend Jean Bertrand Aristide. The result: 3,000 deaths and more than 100,000 injured, a total of more than 103,000 direct victims, that is nearly 2 per cent of the total population of the country. An estimate which continues to grow daily. Some of the injured were killed in their hospital beds by the military. This tragedy was confirmed by physicians' associations which were prohibited from tending the victims who came mainly from the highly-populated districts. Trade unionists, socio-professional and popular organisations are still underground.

The main objective of this coup d'état is and remains the direct control of States machinery by the traditional and obsolete political class of Haiti, openly supported by some members of the international community in order to re-establish the political and economic order of the status quo.

The military and local oligarchy continue, apparently through the de facto Executive, to consolidate their power, scorning the aspirations of the Haitian nation and trampling on the most fundamental human rights.

The peasantry is one of the sectors most seriously affected by this state terrorism. In defiance of the Haitian Constitution, the illegal, illegitimate and unconstitutional Executive is re-establishing the system of rural section chiefs, with the right to decide on the life or death of the inhabitants of the district, with a small militia at hand or even sometimes a private prison, free to steal the livestock and pillage the rural workers' harvests.

The press, Parliament, schools and university faculties function whilst threatened by persons wielding guns. Trade union organisations and even non-affiliated workers are each day direct of indirect victims of the repressive policy enforced since the coup d'état. The few cases I will mention speak volumes: 20 October 1991, the arrest of Manuci Pierre, leader of CATH (Centrale Autonome des Travailleurs Haitiens); 14 December 1991, arrest of Evens Sainturné and Abel Point-du-Jour, leader of FESTRED'H (Fédération des Syndicats de Travailleurs et d'Employés de l'Electricité d'Haiti); 2 January 1991, arrest and torture of Jean Charles, known as Claudy, member of CNEH (Confédération Nationale des Enseignants d'Haiti). He died on 6 January as a result of the torture to which he had been subjected; 30 May 1992, the brother and mother of Suzette Morisseau, leader of the women's section of OGITH (Organisation Générale Indépendante des Travailleurs(euses) d'Haiti), were struck down in cold blood by the military. People close to the CGT (Central des Travailleurs Haitiens), have been arrested.

As far as the social and political situation is concerned, for eight months now administrative chaos, the shelving of all development projects initiated since February 1991, the effects of the slow and awkward application of the embargo against the putschists, have all helped to drain the poor economic resources of the country.

Many enterprises have gone bankrupt because of the institutionalisation of contraband, thus leaving thousands of workers, both men and women, unemployed. Let us not even mention the increased cost of living, the lack of variety of basic foodstuffs, the disturbing rapid environmental degradation, mass dismissals without legal representation, the militarisation of the working environment, as well as the serious decline in the Population's state of health, exposed to all types of illnesses due to a breakdown in refuse and public health services, and the use of poisonous oil products, etc.

In order to flee this repression, which no speech could describe, each week thousands of Haitians – men, women and children – go to the Dominican Republican, the neighbouring Republic, where they embark upon small sailboats heading for the United States.

Some do not reach their destination, and do not return. Others are kept in the American military camp, Guantanamo, to prevent them from reaching the coast of Florida.

A few days ago, as a solution to this tragedy, the President of the United States, Mr. George Bush, found nothing better nor more suitable to do than decide simply to send back, immediately, Haitian refugees stranded on the high seas, without giving them any possibility to present to the American immigation authorities the reasons why they had embarked upon such a dangerous voyage.

The Conference is dealing with three themes that I consider to be of special importance this year for our countries. At the end of the Conference, conclusions will be drawn from the discussion of these subjects. These conclusions, which will probably take the form of Recommendation or Conventions, will benefit our peoples because they will be aimed at improving their living and working conditions.

However, despite the noble character of our work, I cannot prevent myself from expressing my deep concern for the workers and the people of Haiti, since they may never be able to benefit in concrete terms from the advantages of this work. The political and military authorities of my country are now systematically denying the impoverished masses of Haiti the right to life.

That is why, while encouraging you to continue your work, I invite you, the friends of the people of Haiti, to make an additional gesture – that of supporting the struggle for democracy of the Haitian workers and people.

In my capacity as Secretary-General of the *Organisation Générale Indépendante des Travailleurs(euses)* d'Haiti (OGITH), and especially as the delegate representing all Haitian workers, allow me to make some proposals.

We ask the international trade union organisations, such as the ICFTU, the WCL and the WFTU, which have condemned this brutal breach of democracy and the violations of trade union and human rights which accompanied the coup d'état, to strengthen their positions so that they have an immediate effect on this state of affairs, which cannot last any longer.

As spokesman for the workers and trade unions of Haiti and the Haitian trade unionists in exile, I am asking you to make every effort in order to stand by them at this very painful time.

We encourage the delegates and workers present to convince their respective governments, members of the United Nations, to persuade the Government of the United States and its Ambassador in Haiti to change their policy vis-à-vis the courageous people of Haiti, who have committed no other sin than that of wishing to recover their national dignity.

The embargo applied against the members of the coup, and not against the people, must be strengthened. International humanitarian assistance would be welcome, provided it seeks to strengthen the embargo until the return to constitutional order, with the reinstatement of His Excellency President Jean-Bertrand Aristide in the exercise of his functions as stipulated by the Constitution.

The workers, the trade unions and the people of Haiti are committed to stand by President Jean-Bertrand Aristide and the Government of his Prime Minister in the difficult task of starting again a democratic process, aimed at establishing a state based on the rule of law and a just society in Haiti.

The impoverished peoples of the world expect much from the ILO. The workers, the trade unions and the people of Haiti, all the more so, expect a great deal from this Conference. I sincerely hope that this Conference may promote the cause of democracy and social justice in Haiti and in every place inhabited by man.

Original – French: Mr. VITTORI *(representative of Pax Christi International)* – I would like to congratulate Mr. Nascimento Rodrigues on his election as President of the Conference. Pax Christi International has just held its international biannual congress in his country. I am particularly happy to contratulate him on his election as President of the Conference.

The contribution of Portugal to peace agreements in Angola, which opened the path towards democracy, and the obstinate action of the Portuguese Government so that the people of Timor may choose their fate democratically, are welcomed by my organisation.

In the same spirit we have read the Director-General's report. Democracy, which is its theme, is in fact the basis on which one can build the peace, justice and the respect of political, economic, social and cultural rights of man.

But universal suffrage has experienced in certain cases a regrettable percentage of abstentions, and power winds up in the hands of the majority of a minority. We must not forget, moreover, the advantage of those who can, through money or contacts, gain access to media. It is when those in power consult the people that democracy is genuine.

No sooner has "political freedom been established than the people feel more destitute than ever before." This is what the Director-General points out regarding certain countries in transition towards democracy. But how is it possible to apply on a national level a right which has never been applied on a smaller scale? democracy begins in groups which are close to those who are called upon to exercise it.

Trade unions, when they are politically and religiously independent, are schools for democracy. The same applies to the NGOs which, mandated by the grass-roots level, defend whole categories – tenants, consumers, parents or students – or advocate the promotion of specific rights, safeguarding of the environment, popular culture, etc.

It is what the President has called "the democracy of participation". The Director-General suggests along the same line to "welcome the principle of subsidiarity, which means that decisions are taken at the lowest possible level of authority". He even quotes the Managing Director of the IMF who recognises that the viability of an economic system depends on the existence of structues for dialogue and for participation, which allow for a discussion of fundamental choices.

Political democracy, which confers power on the voting majority, does not automatically guarantee justice and respect for law, when civic rights are not recognised for the majority; and that is the case in South Africa, or where sometimes important minorities are excluded, such as populations in occupied territories or foreign workers regularly established. The Director-General refers, and justly so, to the fight against discrimination. Convention No. 111 of 1958 is of a crucial importance in this respect. Its application should not provide for any exception, even for those who follow movements which are democratically opposed to democracy. Generally, these movements only have followers because they denounce real problems to which they give false, simplistic and demagogical solutions. It is these problems that we should tackle and that good answers should be found in the standards of the ILO which today amount to 172 Conventions and 179 Recommendations.

The ILO does not have any means of coercion to make these standards apply even in States which have ratified them. Without underestimating the mechanisms for application, we should consider that a certain number of developing countries encounter difficulties in complying with them. The ILO, through its programmes of technical assistance, "in which the standards and principles of the ILO would be sources of inspiration" can help them. The extent of this action, however, depends on the solidarity of rich countries, which have to make real sacrifices. This is the price of peace, which requires that we devote at least as many means to it as to war, the risk of which at the world level has fortunately become remote with the end of the East-West antagonism.

But the arsenal of laws and standards would not be sufficient to make the world a more just, more convivial and, in short, a more brotherly place. The spiritual dsimension must also "irrigate" the activities of the ILO. Albert Thomas, in his report to the International Labour Conference in 1928, had already invited the ILO "to follow... the modern religious movements which are taking so much interest in labour questions and which can exert a greater influence than is ofter supposed. These movements can undoubtedly give the International Labour Organisation valuable assistance in various ways."

Pax Christi International has read with great interest the two recent publications of the ILO. One gathers together summaries of the major documents of the Catholic Church in relation with the world of labour, and the other highlights – regarding *Rerum Novarum* and the publication of the encyclical *Centesimus Annus*, in 1991 – the convergence of the perspectives of the social teachings of the Catholic Church and those of the ILO.

My organisation welcomes the fact that the ILO is envisaging the publication of other documents which will highlight the wealth of the reflection of other religions and ways of thinking about labour. This can only contribute to reinforcing the ILO as the social conscience of the world.

This year is the 500th anniversary of the arrival of the Europeans in the Amercan continent, at a time when the United Nations Conference on Environment and Development is being held in Rio, and a committee of our Conference is examining the question of the prevention of industrial disasters. How can we not recall the values of Indian spirituality, which we also find in other cultures, enoneously thought of as primitive, as regards respect for the earth and its nature?

Such values could prevent modern man, in his mythical race for progress, from becoming the most dangerous of predators.

Original – French: The PRESIDENT (Mr. DECOSTERD) – Before we hear the right of reply which was requested, I would like to remind you, according to practice, that the answer should only bear on the point in question.

It should be brief. It should not exceed more than two or three minutes and, in any case, it should never be the opportunity for a new speech. I call on Mr. Xerri, Government delegate from Malta.

Mr. XERRI *(Government delegate, Malta)* – The Workers' delegate of Malta yesterday addressed this Conference and laid a number of charges against the Government. Most of those charges had already been made in this same hall last year and the Government had rebutted them in a letter addressed to the Director-General. The Workers' delegate alleged that workers in state employment are discriminated against by the Government in promotions because of their union affiliation or political beliefs.

My Government denies that it has ever made it its policy overly or covertly to deny any promotion to any person in its employment, either in the public service or in state corporations, purely on the grounds of that person's union affiliation or political beliefs.

In fact, the first law enacted by the present Government after assuming power in the 1987 elections was Act No. 15 of 1987, cited as the Investigation of Injustices Act, which provides for the setting up of a Commission for Investigation of Injustices with the power, inter alia, to investigate any written complaint made by any person who claims to have sustained injustice in consequence of any undue distinction, exclusion or preference which has been made or given to his prejudice, or of any disability or restriction to which he has been subjected, by any action taken by any person to whom this Act applies. In particular, but without prejudice to the generality of the foregoing, the Commission may investigate such a complaint in respect of any of the following: appointment of public officers; appointment of members, officers or employees of any such body; recruitment of employees. This tribunal is an independent body with full and unfettered power to examine cases brought before it and with powers to provide adequate measures of redress.

The intention of the Government in enacting this legislation was to ensure that no one in the administration abused his power in relation to his subordinates. It is unfortunate that the Workers' delegate has given the impression of being unaware of such an important and effective anti-discriminatory legislative measure taken by the Government in the interest of its employees.

I reiterate that in the light of the law which I have quoted, the Workers' delegate did not have sufficient grounds to complain to this distinguished body since he had the appropriate measures of redress, if any were required, in Malta itself.

(The Conference adjourned at 6 p.m.)

Credentials

Second Report of the Credentials Committee

Composition of the Conference

1. Since 4 June, when the Committee adopted its first report, the following changes in the composition of the Conference have taken place. Credentials have been received from a further six member States: Benin, Central African Republic, Dominica, Guinea-Bissau, Liberia, Moldova (which joined the Organisation on 8 June 1992), bringing the total number of member States at present represented at the Conference to 151. The delegations of three of these countries are exclusively governmental: Dominica, Liberia and Moldova. In addition, Cameroon has now sent a complete tripartite delegation while Chad, which was indicated in the First Report as having nominated an exclusively governmental delegation, has now in the meantime nominated a Workers' delegate. Antigua and Barbuda, which was in arrears in the payment of its financial contributions, has now regained the right to vote.

Objection concerning the nomination of the Workers' Delegation of El Salvador

2. The Committee had before it an objection to the nomination of the Workers' delegation of El Salvador submitted by the trade union organisations grouped together under the "Intergremial de Trabajadores".

3. The objecting organisations maintained that the Government of El Salvador nominated persons without trade union support to represent the workers of El Salvador at the Conference without taking into account the most representative organisations. Annexed to the objection were copies of two communications sent to the President of the Republic and to the Minister of Labour proposing the names of four persons so that the Government could select two of them to represent the labour movement in El Salvador.

4. The Committee noted that the objection which is of a succinct nature was limited to pointing out that organisations which are part of the "Intergremial" had proposed the name of four trade unionists to form part of the delegation and that the Government had chosen persons who were lacking in trade union support. The objecting organisations, however, had not submitted any information concerning the persons proposed or the objecting organisations or the workers' organisations of El Salvador represented at the Conference which would permit the Committee to examine the representative character of interested organisations and to come to any conclusions.

5. The Committee therefore considered that this objection did not require any action on its part. In this connection, it recalled that, since objections place the presence in the Conference of delegates or advisers at stake, the objecting organisations should clearly state the grounds of their objections and furnish all the supporting information that is necessary to enable the Committee to accomplish its work.

Objection concerning the nomination of one of the Workers' advisers of Malaysia

6. The Committee had before it an objection to the nomination of the Workers' delegate of Malaysia, Mr. Mohamed Abas, President of the Congress of Unions of Employees in the Public and Civil Services (CUEPACS) and his adviser, Mr. Kerisnan Sanmugam, Secretary General of the Malaysian Labour Organisation (MLO), submitted by the Malaysian Trade Union Congress (MTUC). By a letter dated 6 June sent to the Chairman of the Credentials Committee, the President of the MTUC withdrew the objection concerning the Workers' delegate, Mr. Mohamed Abas.

7. The objecting organisation maintained that the nomination of the Adviser, Mr. Sanmugam, contravened Article 3, paragraph 5, of the ILO Constitution since his nomination has been made without the agreement of the MTUC which was the most representative organisation of Workers in Malaysia as had been recognised by the Credentials Committee in 1981. According to the objecting organisation, the MTUC represented 55 per cent of organised labour with 141 affiliated unions and a total membership of 356,526 while the MLO only represented 21 per cent of organised labour with 19 affiliated unions and a total membership of 138,793.

8. In a written communication to the Committee, Mr. Dato' Lim Ah Lek, Minister of Human Resources and Head of the delegation of Malaysia to the Conference, submitted information to the Committee on the representative character of the organisation which, as far as the MTUC and the MLO were concerned, did not differ substantially from the information submitted by the objecting organisation. He added that consultations had taken place with all the interested organisations and that the inclusion of a representative from the MLO in the Workers' delegation of Malaysia ensured that the Workers of Malaysia had a better representation both sectorally and numerically.

9. The Committee noted that according to the statistics available, there being no important discrepancies between the objecting organisation and the Government, there was no reason to doubt the greater representative character of the MTUC. The Committee also noted that whereas there was only one Workers' adviser from the MLO, two such advisers had come from the MTUC, one of whom was a substitute delegate thus indicating that the Government had recognised the greater representative character of the MTUC.

10. The Committee considered that the fact that the most representative organisation had not given its agreement to the nomination of the adviser was not sufficient reason for suggesting that the nomination of the adviser was not in accordance with Article 3, paragraph 5, of the Constitution. At the same time, the Committee recalled that governments should always try in so far as is possible to obtain the agreement of the most representative Workers' organisations to the nomination of the Workers' delegate and his advisers to the International Labour Conference.

11. In the light of the above considerations, the Committee considered that the objection should not be upheld.

Objection concerning the nomination of the Workers' delegate of Nicaragua

12. The Committee had before it an objection to the nomination of the Workers' delegation of Nicaragua, Mr. Antonio Jarquin, of the "Central de Trabajadores de Nicaragua autónoma" (CTNa), submitted by the "Asociación de Trabajadores del Campo" (ATC) and the "Central Sandinista de Trabajadores" (CST)

13. The objecting organisations maintained that the nomination of the Workers' delegate contravened the provisions of Article 3, paragraph 5, of the Constitution. The consultation procedure was defective, since the organisations were not consulted as such but rather through their coordinating bodies and because their views were not taken into account in making the nominations. On the basis of the information published by the Ministry of Labour, the representativity of the CST and the ATC was far greater than that of the organisations comprising the Workers' delegation of Nicaragua. In addition to the statistics of the central organisations which have agreed to be represented by the CST and the ATC, these organisations represent 65 per cent of the unionised labour force in Nicaragua, while the CNTa and the "Central de Unificación Sindical"(CUS) (present at the Conference) only represent 7 per cent and 16 per cent respectively. This explained why the first national agreements had been subscribed to by the CST and the ATC and by the organisations represented by them and not by the other minority trade union central organisations.

14. The exclusion of the CST and the ATC, which the Government had qualified as being Sandinista in orientation, had been due in fact to political motives and not to representativity. The Government had taken an attitude of "reprisal" for the campaign by the CST and the ATC against the social consequences of the Structural Adjustment Plan imposed on Nicaragua by the international financial organisations.

15. The objecting organisations also referred to the previous reports of this Committee which had confirmed the more representative character of the CST and the ATC and added that, in its report of 1991, the Committee had clearly indicated to the Government that, in its report of 1991, the Committee had clearly indicated to the Government that the appointment of the Workers' delegation should have been made in agreement with the most representative organisations of the country, which meant in agreement with the CST and the ACT.

16. The objecting organisations also maintained that they had no objection to minority trade union organisations being represented in the delegation as advisers.

17. In a written communication to the Committee made at its request, Mr. F. Rosales Argüello, Minister of Labour and Head of the delegation of Nicaragua to the Conference, stated that both the ACT and the CST, through letters sent to their Secretaries-General, had been invited to a consultation meeting which had taken place on 29 April of this year which the following central organisations attended: "Central de Trabajadores de Nicaragua Autónoma" (CTNa), "Confederación de Unificación Sindical" (CUS), "Confederación de Acción de Unificación Sindical" (CAUS), "Confederación General de Trabajadores Independientes" (CGTI), "Central de Trabajadores de Nicaragua" (CTN).

18. In the said meeting, after waiting for 45 minutes for the delegates of the CST and the ATC, who did not appear, it had been agreed to nominate the Secretary General of the CTNa as Workers' delegate and the Secretary General of the CUS as adviser to the said delegate.

19. With respect to representativity, the reply pointed out that only national law can define who is or is not representative. However, since the installation of the new democratic Government, all trade union central organisations had been allowed to operate, recognising the CST like the ATC as representative trade union central organisations. As a result, these organisations appeared in many national commissions precisely because they had been recognised as representative central organisations. It had to be recalled that last year, when both central organisations attended the consultation meeting, they had been represented in the Conference by advisers. Their absence at the present Conference did not mean that the Government denied their representative character, but was due to the fact that they not attended the consultation.

20. The Committee noted that the CST and the ATC had declined to follow the consultation procedure provided for by the Government and had expressed their position outside of that consultation procedure. It resulted from this state of affairs that like in previous years, the nomination made had not taken sufficiently into account the real representativity of each of the organisations invited since, according to the statistical information provided by the objecting organisations, which had not been disputed by the Government, it did not appear that the CST

and the ATC had ceased to be the most representative Workers' organisations in Nicaragua.

21. In the light of the above considerations and taking into account that consultations had taken place, the Committee decided not to propose invalidation. The Committee considered, however, that the Government should re-examine its consultation procedure with a view to achieving its essential objective, namely to ensure that the nomination of the Workers' delegation of Nicaragua would be made in agreement with all the most representative Workers' organisations in Nicaragua.

Communications concerning the delegation of the Federal Republic of Yugoslavia

22. The Committee received copies of two communications addressed to the Director-General of the International Labour Office concerning a declaration, dated 27 April 1992, by the Federal Republic of Yugoslavia claiming to continue automatically the membership of the former Federal Socialist Republic of Yugoslavia.

23. By letter of 7 May 1992, the Permanent Representative of Canada to the United Nations in Geneva stated that the Government of Canada wished to place on record its view that the current participation of representatives of the Federal Republic of Yugoslavia in all United Nations bodies was without prejudice to the eventual determination of the status of the Federal Republic of Yugoslavia.

24. By letter of 14 May 1992, the Permanent Representative of Hungary to the United Nations Office and Other International Organisations in Geneva stated that, in the opinion of his Government, the settlement of the question of continuity should be based on the agreement of all successor states of the former Federal Socialist Republic of Yugoslavia and only such an agreement could form the basis for any decisions to be taken on the question of representation of the Federal Republic of Yugoslavia in international forums, including the International Labour Organisation. Accordingly, Hungary believed that any procedural arrangements that the International Labour Organisation might follow in that regard in the interim should in no way prejudge Hungary's position set out above.

25. The Committee noted that these communications were similar to those that had been made on the same subject to various organisations in the United Nations system, and in particular the communications to the President of the International Labour Conference at the present session from Australia, Slovenia, Turkey, the United States and the Member States of the European Community.

26. The Committee concluded that, apart from recording the reservations made in them, the communications did not call for any action on its part.

Communications concerning the Government delegation of Haiti

27. The Credentials Committee had before it various communications received by the International Labour Office between March and June 1992. The letterhead of those communications referred to the Permanent Mission of Haiti, United Nations, Geneva, or to the Republic of Haiti, Ministry of Social Affairs.

28. The communications concern the composition of the Delegation of Haiti to the International Labour Conference. In the last of them, dated 3 June 1992, signed by Ms Claudette Gourdet as "Minister for Social Affairs" of Haiti, the "Ministry for Social Affairs, in the name of the Government, makes the strongest possible protest to the International Labour Office, after having taken note of the list of government delegates representing Haiti [at the Conference] whereas those delegates are unknown to the Ministry of Social Affairs".

29. The Committee wished to point out that the composition of the Delegation of Haiti appearing in the provisional list of delegations published as a supplement to the provisional records of the Conference was based on the credentials presented by the Permanent Representative to the United Nations Office and other International Organisations in Geneva, who is the duly accredited representative of the Government of Haiti to the organisations referred to.

30. In this regard, the Committee referred to Resolution 46/7 of 11 October 1991 of the United Nations General Assembly, which "Affirms as unacceptable" any entity resulting from "the attempted illegal replacement of the constitutional President of Haiti". The Committee considers it appropriate to recall in this repect:

(a) the terms of the resolution adopted on 14 December 1950 by the United Nations General Assembly recommending that, whenever more than one authority claims to be the government entitled to represent a State, the attitude adopted by the General Assembly on the matter should be taken into account in other organs of the United Nations and in the specialised agencies; and

(b) the decision of the Governing Body of the International Labour Office of 10 March 1951 to draw the attention of the International Labour Conference to that resolution in order that the Conference take into account the position adopted by the United Nations.

31. Accordingly, having noted that the credentials of the Delegation of Haiti had been drawn up in due form, the Committee concluded that no further action need be taken with respect to such communications.

Communication from the "Conseil National du Patronat Tchadien (CNPT)

32. The Committee received a communication from Mr. I. Djedeh, President of the "Conseil National du Patronat Tchadien" (CNPT) in which it indicated that the Government of Chad had required the Employers' and Workers' organisations to bear the travel and subsistence expenses of their delegations to the International Labour Conference. The CNPT was not for that reason able to participate in the Conference.

33. In this connection, the Committee referred to paragraph 17 of its first report (*Provisional Record*, No. 10, page 10/42), in which it recalled the obligation of Members under Article 13, paragraph 2(a) of the

Constitution to pay the travelling and subsistence expenses of their delegates and advisers and trusted that this obligation would be respected for the whole duration of the Conference.

34. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 11 June 1992

(Signed) S. PEREZ DEL CASTILLO,
Chairman

D. FUNES DE RIOJA

C. GRAY

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Seventy-ninth Session, Geneva, 1992

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Sixteenth sitting

Friday, 12 June 1992, 10 a.m.

President: Mr. Nascimento Rodrigues

Communication to the Conference

Original – Portuguese: The PRESIDENT – We have just been informed that there has been an explosion of methane gas in a mine in Krasnodon in the region of Lougansk in Ukraine. This explosion has caused the death of 57 miners.

On behalf of the Officers of the Conference and, I am sure, on behalf of all delegations, we would like to extend to the people and the Government of Ukraine our condolences on the occasion of this tragic event and to express our solidarity to them.

Seventh Report of the Selection Committee: Submission and Adoption

Original – Portuguese: The PRESIDENT – We now move on to the first item on today's agenda, the seventh report of the Selection Committee; it simply involves some changes in the composition of committees. I submit it for your approval. If there are no objections, I will take it that the report is adopted.

(The report is adopted.)

Reports of the Governing Body and of the Director-General: Discussion *(cont.)*

Original – Portuguese: The PRESIDENT – Let us now move on to the discussion of the reports of the Governing Body and the Director-General.

Original – Portuguese: Mr. TINY *(Government delegate, Sao Tome and Principe)* – Allow me, on behalf of the Government of Sao Tome and Principe, of my delegation and on my own behalf, to extend to the President a sincere and warm welcome and to express our delight at his election to the Chair of this august assembly. We know, that with his characteristic ability and his wealth of experience, that he will bring to a successful and efficient conclusion the proceedings of this 79th Session of the International Labour Conference.

My congratulations and words of encouragement also extend to the Director-General, Mr. Michel Hansenne, and to his assistants for their judicious management of this Organisation, for the pertinence and excellence of the Report before us and, more particularly, the choice of the central theme for our discussions, namely the democratic process underway in the world.

This is illustrative of the interest, awareness and determination shown, as has indeed been emphasised in the Report, in finding ways and means to achieve the essential adjustment of the structures, methods and procedures of the Organisation to the new conditions, principles and requirements which have arisen from these changes.

Now that we have left behind the age of the cold war and the bipolarisation of relations between the nations of the world, it is incumbent on us all, as representatives of the nations, of organisations and international agencies and citizens of the world, to have the wisdom and foresight to ensure that this new world which is emerging with all its idiosyncracies can give rise to a universe of healthier and fraternal relations where the ideas of democracy, tolerance and flexibility can flourish – in short, a universe founded on the unequivocal respect of fundamental rights of man, wherever he is, whoever he is and whatever his social condition, race or religious beliefs.

Our generation is privileged indeed to build, with the means which we have created, what we could proudly call "the era of universal democracy". It is all within our reach, it all depends on us, on our determination, our devotion to the task to make progress – that is to achieve democracy in our respective countries and to assist others in achieving the democratic ideal.

For our part, in Sao Tome and Principe, we have shouldered for more than a year our part of the responsibilities in this task. As you know, a year ago, from this very forum, I was honoured and pleased to announce the political changes to which the people of Sao Tome were committed and which had for the first time in the country, led to the holding of general and presidential elections by direct universal secret suffrage. These elections, coming as they did after 15 years of a centralised and authoritarian system of a single party, set the seal to a resounding victory for democracy and the opposition forces which are today working towards the rationalisation of the economy and the finances of the country, more particularly through the application of the structural adjustment programme to create the conditions for the socioeconomic development of the country.

I must emphasise that all this is taking place against a background of the legal establishment of a State of democratic law through the adoption of a new political Constitution which enshrines the protection and guarantee of the fundamental rights of man.

Since it is not our intention to speak at length here on democracy and its advantages, I would simply like to emphasise that, while multi-party democracy may not be a panacea for all our ills, it is none the less a fundamental principle, an essential starting point on the path towards development since, politically speaking, it is the only system which has sufficient potential to guarantee freedom as the ideal for all mankind, one which gives the principle of tripartite consultation between government, employers and unions its essential logic and consistency.

Since man is at the heart of our concerns, we believe it is of the utmost importance to look again at this direct relationship established between democracy and the full development of human resources mentioned in the Report. In truth, the less the ability to intervene and manage human and material resources available, the less will be the chances of democratic consolidation in our countries. We have to invest decisively in the training of our people in Sao Tome in all spheres. We are firmly convinced that the experience of Sao Tome and Principe today can be in many respects of great interest to the international community.

It is a small, fertile country of around a thousand square kilometres, an island State, poor (an LDC), with a population of 120,000 inhabitants who are essentially young at heart, and an unemployment rate of around 25 per cent of the working population, although many have been through the school system. But it is a democratic country, open to private initiative, peace-loving by nature – we have never been at war in our country – although now in the midst of a very serious socio-economic recession caused by a reactionary regime which lasted 15 years. It is currently applying a programme of necessary structural adjustment, although this has had deeply negative social consequences in the short term.

In this context of political freedom, the Government has chosen as a priority this year, in addition to the economic programme the establishment of standards, and we have introduced legislation, among others matters, on a new legal system, an Act respecting individual conditions of employment, legislation on strikes, the press and the holding of demonstrations. At the external level we have called on the ILO's technical support for our ratification of various international labour Conventions in the field of labour law, and in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

In the hope of a rapid response to our requests to the Organisation, the Government is continuing to deploy all possible efforts for the full and efficient consolidation of laws, freedoms and fundamental guarantees of our citizens. We believe that we can do much for our people although we are aware none the less of our great limitations. We know by our own experience that the formal and political transition to democracy and the conquest of freedom, although extremely difficult, often leave indelible marks on the social fabric; even so, it is only a first stage, a *sine qua non* for what comes after. However, the following stage in a country such as ours, where everything remains to be done at the level of structures and attitudes, is the hardest and the most delicate phase, and we certainly need to count on the support of the international community.

From this point of view and following on the reflections of the Director-General, we would like to call on the ILO to search with us for ways and means which will enable our countries to mobilise a more consistent form of assistance, cooperation programmes which are more tailored to our situation, actions and projects which can be speedily and efficiently implemented. It is essential, after the necessary analyses in our offices, that we should be able to take action – specific, simple and not very ambitious action, perhaps, but which will be to the benefit of our people.

We know *what* we want and *where* we want to go. We do not always know exactly *how* we will get to our destination since very often the means of transport come from different and external sources which are not always easy to identify. It is particularly as regards the *how* and the *means*, that the solidarity of the ILO and other partners is very welcome.

It is no new thing for anyone to affirm that democracy has financial costs, costs which have to be borne by resources which our own countries, and more particularly the LDCs, have in insufficient quantities. Job-creation schemes and social projects will have to be rigorously implemented in order to minimise the direct effects of macroeconomic stabilisation programmes. I would like to give you two examples which are noteworthy in this respect.

The first has to do with the agreement signed between the Portuguese Government and the ILO on a project of technical cooperation in the sphere of computerisation and the employment markets in the Portuguese-speaking African countries. This will contribute significantly towards the solution of an important problem for our countries and we would therefore like to congratulate its promoters. We wish the project every success, aware as we are that all countries concerned will have their own word to say. The second example has to do with a project which my Government is negotiating with the ILO; and which is due to be implemented in the near future, concerning the creation and support of small and medium-size businesses in Sao Tome and Principe. This project will be particularly important in the creation of economic alternative for a large part of the population now working in the informal sector.

As I draw to my conclusion I would like to extend a few words of encouragement to all those Governments who are fighting for democracy and for peace in their countries. In particular, I would like to mention the process of peace in both Angola and Mozambique, where despite all the difficulties it is courageously being pursued.

Finally, I would like to repeat, in line with other speakers from the Portuguese speaking countries who have preceded me, how important it is to us, at this 79th Session of the Conference, that we can speak freely and directly in Portuguese. It is as well to remember that Portuguese is the principal means of communication between more than 200 million people from seven countries scattered throughout the world. These are sufficient reasons for Porguguese to be considered an official language of the ILO, notwithstanding the financial reasons which have traditionally been invoked against this.

Original – Spanish: Mr. **GARCÍA ASTABURUAGA** *(Employers' delegate, Chile)* – On behalf of the Chilean Employers' delegation, I would like to extend to the President and the other Officers our congratulations for their election and I would like to wish them the best success.

It is a great honour for me to represent the Chilean employers, both because of the importance of this Conference and because of the opportunity it provides for outlining the work we have been doing to consolidate and further our achievements of the past few years and to safeguard the atmosphere of political and economic freedom that we have reached, for it constitutes the fundamental basis of authentic democracy.

As regards the trend towards democracy which is highlighted in the Director-General's Report, the employers have a very important part to play.

Starting with the profound changes that took place in Chile in the 1970s, which allowed us to leave behind decades of paralysing state control, the employers have gradually become conscious of the pressing need to change the physionomy of labour relations by strengthening the direct contacts between employers and workers.

This revitalised concept doesn't imply that we are closing our eyes to the proper role of the authorities, which essentially concerns the establishment of an institutional framework in which the social partners are to act.

We believe that the contacts between employers and workers in our country, which are obviously of concern to this international forum, deserve some comments.

In the last few years the Confederation of Production and Trade, which I represent, and the single Central Organisation of Chilean Workers, the most representative organisations of Chilean employers and workers, respectively, have signed a number of framework agreements on subjects of common interest, such as minimum wages, the importance of private enterprises as the engine of growth, the role of markets in the efficient allocation of resources, competitiveness, labour mobility, productivity, vocational training, etc.

With this social dialogue that we have undertaken, we have given a strong and renewed impetus to the ties between employers and workers, and to their relationships with the Government.

In keeping with the point of view expressed by the Director-General in his Report, and in the light of the profound changes that the world is going through, it may be interesting in this meeting to discuss the main reasons and objectives behind our drive to modernise our labour relations.

Firstly, we believe that it is vital to preserve a climate of stability and certainty in the rules of the game, thus providing the social partners with the ideal conditions for carrying out their productive activities.

It is also important to eliminate confrontation in labour relations, and to replace it with partnership.

Furthermore, a market economy requires that employers and workers be recognised as protagonists in their inter-relationships, without any outside interference, particularly from political factors.

We should note that this kind of participation machinery makes it possible to achieve a high degree of commitment among the social partners, thanks to the agreements they reach and their joint initiatives.

In any process of social dialogue it is most important to define the rules and the subjects it will cover.

It is also important for employers to recognise their social responsibility: labour relations do not affect only workers and employers; their impact is felt also by consumers, the unemployed, unorganised sectors, the poor, and, in general, the whole community.

Furthermore, we think that labour legislation must be functional and contribute to the country's economic strategy; otherwise it will compromise the performance of the economy.

In this context, preserving and boosting economic growth and maximising the creation of productive jobs are the priority issues.

Labour productivity and the competitiveness of enterprises, the quality of products, the control of inflation, training, occupational safety and health, savings and investment, the opening up of the economy and international competition, privatisation of enterprises and the secondary role of the State, are topics which Chilean employers wish to and must discuss with the workers.

Reasonable levels of consensus on these subjects will make an indispensable contribution to stability and enable us to continue along the path towards economic and social progress.

The results obtained so far in our country allows me to say that the experience has been successful.

Nevertheless, we know that it is no easy job. We have to overcome many prejudices and many fears left over from the past.

We should note that it is particularly dangerous to view dialogue as a magical means for resolving all labour problems totally and immediately.

In this respect the Chilean employers have a pragmatic vision and a clear understanding that our achievements will not put an end to disputes; after all, disputes are the result of the natural motivation of the social partners.

Such difficulties, nevertheless, should not discourage us.

We believe that now, perhaps more than ever before, different factors, both domestic and external, are combining to ensure a positive outcome for the concertation process in which we are engaged.

Of course, the crisis which so called "real socialism" has experienced around the world, has led to considerable convergence between socio-economic schools of thought in our country. This has generated greater convergence between the social partners and at the same time has made it possible to agree on diagnoses of problems and their possible solutions.

The economic progress and social development that the country has experienced in the last few years under our market economy model are recognised and appreciated by labour.

Furthermore, the memory of the trauma and the painful experiences of the past and the full awareness of the damage which confrontation wrought on labour relations, have certainly contributed to the successful results of our concertation.

All this explains the reasonable optimism with which Chilean employers have undertaken the process of social dialogue without inpinging the prerogatives of individual enterprises as regards their own labour relations.

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We believe that in the context of the structural reforms that the world is going through and which are particularly strong in the developing countries like our own, social dialogue is an inescapable duty which cannot be postponed, because our future prospects in this new international order will depend to a considerable degree on our capacity to define a national effort entailing the contributions of the national community.

Finally, I should like to say that the strengthening of links between employers and workers and the possible consensus that we may reach on the subject I referred to earlier, will certainly facilitate the efforts that both the Government of Chile and all factions in our country are making in order to achieve higher levels of economic growth and social development.

Mrs. PAPANDREOU *(Member of the Commission of the European Communities responsible for Employment, Industrial Relations and Social Affairs)* – We only have to look around to see that we are living in a very troubled world. Less than a two-hour flight from here men, women and children are dying in the place where World War I originated – the "last war", as we used to say. In Eastern and Central Europe, now that the certainties of dictatorship have disappeared, nationalism remains – as well, in too many cases, as xenophobia.

Far away in Rio, Heads of State and Government are debating how to protect our environment, a debate that highlights the antagonisms between industrialised and developing countries. Closer to home, in Western Europe, the extreme right is starting to march on the streets again and racism, especially against Third World country immigrants is gaining ground. Let us also remember that in many parts of the world people are dying of hunger, that children survive only by scavenging in dustbins and that forced labour still exists. There are still too many places in the world and in Europe where basic rights are ignored: the right to education; the right to have a decent place to live; the right to work, not to mention the right to belong to a union and to strike; the right to social protection in the event of illness; the right to a fair trial; the right not to be discriminated against because of gender, skin colour, or ethnic origin. Let us not hide ourselves under the cover of the so-called affluent society.

On the eve of the third millennium, we still have a long way to go towards fairness and equity.

At the Community level a further step in this direction has been decided through the commitment in the Maastricht treaty, the Heads of State or Government have committed themselves to contributing to the community development policy to the respect of human rights and fundamental freedoms in developing countries. Each and every one of us has a major responsibility in contributing to the development of a democratic, efficient and equitable society. Governments, to start with, have to recognise that the development of a segmented society, with haves and have nots, puts democracy itself at risk. They have to provide at least a minimum of public services such as education, health, justice, etc. for without them all the discussions about equity and solidarity will remain purely theoretical. Governments too, have to remain vigilant about the rights of minorities so as to avoid the development of inter-ethnic conflicts.

Employers also have to accept that they have a social responsibility. Profits, as legitimate as they are, do not constitute an end in themselves. Increased flexibility and reinforced competitiveness must go hand in hand with improvements to working conditions.

Lastly, trade unions, while legitimately defending the interests of their members and of workers in general, should also recognise that they have to contribute to the economic and social well-being of the society and thus bear some responsibility in this process.

It is in this context that I fully endorse the ideas set out by the Director-General in his Report. Our constant task must indeed be to reaffirm and ensure the development and the implementation of the fundamental principles of respect for human rights and workers' rights and to fight against xenophobia. This approach was asserted in the Community Charter of the Fundamental Social Rights of Workers in which it was stated that "it is important to combat every form of discrimination, including discrimination on grounds of sex, colour, race, opinions and beliefs, and, (...) in a spirit of solidarity, it is important to combat social exclusion."

At this point I would like to draw the attention of the Conference to the importance we attach to social dialogue at community level. This is a fundamental issue. Successes and mistakes in the area of industrial relations abound throughout the EC. We have to recognise that there is no one single model. Each member State has its traditions, its culture; each member State has its history, and the model of each member State is the product of a long history of conflicts and of compromises. We do believe, however, that the necessary development of such a dialogue at any level should be based on a series of principles that all parties, including the public authorities, should adhere to. First, the fact that the social partners do exist, in other words, and this might sound banal, their representatives cannot be called into question. It is not only a matter of membership percentages, it is also a qualitative and structural issue. Employers' and workers' organisations are the proper channel through which both parties can express their claims, voice their concerns and find consensus. Second, the social partners are autonomous and their autonomy should be respected by a third party which is the public authorities. Employers' and workers' organisations are not conveyor belts for the State. It is for them to develop together their own sphere of competence and to find ways of combining economic efficiency with better working and living conditions. Third, the State should encourage joint discussions and common approaches between the social partners. In areas where public order is concerned, the State must assume its responsibities, for example in relation to discrimination at the workplace or in health and safety matters.

These three rules of the game are not attached to any specific economic or political system. They do not run counter to the need for flexibility, for increased competitiveness and for market relevance. In fact, the market is very good at doing some things, many things even, provided it operates within a framework of reasonable regulations so as to prevent any deterioration of working conditions or of the environment. There are, nevertheless, some other things the market is not good at. Deregulation, competition, open access, privatisation, and so on, are not magical solutions, any more than public ownership or state intervention.

This is where social dialogue has a major role to play in the shaping of new industrial relations. This is the basic thrust underlying the community social dialogue, as exemplified by the joint agreement signed by the European Trade Union Confederation (ETUC), the Union of Industries of the EC (UNICE) and the European Centre of Public Enterprises (CEEP) last October. However, asserting principles and laying down deadlines is one thing, but democratisation also has to be put into practice.

As the Director-General, Mr. Hansenne, points out in his Report, we have to improve labour law and equal opportunities and treatment in access to the labour market. We have also to promote workers' well-being and safety, increase social protection and combat economic and social exclusion.

I would like to close by offering my warmest wishes for fruitful cooperation between the EC and the ILO.

Mrs. MEO *(Employers' delegate, New Zealand)* – I take great pleasure in congratulating the President on his election to the Chair of this Session of the International Labour Conference and I wish him every success.

Part I of the Director-General's Report deals with the very important subject of democratisation and the ILO, and I note with approval the firm conclusion that the advance of democracy, together with social justice, is the only guarantee of world peace. The Report refers to the spectacular change in the world's political climate which has occurred in such a remarkably short space of time and asks Conference delegates to state what actions they believe the ILO and its Members should take in order to assist the democratisation process.

Over the years, the ILO has played an invaluable role in the development of international labour standards, in smoothing the path of industrialisation and in fostering genuine consultation between governments, workers and employers.

However, with the rapid political changes taking place has come a need for the ILO to reassess the centralist approach it has hitherto taken. It has now been clearly shown that government intervention cannot create a climate favourable for sustainable economic growth and thus for employment growth. Only the market has the capacity to respond and to change with changing circumstances.

As the Director-General's Report indicates, most developing States have now come to appreciate the flexibility of the market and are in the process of becoming market economies. It is important, therefore, as the Director-General suggests, that the ILO should recognise this change in relation to its own activities. While it is appreciated that the social and economic issues are inextricably mixed, too much of the Organisation's time is currently involved in interventionism, in developing labour standards inappropriate to individual Member circumstances, and as a consequence too many Conventions remain unratified.

Conventions and standard-setting generally must be reviewed in the light of the need of so many countries to deregulate and decentralise their labour markets. It is questionable whether an organisation, which is itself centralist in character, is in the best position to determine specific conditions for specific industry sectors in widely varying national circumstances.

What the ILO can do, and as the Director-General's Report recognises, is to respond wholeheartedly to request for assistance, understanding that it is through the supply of local and regional support services that will accrue the greatest benefits, both for the ILO itself and for its member countries.

The Director-General's Report notes that for a long time growth was thought of as simply synonymous with an increase in per capita income and adds that, fortunately, today development is measured in terms of the satisfaction of basic needs.

New Zealand acknowledges the obligation to meet the basic needs of its citizens.

Delegates to earlier Sessions of the Conference have reported on the radical economic restructuring in New Zealand which was aimed at producing a flexible, competitive economy. A key element of this economic restructuring was our Employment Contracts Act, the labour market reform essential to ensure that New Zealand could function in the world economy as a competitive producer of quality products and services.

At the time of the 1991 Session of the Conference, when the Act had been in place for only a few weeks, there were already indications of a positive response to change. Today, the Act's benefits are widely apparent.

There is no question that the increased flexibility effected by the Act, particularly by way of the removal of traditional job demarcation barriers, has had a positive market impact on productivity.

Employers and their employees are now talking to each other about matters of importance and there is evidence that the "them and us" attitude, fostered by New Zealand's previous, confrontational-style system of industrial relations, is disappearing. The lesson that cooperation improves enterprise health is fast being learned.

Recent, independently-based research shows the benefits of the flexibility of the Act. Collective bargaining is now predominantly enterprise-based, although a number of multi-employer contracts have been negotiated. While some employees have recently received a wage cut or a new wage increase, reflecting their organisation's ability to pay, in many other cases wages have continued to rise.

There is a growing tendency to include general terms and conditions of employment in a collective document, whilst establishing wage and salary levels by means of individual employment contracts. A number of productivity-related pay systems have now been introduced.

Today, employers are no longer bound by national documents over which they have no control and which take no account of individual enterprise needs. As a result, planning for the future is now possible in a way unhoped for under the former centralist approach.

For employees, there is the freedom to join the union of their choice but no-one may be pressured to become, or not to become, a union member. Unions no longer have the automatic right to bargain on behalf of employees covered by their membership rule but must be appointed to representative status by individual employee decision. Whilst many employees continue to be represented in negotiations by a union, many others are now representing themselves or have made use of some other bargaining agent. For unions now, the important thing is to establish themselves as properly representative organisations, not with a captive membership but deserving of the membership they have.

Certain fundamental principles underlie the Employment Contracts Act and these same principles underlie many of the changes to which the Director-General's Report refers.

Firstly, the empowerment of individuals, not institutions, giving individuals direct involvement in the contractual relationships which affect them.

Secondly, freedom of choice, with a corresponding requirement to accept responsibility for decisions taken.

Thirdly, reduced regulation and government intervention (although with statutory minimum standards retained).

And lastly, industrial relations placed in the context of other enterprise disciplines.

In the new climate which the Employment Contracts Act has created, a new enterprise culture is emerging. Training, retraining, skills development, equal employment opportunities, occupational safety and health and individual and family needs (such as superannuation and health insurance) are all now being considered, along with market conditions and quality requirements. The idea that government will provide and can do better than responsible individuals is becoming a thing of the past.

It is for just this kind of reason that the centrally appointed and administered Trade Union Education Authority is to be disestablished and that the centralised pay equity legislation introduced by the previous government was repealed. The emphasis is now on enterprise responsibility, on employers and employees recognising where their own best interest lie.

And as for the wider economy, inflation for the year ended March 1992 dropped to less than 1 per cent, the lowest in the OECD. Interest rates have dropped markedly and business confidence is increasing rapidly as companies take advantage of New Zealand's new competitive position. Exports are growing dramatically and for the year to December 1991 the country recorded a notable trade surplus. Recently, the Reserve Bank has revised the estimate of expected unemployment growth downwards and its estimate of GDP growth upwards. The news is increasingly good.

Of course, there is still a long way to go and unemployment continues to be a key issue. However, an export-led recovery is now becoming a reality and the Employment Contracts Act makes possible the policy stability which is the key to business confidence, and business confidence is critical to growth.

Without growth no country can guarantee that basic needs will be met.

Mrs. ROLDAN-CONFESOR *(Acting Secretary of Labour and Employment, Philippines)* – On behalf of the Philippines delegation and myself, I convey our highest compliments on the election of the President at the 79th Session of this Conference. I am confident that under his competent leadership, this session will proceed towards a successful conclusion.

Today, we are all participants in and witnesses to the shaping of a new world order strong and united in its commitment to the ideals, principles and institutions of democracy as the solid rock upon which individual freedoms, social justice and economic progress must be founded.

As aptly pointed out in the Report of the Director-General and as our own experience will show, democratisation is a long and tedious process. It cannot be done overnight, nor can it be achieved by merely changing labels.

Under the leadership of our first woman President, Mrs. Corazon C. Aquino, who accepted the duty to lead my country back to democracy after the 1986 People Power Revolution, the democratisation process has restored individual political and civil rights under a democratically framed Constitution. Institutions of democracy are now in place: a legislature in full operation and an independent judiciary that guarantees to everyone equal protection of the law. We have just finished the first national and local elections and a new government will be inaugurated by the end of this month.

Like other countries that are currently undergoing democratisation, we face all kinds of threats. Dangers of dissension continue to come from those who insist on the status quo and will not hesitate to use force to achieve their ends. The more serious threat is the disillusionment after the euphoria of political liberation starts to die down and the impatience of the people who continue to be taxed by poverty and serious unemployment take over. For my country, in particular, the task has been made most difficult by the destruction brought about by a long drought, a volcanic eruption, a series of strong typhoons and, sadly enough, seven coup attempts.

In our efforts to cope with recession and the economic crisis, our stabilisation policies now being implemented have severely constrained our ability to provide growth and, more importantly, to protect our poorest and most vulnerable groups against lower standards of living and social protection.

Four years ago, addressing the 75th Session of this Conference, President Aquino already sounded an urgent call for the ILO to consider these threats to democracy. She said: "This must be done by expanding democracy ... by removing the present restraints on human freedom imposed by poverty and underdevelopment, and by granting wider rights and liberties. The next liberation must be economic. This includes a fair resolution of the debt problem, for the tightening grip of its austerities threatens to strangle the life out of the new democracies of the Third World, even as it threatens to upset the stability of the international economic order. The linkage of debt, development and democracy is undeniable and is the most pressing issue this body must address."

I will be pleased to report to her that this session of the Conference is devoting its attention to these serious threats to democracy which she saw herself in 1986.

The Philippines Development Plan embodies the policies and strategies that seek to bring about economic liberation for my country. A companion Medium-Term Employment Plan that focuses on human resource development and world competitiveness has been proposed.

A basic strategy for our Plan to succeed is the creation of a healthy political and social climate for both domestic and foreign investments. Political and institutional reforms have ushered in a period of relative peace, security and growth. We expect the increasing volume of local and foreign investments to provide the necessary expansion of our industries as well as the gainful and productive employment that would follow. The recently enacted Foreign Investments Act, which liberalises our investment laws, is expected to catapult the Philippines into a major venue for foreign investment.

Under the Plan, a sound industrial policy provides the necessary incentive framework to establish and foster the right output mix, to enhance exports, to create linkages and reap comparative advantage as a precondition for our goal of achieving world competitiveness. The devolution of planning and resource mobilisation and utilisation to local government units as well as the on-going privatisation programme should yield medium-term pay-offs in terms of rural regeneration, employment creation and income enhancement.

For the past six years, stabilisation and adjustment policies have kept our unemployment and underemployment rates uncomfortably high. While these rates have decreased slightly, a marked shift in employment towards less productive, poorly-paid and inferior jobs has been noted. The Government, employers and workers of my country, of course, have heroically attempted to cushion the effects of such policies by a deliberate attempt to maintain a continuous flow of resources for infrastructure, both physical and social, because of its recognised importance in strengthening long-term foundations of growth and development.

An Education Commission has already mapped out the challenge for this incoming administration. This is the basic need to equip, or re-equip, our less-educated people with strong basic education and skills that are needed to earn a living in an industrialising society.

Our national manpower development plan has purposely adopted an enterprise-based training strategy in order to keep supply in line with market demand as it operates on a self-regulating basis. Tripartite industry training boards have already been set up to formulate more effective training programmes and ensure better delivery. Our training institutions have likewise adopted specific programmes to meet the skill needs of informal sector enterprises and accelerate the growth of the entrepreneurial pool in my country.

Investing in our people is the most effective course of action now being severely affected by resource constraints. We would like to call on the ILO to assist countries in utilising official development assistance to ensure the development of effective training programmes and their implementation.

Our successes in political, social and economic transformation, are made possible by broader and wider peoples' involvement in policy and decision-making process. In the area of labour and employment, the policy of tripartism is conscientiously pursued.

Relative industrial peace reigns today in my country. Our industrial relations system after all is founded on due respect and recognition of the rights of workers to form unions and bargain collectively, including the right to strike. The spirit of shared responsibility between workers and employers in ensuring business expansion and growth and in the equitable sharing in the fruits of such growth continues to be pursued and strengthened.

For the past six years the number of trade unions, both in the public and private sectors, has increased, matched by a similar increase in the number of collective bargaining agreements. A sharp decline is seen in the incidence of actual work stoppages from a peak record of 581 in 1986 to only 181 in 1991. The contrast demonstrates the maturing attitude of labour and management in my country and the level of mutual trust and respect developed through dialogues and direct negotiations, and the resolution of labour disputes through voluntary modes.

Just recently, during the 1992 Labour Day celebration, the major workers' and employers' organisations, at their own initiative, signed a Joint Covenant on Development based on Justice and Peace. The Covenant, signed in the presence of President Aquino, gives the highest testimony to the commitment of workers and employers to forge and maintain sound and enduring labour-management relations as a basic and essential component of development and social justice in my country.

Following our ratification of the Tripartite Consultation (International Labour Standards) Convention 1976 (No. 144) last year, the Tripartite Industrial Peace Council, an advisory body to the President on labour and social issues composed of 12 representatives each, from the three sectors, has been strengthened with the establishment of Regional Councils.

I am pleased to report that the Council has agreed to recommend to the incoming President and the Senate the ratification of four ILO social security Conventions for migrant workers.

On the item relative to the prevention of industrial disasters, the Philippines welcomes the discussion of the proposed instruments as they will be valuable inputs to new legislation of the new Congress.

On the item related to the protection of workers' claims in the events of the insolvency of their employer, our Labour Code, as amended by the Republic Act 6715, already contains a similar provision. However, new legislation will be needed.

Let me conclude by touching on the priority being given by the ILO in its forthcoming programme of action. These programmes will definitely help concerned member States speed up the democratisation process, continue their fight against poverty and pursue vigorously the promotion of workers' protection, particularly for the most vulnerable groups. These ILO programmes of action deserve our support and commendation.

We are ready to help the ILO in the best way we can in the many tasks it has set out for itself to provide a better life for our workers throughout the world.

Ms. MARTIN *(Secretary of Labour, United States)* – We live today in a world that is far different than the world of just a decade ago. In the short space of just a few years we have witnessed two remarkable and extraordinary events – events few of us ever dreamed would occur in the course of our lives: first, the end of the cold war; and second, the emergence of democracy on a scale unmatched throughout history.

These two events, taken together, today provide all the nations of the world with an unprecedented and indeed unique opportunity to devote their full energies to goals that have long guided this Organisation: securing fundamental rights for workers; promoting productive and freely chosen employment; and creating safer, healthier and more equitable workplaces throughout the world.

The current global movement toward democracy is, without question, the most significant event of our time, and I think that the Director-General could not have selected a more fitting topic or a more timely theme than this for this Session of the Conference. His selection is appropriate not only in light of the new global movement to democracy but also because of the ILO's own commitment to that democracy, both in its efforts to promote employment as well as well as in the nature of this Organisation itself.

The tripartite structure of the ILO well anticipated the democratic world that is now emerging, a world where government power is limited and labour and business are free and independent. It is a structure that embodies the balance that lies at the very heart of democracy. It is necessary for us to continue to strengthen and ensure the integrity and separation of each of these components, both in the ILO and in our home countries.

Democracy is thriving today for many reasons: first, democracy means freedom; second, democracy means fairness; and third, along with with its economic sibling, the free market, democracy provides the most effective route known for peoples of all nations, of all cultures, and of all backgrounds to achieve individual empowerment.

In considering how we can achieve greater democracy, it is well to recall that democracy by its very nature rests on the political and economic empowerment of individuals. Nations and governments exist in order to further the opportunities for and aspirations of each individual person - not the other way around. For democracy to flourish, for individuals to enjoy the freedom and social justice afforded by democracy, we must empower those individuals, by providing them with the skills and flexibility that will allow them to adapt to these changes of the fast-paced and ever evolving environment of the 1990s.

In today's world, where companies, industries and skill requirements change with unprecedented speed, worker flexibility is an absolute necessity. A competitive workforce must be able to react quickly to market changes, new patterns of trade and competition, technological breakthroughs and a wide variety of other rapidly changing economic conditions.

In the past, job security, at least in the United States, has meant working at the same company and often at the same job for an entire lifetime. But the economic world of the nineties is a much different place. Technological and economic changes mean that many of the old arrangements simply do not work. The needs of the marketplace change day to day, week to week, and jobs are changing along with them. Workers have to be more mobile and more adaptable and they require higher and higher levels of skills. Job opportunities are greatest where the economy is the most robust. And job security is ever more dependent on those individual skills and on the willingness and opportunity to learn, to change and to grow.

That is why, in recent years, we have begun to develop in the United States a full-scale plan to empower our individual workers, by improving our education and job training systems. This in turn, will lead to greater job security.

If a quality workforce is the foundation of a strong economy, then education is the foundation of a first-rate workforce. Simply put, learning is earning. Our Bureau of Labor Statistics recently conducted a series of studies designed to project trends in the labour force for the next 15 years, and the results were unequivocal: no matter which economic scenario we focus on, the types of jobs expected to experience the fastest growth are those requiring the most skills. The more skilled the worker, the more likely she or he is able to find a better job, to earn greater pay, and to enjoy greater economic stability. The more skilled the workforce, the more likely that nation and all of the people of that nation will prosper.

Last year, President Bush took a historic step toward ensuring the future vitality of America's labour force, when he proposed a major overhaul of our nation's school system. His AMERICA 2000 Program has set as a goal that "Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship."

We followed up on the President's effort when the Department of Labor published for the first time a report of its Commission on Achieving Necessary Skills which, for us, provided the first concrete guidelines on what skills every young man and woman must have in order to succeed when they enter the workforce.

I should add these are not just exercises in rhetoric. Over the past year we have developed a number of new dynamic approaches based on the recommendations of these studies. They will let workers thrive in a world where there now is constant change.

Our Job Training 2000 proposal is one such effort. It will make federal training programmes more accessible, more efficient, and more responsive to local and individual needs. They are designed for all Americans, from young people who will not attend college, to adults with low incomes and minimal skills, to unemployed and displaced workers, and to highly skilled men and women who want to expand their skills. This programme is aimed at establishing a one-stop shopping network in communities across the country where people can gain information and access to a broad array of training programmes.

We are also focusing on another field, in which others may feel they have been at the forefront, and that is the development of a better school-to-work system for the 50 per cent of our young people who do not attend college, but desperately need school-to-work training. Student apprentices, after signing a formal agreement with their parents, their schools and an employer, will receive a combination of academic instruction, classroom vocational training, on-the-job training and mentoring. Upon completion of the course, students will receive a diploma, a skill competency certificate and, for them and for us most importantly, a job.

Along with equipping our men and women with the skills of tomorrow, we are working hard to ensure that all of our citizens have a fair chance to use their skills. We have continued our efforts to remove those obstacles that prevent qualified women and members of minorities from achieving the opportunities and benefits they desperately need and obviously deserve. Fully two-thirds of the new employees entering the workforce of the United States are women and members of minorities, and we have estimated that 47 per cent of all American workers will be women by the year 2000. The high level of global competition in today's world requires that the United States, and indeed every nation, make full use of the talents of all of its people, of every woman and every man. If we value and make full use of the diversity of this world, all of us, as nations and individuals alike, will have a better and more democratic future.

In the United States we have always held that our democracy is indivisible, that our democracy will not be complete until basic rights and opportunities are extended to all of our people.

Today, as we look out at a world that is increasingly interdependent and integrated, we see a movement towards democracy that has taken on global proportions, a movement that transcends geography and culture, language and economic development. As a result, democracy today is becoming indivisible on a world-wide scale, not only within each nation, but also among nations.

Shortly after President Bush took office he suggested before the United Nations that "If, for those who write the history of our times, the twentieth century is remembered as the century of the state, the twenty-first century must be an era of emancipation – the age of the individual". I believe that age is within our reach, and if we use the tools of democracy, the tools of a free market, tools that are finally available to more and more of us today, the age of the individual, and freedom for that individual can be part of us all.

Original – Portuguese: Mr. SILVA PENEDA (*Minister of Employment and Social Security, Portugal*) – First and foremost allow me on behalf of my Government, the Portuguese delegation and in my own capacity, to welcome the President warmly and congratulate him on his election by the representatives here present in recognition of his personal and political qualities which we believe constitute a guarantee that he will direct the work of the Session of the Conference with competence, efficiency and the constant aim of achieving consensus. I would also like to extend congratulations to all the Vice-Presidents.

The Preamble to the Constitution of the ILO formally states that improvement of working conditions and due protection for the worker in given situations, particularly in employment, constitute fundamental prerequisites for peace, harmony and progress.

In keeping with these principles the Declaration of Philadelphia of 1944 reasserted that employment and vocational training were essential objectives of the ILO to be sought in tandem with objectives relating to individual and collective freedoms. It is within this framework that the challenge should be understood which the Director-General has presented to us this year in introducing, as a theme for common reflection, *Democratisation and the ILO*. Similarly, it is in conformity with these lines of defence and safeguard of the fundamental rights of workers, including the right to a wage and the recognition of the right to employment and vocational training, that we must understand the topics to be discussed at this Session of the Conference in relation to challenges facing modern society, that is the need for structural adjustment of the economy. Whatever its cause, the transition from planned economy to market economy, from informal or subsistence economy to modern economy, or reconversion and industrial modernisation.

As stated in the excellent Report, for which we would like to express our admiration to the Director-General, democratisation of present-day societies and economies is not only political but to a large extent economic and social.

Democratisation will be successful in so far as those whom it is intended to reach participate not only as beneficiaries or recipients but also as actors and agents for free, partipatory and desired change.

The Director-General reminds us in this respect of the need to ensure effective independence, autonomy and freedom of social agents for change, if their participation in the tripartite debate is to be successful and if social cooperation is to lead to the desired shared and effective genuine social progress.

The processes of structural adjustment, whatever their causes, that we are witnessing, are complex, protracted and socially difficult. They will be more effective if their design, implementation and follow-up have been the subject of dialogue and cooperation. In other words, if they are based on the principles of tripartism and social democracy which are the stamp and hallmark of the ILO.

If cooperation and tripartism are proving apt for the process of modernisation, reconversion and technological substitution, these forms of social and industrial democracy have also proved themselves to be suitable instruments in many situations of structural adjustment currently under way across the world where the establishment of modern market economies is being determinedly pursued, filling the economic and social space previously occupied by informal and mere subsistence economies. An essential requirement for this good result has been the recognition of the independence, freedom and autonomy of the three social partners concerned – governments, employers and trade unions.

With respect to the transition of the Central and Eastern European countries from centralised and planned economic systems to market economy systems, the recent seminar held under the auspices of the ILO in Brussels on 7 and 8 April 1992 has shown us, with the rich humanity of the contributions made by the tripartite representatives, that in fact the road ahead lies along the way of tripartism and social cooperation.

We are in a phase where the challenge of development implies the promotion of human dignity.

Tripartism and social cooperation are, we believe, key factors, not only for economic change, but also because they are the essence of a political stance full of potential.

Portugal is well placed to emphasise this approach. In recent years, in my country, we have modernised the economic and social fabric by gradually reducing the weight of agricultural labour, the technological reconversion of industrial sectors, and the relative strengthening of the position of various factors and elements of the services sector.

Of course this process has necessarily raised social problems. It has been tackled, and indeed solutions have been found, in a spirit of cooperation involving the Government, the unions and the employers associations. Today dialogue, information, consultation, indeed the need for tripartite consensus, come naturally to us.

I can affirm that the spirit and policy of social cooperation in Portugal has now moved beyond the stage of consultation and information in terms of labour law policy, moving on to cover the definition of wage policies, vocational training, occupational health and safety, tax relief and more specific measures which are be taken at the level of individual enterprises, in innumerable aspects of collective relationships, among which I would like to mention particularly those which concerning the matching of human resources in the enterprise to its true needs and prospects of development.

Examples of this are the various social cooperation agreements reached in recent years, which have been implemented on the basis of a sharing of responsibility between Government and the social partners.

The policy of the Portuguese Government is clear on this: it is a policy of dialogue and social cooperation which constitutes one of the basic pillars of general Government policy.

Indeed I can say that the recent entry of Portugal into the European Monetary System, which took place a few months ago, was only possible because of the recent agreement reached on income policy.

Many of the positive results which have taken place in recent years in economic and social fields are due undoubtedly to this climate of dialogue and social cooperation.

For these reasons my country is now able to endorse strongly the approaches and solutions outlined by the Director-General in his excellent Report.

For us, in these uncertain times, the way ahead, while it may not always be the easiest, is increasingly clear. It is the way of the future and of modernisation.

The activities of one of the committees of the Conference are likely to produce one or possibly two texts on the protection of workers' claims in the event of the insolvency of their employer, since this matter is now in its second discussion. This subject is closely related to the potential consequences of structural adjustment, including the unprofitability or phasing out of economic activities and uncompetitiveness.

I would also like to refer to the important issue of adjustment and development of human resources, which is currently being discussed in another committee analysing another dimension of economic structural adjustment.

Since it is not possible to provide all workers with all the training required, I think we have to consider not just the short-term requirements of training, but the long-term direction of it, which takes into consideration mid- and long-term needs. In any event, I think that so far as training is concerned, great efforts must be made to find out what the qualitative mid- and long-term needs of the workforce will be. This is unquestionably a realistic attitude which facilitates development. The ILO cannot help but pay particularly close attention to this.

Before concluding, I would like to make two further comments. The first has to do with the need to support strongly technical cooperation for many countries in Africa, Asia and Latin America, which are now undergoing a radical transformation to a market economy and thus will surely require a great deal of advice.

In this regard Portugal has a wealth of experience thanks to its relations with the five Portugese-speaking African countries. I sincerely hope that our friends from Angola, Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe, represented here today, will be able to develop technical cooperation projects with us in the future.

I would clearly like to state here that, for us, we see this as a starting point, and once again I would like to express my availability and willingness, and that of my Government, to enhance this sort of relationship, which we feel is invaluable. We share the same language and five centuries of common and shared experience, and we feel that therefore we should be all the more demanding.

The second point I would like to make is to note my satisfaction, at a time when Portugal holds the function of the presidency of the European Community, that I have been able for the first time at this Conference to speak Portuguese, as have indeed been the Government, Worker and Employer members of seven countries scattered across the globe, who represent a vast community of more than 200 million persons in total.

We do hope that this is a step towards the acceptance of the Portuguese language as an official language of this Conference.

Mr. OKABE *(Administrative Vice-Minister of Labour, Japan)* – On behalf of the Government of Japan, I would like to extend my sincere congratulations to Mr. Nascimento Rodrigues on his election to the presidency of the 79th Session of the International Labour Conference.

I would also like to express my warm welcome to the Republic of Korea and the Socialist Republic of Viet Nam, and other States which have newly joined the International Labour Organisation.

I would, first of all, like to make a few remarks about recent developments which have a close bearing upon democratisation.

The recent wave of reforms that started in Eastern Europe have been such that they have had an impact not only upon the European situation but also upon the basic structure on the international order after the Second World War. This is bound, as a matter of course, to have a substantial influence on the stability of the Asian and Pacific region. Since these reforms are all aimed at introducing a system based on freedom of democracy as well as a market economy, the concern of our country over such reforms assumes a special significance.

Moreover, the groundswell of this political and economic democratisation has now spread beyond Eastern European to reach Asia, Latin America and Africa; and we see today a deep and powerful current of democratic wind and renewal sweeping the entire world.

Today, our country, as one of the major advanced democratic nations, is expected to play not only an economic role but also a political one; and I believe that our country should carry on an active diplomacy for world peace and prosperity.

As mentioned in the Director-General's Report, the ILO has so far continuously striven for the cause of social justice and democratic decision-making.

The far-reaching reforms that are taking place in the world today encourage such ILO activities. In my opinion, the ILO's role at the moment should be to extend cooperation and assistance to the countries which are faced with difficulties as they undergo reform. ILO assistance covers a wide area. However, the most important task at present is to provide assistance to help job creation. In so doing, the ILO should draw upon the knowledge and experience it has so far acquired, while the governments, employers and workers should come together to cooperate in a spirit of dialogue and collaboration.

Let me now refer to the approaches taken by our country. It has been providing official development aid, taking into due account the efforts made by the recipient countries towards democratisation and the introduction of an economy on market economy lines. The total amount earmarked for this programme in 1990 exceeded US$9 billion. Under this programme, our country has been making an active effort to assist developing countries in Asia and the Pacific region, which have been promoting their democratisation programmes including those for a switchover to a market economy – through the ILO's multi-bi programmes and through the activities of the Asian and Pacific Skills Development Programme (APSDEP).

In addition, our country has provided assistance to Eastern Europe in recent years. In particular, our assistance provided under the ILO's multi-bi programmes includes surveys to identify the actual status of employment and other labour problems and case-studies on labour problems arising from the privatisation of public enterprises in advanced countries. At the same time, our country is also promoting personnel exchange programmes which consist of inviting personnel managers from industries in these countries to Japan for training in Japanese enterprises, and dispatching our labour experts to these countries.

We are also aware of the need to extend cooperation to assist in the democratisation of the Indo-China region and to try and find a solution of the Cambodian refugee problem.

I believe, as I mentioned earlier, that the ILO has a major role to play in solving the problem of democratisation. I also consider, as the Director-General pointed out, that it is vitally important to effect reforms within the ILO. I understand that discussions geared to reformation are taking place, including the establishment of a working party. In these circumstances, I would like to express my firm hopes that the ILO will accomplish this task through dialogue among governments, employers and workers – on the basis of the principle of tripartism.

I would now like to touch upon the standard-setting activities of the ILO. The ILO has, through its standard-setting activities, succeeded in producing remarkable instruments to protect human rights and improve working conditions – to which I pay a high tribute. This year is the final year of the United Nations Decade of Disabled Persons, and our country ratified, in May this year, with the approval of the Diet, the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

It is indeed a great pleasure for me to be able to report our country's ratification of the said Convention to this session of the Conference.

Before I conclude my remarks, I would like to express my sincere hopes that fruitful discussions will take place at this session, on the basis of the Report of the Director-General. I also pledge the commitment of our country to render renewed efforts towards the fulfilment of the important tasks of the ILO.

Finally, I express my hope and belief that the International Labour Organisation will achieve sound development in the years to come.

Mr. HASSENKAM *(Permanent Secretary, Ministry of Labour, Denmark)* – On behalf of the Danish delegation, I wish to congratulate the President on his election at this 79th Session of the International Labour Conference, and I wish him the best of success in the performance of his important functions.

Let me also express my compliments on the Report from the Director-General, which forms the basis of this debate in the plenary sitting of the Conference.

The theme of the main Report this year is *Democratisation and the ILO.* This topic is certainly a very timely and relevant one.

We have in recent years witnessed a development in many parts of the world, especially in Central and Eastern Europe, with the breakdown of old totalitarian regimes and their replacement by governments and institutions which subscribe to democratic values. We have all followed these developments with joy. But, as we have also seen, the process has not been – and still is not – an easy one.

The setting up of new democratic institutions and practices is not a matter than can be done overnight. The setting up of well-functioning organisations of employers and workers and a tripartite structure is a process which takes time and, more importantly, it must come from the roots, from the people themselves. You cannot just give other countries your own recipe.

But, of course, the ILO could and should help those countries in several ways. The ILO is in a better position than any other organisation when it comes to assisting them in the establisment of employers' and workers' organisations and in their efforts to achieve the twofold objective of adjustment to change, and social protection. This is clearly within the mandate of the ILO. As the Director-General states in his Report, "the ILO is no longer the scene of ideological clashes and is able to offer its to all constituents the opportunity for close cooperation". This is a very positive development which we should fully utilise.

Right now there is a trend in Denmark – a European country, which firmly intends to remain so – and within the ILO to concentrate on the new democracies in Central and Eastern Europe. This may be understandable, but we should remember that there are also other parts of the world where a democratisation process is going on and where it is important to promote and assist this process.

Democratisation and the renewed respect for fundamental human rights play an increasingly important role in many parts of the world. The ILO can contribute to strengthening this positive development.

Also the various technical cooperation projects in the developing part of the world must take these issues into account. We support the Director-General's deliberations concerning a strengthening of the relations between standards, fundamental, human rights and technical cooperation. I am quite confident that the ILO can and will live up to these new challenges. It has the possibilities and the instruments to do so.

Again this year we find a number of very important technical items on the agenda of the Conference.

The first technical item on the agenda is the protection of workers' claims in the event of the insolvency of their employer. My Government will have no difficulty in supporting the adoption of this Convention later during the Conference.

The second item, which deals with the prevention of industrial disasters, is also important since such disasters have in recent years given rise to public concern and a call for effective measures, also at the international level. Let us hope that progress will be made in this work.

The last technical item is a general discussion on adjustment and human resources development. Vocational training programmes and activities are of importance to individuals in order to improve their employment opportunities; they are important to employers in order to improve production methods and the quality of their products; and, last but not least, they are important to the prosperity and development of society as a whole.

I will now return to the Director-General's Special Report on the Application of the Declaration Concerning Action against Apartheid. It reflects two important facts. On the one hand, it is clear that the recent changes in South Africa have continued – for instance the referendum in March this year. There is thus a certain ground for optimism. On the other hand, it is equally clear that all aspects of apartheid have not yet been abolished, that a new democratic constitution has not yet been agreed upon and that an interim government has not yet been put into place.

The ILO's role in this long process has been important, and may not be overestimated. But, in order to be able to continue to have a significant role to play, the ILO must take into account the changes and developments which are taking place and hopefully will take place in the future. It is the view of my Government that the Declaration concerning Action against Apartheid needs to be updated and that the ILO already now must be able to prepare projects in South Africa which could then be implemented after the formation of an interim government.

Let me conclude by expressing my delegation's strong support to the various proposals for reforms of the functioning of the International Labour Conference. We have seen the first good results already this year and we will hopefully see further progress in the years to come.

We also support the Director-General's attempts to revitalise the working of the Organisation itself and would like to stress the need for doing so with respect of the unique tripartite structure of the ILO.

Mr. BALOPI *(Minister of Labour and Home Affairs, Botswana)* – On behalf of the Botswana delegation and myself, I take this opportunity to congratulate the President on his unanimous and deserved election at the 79th Session of the International Labour Conference. My congratulations also go to the Vice-Presidents and I wish the team success in guiding the deliberations of this session.

My special tribute goes to the Director-General of the International Labour Office for his initiative in determining that the theme of his Report should be, *Democratisation and the ILO*. This theme could not have been more timely, considering the current global political developments.

A few years ago and, in particular, during the 75th Session of the International Labour Conference, the debates in the plenary were guided by the Director-General's Report whose theme was the observance of human rights and this coincided with the marking of the 40th anniversary of the United Nations Universal Declaration of Human Rights.

The Conference recognised then and endorsed that the denial of civil and political rights has adverse effects on the enjoyment of economic and social rights and that the neglect of social protection and well-being goes hand in hand with the inability of the poorer and more vulnerable populations to have a say in the decision-making process.

My delegation believes that our discussions then gave impetus to the positive changes that we are witnessing today and the ILO ought to be pleased about the positive role it has played. It is becoming increasingly evident that the principles and values upon which the ILO was founded and has gallantly upheld are gradually becoming a global reality. The focal point of these principles is the right of all human beings irrespective of race, creed or sex to pursue their material well-being and their spiritual development in conditions of freedom, dignity, economic security and equal opportunity.

Indeed, we are currently witnessing whirlwinds sweeping across the world bringing with them spectacular changes in the world's political climate. The growing demands for political pluralism and the collapse of the communist regimes in Eastern Europe have led to the powerful resurgence of democracy. The democratic whirlwinds are a blessing to mankind as they are bringing with them a period of political accountability, respect for fundamental human rights and, hopefully, economic prosperity and universal lasting peace based on social justice.

As may already be known, Botswana has, since independence, established a non-racial multi-party democracy which guarantees freedom of speech, freedom of association, freedom of the press and other freedoms which are based on its strong traditional democratic norms akin to those found in the Western developed democracies.

The Government of Botswana has unfailingly upheld these freedoms and liberties over the last 20 years since self-government. All these are underpinned by the rule of law. Thus Botswana's adherence to time-honoured internationally-acclaimed democratic principles has underpinned our politico-socio-economic development efforts. Consultations in our national development planning process continue to be given prominence.

It is now a matter of public knowledge that our democratic tradition has ensured the active participation of our people in the development of our economy.

Our national development planning objectives, which are rapid economic growth, social justice, economic independence, and sustained development, have sought to improve the well-being of Botswana. These have been embodied in our national principles of democracy, development, self-reliance and unity. These development objectives and principles have been firmly and steadfastly adhered to. Our emphasis now is to achieve sustainable development and to improve the participation of Botswana in the process of development. This is hoped to ensure that the fruits of development accrue to the individual, for it is still not be acceptable to proclaim the theoretical predominance of social and economic rights while the primary needs of the individual and the community remain unfulfilled.

While there appears to be an emerging general consensus in Africa on the need to change to democracy and uphold the basic democratic principles and values, we strongly believe that the actual democratic institutions should evolve from within Africa itself if they are to be acceptable to our people. We are hopeful that, although there are obstacles and risks involved in the achievement of genuine democracy, those countries endeavouring to achieve the same will be successful.

It remains our ardent belief that the values of democracy are universal. With the growing call for the establishment of more participatory systems at the political, economic and social levels, it is only proper that workers, employers and their representatives organisations should play a more positive role in the development objectives of their societies. The rights of independent and free workers' organisations should be guaranteed, and trade unions should be assisted to be in a position to adopt a more independent stand in their negotiations with employers and government on economic and social policy issues. In this regard, the ILO's continued assistance in workers' education programmes is highly appreciated and should be continued.

With regard to past activities of the ILO, it is reassuring to note that during the biennium 1990-91 technical cooperation expenditure for the African region increased, as compared to the previous years.

The ILO has and continues to play a significant role in assisting member countries to tackle major problems of unemployment by paying particular attention to issues such as public sector retrenchment, wage freezes, galloping inflation and lack of employment opportunities for new entrants into the labour market. We note that particular attention has also been given to areas such as training, research, consultancy and advisory services through regional labour administration centres.

Botswana is a fully-fledged member of the international community whose aspirations, concerns and anxieties the country fully embraces. Of particular interest are the political changes taking place in southern Africa and in particular South Africa. These changes are bound to have a profound impact on Botswana and other economies of the subregion. In recognition of this, the Southern African Development Coordination Conference – SADCC for short – meeting in Arusha in August 1991 had as its theme "SADCC towards economic integration". The Conference concluded that the only available option for the southern African subregion to develop and become competitive is through economic integration. It is our fervent hope that such integration will involve post-apartheid South Africa, with a democratically elected government.

I know that as recently as last month the ILO convened a tripartite conference in southern Africa in Harare, Zimbabwe, whose focus was also economic integration in the southern African subregion and the final eradication of the last vestiges of apartheid. Botswana was fully represented by a tripartite delegation. This consultative conference was meant to set policy guidelines regarding the role of the ILO in post-apartheid South Africa and the entire subregion. We look to the Committee on Apartheid to consider favourably the recommendations of the tripartite conference.

While we all note the positive developments that have evolved in South Africa regarding the democratisation process, it is vital that the international community should remain vigilant and work relentlessly towards the total eradication of apartheid. We should avoid doing anything at this point that may reverse the process of democratisation.

We in Botswana continue to be distressed by the escalating violence and loss of life in South Africa, and we can but call on the internal parties in South Africa to work towards ending the violence.

We expect that the role the ILO should play in post-apartheid South Africa and the subregion should be of assisting in consolidating the already existing regional integration institutions such as the Southern African Development Coordination Conference, the Southern Africa Labour Commission and others. The ILO should also concentrate its effort on human resources development, especially in the field of technical and vocational training.

The ILO's role in promoting small-scale entrepreneurs, assisting countries to embark on income- and employment-generating activities, especially in the rural areas and with emphasis on the disadvantaged groups like women and the disabled, should be intensified.

At the regional level, regional institutions should be strengthened to facilitate them to play a meaningful role in areas of management training, infrastructure capacity building and the provision of technical expertise among local staff.

We will continue to call upon the ILO to help to strengthen the implementation of international labour standards and in particular those dealing with tripartite and bipartite machinery.

Finally, I note that the agenda for this Session of the Conference includes other issues like the protection of workers' claims in the event of the insolvency of their employer, the prevention of industrial disasters and adjustment and human resources development, which are all topical issues in our countries and my delegation looks forward to fruitful conclusion on such matters.

Original – Japanese: Mr. TANAKA *(Workers' delegate, Japan)* – It is my great honour to have this opportunity to participate in the discussion of the Report of the Director-General at the 79th Session of the International Labour Conference. At the outset I would like to congratulate the President of the Conference on his election. With his wisdom, I am sure that the Conference will be a great success. I would like also to congratulate Brother Mugalla, Worker Vice-President of the Conference.

Another important event that I must emphasise is the presence of my most respected friend, Mr. Chiluba, who came to Japan a few years ago at our invitation and whose visit has deepened our friendship. I am very happy that he was elected President of Zambia and he delivered an outstanding speech as a guest of honour to this session of the Conference. This important event symbolises democratisation in Africa. I wish him good health and full success in his work.

I would like to start my speech by saying that the Report of the Director-General on democratisation and the ILO is most timely. It has my full support.

As pointed out in the Report, it is evident that democracy is based on the freedom of individuals, freedom of association, freedom of expression and universal sufferage. A nation which lacks any one of these elements cannot be regarded as a democracy.

Also, it is equally important to remember that democracy as a political system is not more than a formality. Substance must be given to democracy. This means reducing inequality, guaranteeing decent food, shelter and clothing and allowing every citizen to participate actively in various aspects of the society.

The most serious problem today is that many peoples who chose democracy in Latin America, Africa and Asia, as well as in the former socialist countries, are suffering from economic difficulties and anxieties in their lives. If such a situation continues for a long period of time and if they are disappointed with democracy then disorder and poverty would prevail in society, dictatorships would reappear, and world peace may even be threatened.

I support the Director-General when he says that the role of the ILO is to provide the means of existence for these newly born democracies that are suffering from economic hardship. In this respect, I would like to express my opinion based on my experience of the post Second World War period, when the Japanese political and social systems were demolished, its economy was in turmoil, and democracy was introduced.

After the Second World War when food was scarce in Japan, the first measure taken to cope with this problem was the distribution of agricultural land. Farmers became the owners of the land on which they were working. The measure clearly enhanced the motivation of farmers and increased agricultural production, thus contributing to social stability. I am not saying that such a measure is or is not necessary in other countries, I am simply pointing out that motivation must be given to the produces of agricultural products.

There is one issue that I feel I am obliged to mention. In the 1950s automation was regarded as a new industrial revolution and it was promoted in industrialised countries. At that time, Japan's economy was still weak and still in the developing stages. A serious dispute took place, especially among trade unions, as to whether automation should be introduced in the name of the Productivity Promotion Movement.

On the one hand, there were trade unions which were strongly opposed to the introduction of automation from the standpoint that it might deprive the workers of their jobs, it might lead to redundancy of labour and would result in the dismissal of workers. On the other hand, there were trade unions that advocated that the introduction of automation should be promoted, insisting that automation would increase productivity and help enterprises enlarge the pie that they could then share with workers which would in turn increase employment and improve workers' lives. These two conflicting opinions created severe antagonism and fights among the trade unions.

The trade unions that supported the promotion of automation proposed eight policies including the following three principles. First, the fair distribution of the profits generated by high productivity, second, the establishment of a system of prior consultation on management policy, such as a joint management council, with employers and workers on an equal footing, and third, the creation of facilities for the training and education of workers to adapt themselves to automation.

Employers accepted these propositions, and in return workers fully cooperated with the automation process. I believe that this provided a strong impetus to the economic development of our country.

I would like to emphasise that our own experience has shown that cooperation between workers and employers with mutual respect of each others' proper role, is very important for the development of the economy. I believe that democratisation in the workplace in industry is the only way to achieve this form of cooperation.

Japan is said to be the country that benefited most from democratisation and the long period of peace after World War II because the Japanese economy developed and improved in this environment. Therefore, it is an important task for Japan to contribute to world peace and to the advancement of democracy as well as, of course, to economic development. The battle for democracy is taking place especially in China, Thailand, the Philippines, Cambodia and other countries. It is quite natural for Japan to do as much as possible for economic development, for the promotion of democracy and for the establishment of human rights and trade union rights in these Asian countries, thus contributing to peace in this region. I have heard from some quarters that limitations on human rights and trade union rights are necessary for economic development, but I strongly oppose this view.

Regrettably I must point out that human rights and trade union rights are being violated, not only in Asia but also in Africa, Latin America and the Middle East. Just as we have done in Asia, Japan must make every effort to assist in the democratisation process in these regions.

Allow me to touch upon the issue of apartheid. President De Klerk announced his intention to visit Japan recently. During his visit economic cooperation between South Africa and Japan was a major subject of discussion. I must point out that the African National Congress of South Africa and the African trade unions strongly called for the continuation of sanctions until an interim government is established to enact a democratic Constitution. Until our South African colleagues asks us to lift these sanctions, I strongly request, together with the International Confederation of Free Trade Unions (ICFTU) and the Organisation of African Trade Union Unity (OATUU) the Japanese Government and the employers to refrain from economic cooperation.

On behalf of the 8 million members of the Japanese Trade Union Confederation (JTUC-RENGO), I assure you that we will support the expansion of ILO technical cooperation in those countries that promote and further democratisation and I would request my Government and employers to further strengthen cooperation with the ILO.

Let me conclude my speech by expressing my ardent hope that the 79th Session of the International Labour Conference will achieve full and resounding success.

Original – Spanish: Mr. LINARES CALVO *(Minister, Chairman, State Committee for Labour and Social Security, Cuba)* – The Report of the Director-General this year is devoted to a topic of general interest which has different approaches and results. It could not be otherwise because the democratic spirit which motivates us all would not achieve specific results if it were not marked by diversity and the full respect for the national sovereignty and right to self-determination of all peoples.

A true democracy is one that is capable of focusing development activities on the people, who in turn are its protagonists and final end. For those who live without the most basic of rights, for those who live in poverty and backwardness, illiteracy, unemployment, ignorance and disease, and who daily see an ever-greater gap between rich and poor, the concepts of democracy and equality are empty and abstract. The viability of political democracy is only possible on the basis of economic democracy.

Today's changing world is not only, as some point out, a world in which democracy replaces totalitarianism. The high democratic ideals which we are all seeking must begin with the necessary structural changes which enables us to do away with inequality, ensure a just and equitable distribution of wealth and make it possible for the population to have a full access to social benefits and political rights.

The international community has ratified time and time again the indivisibility of rights inherent in human beings, i.e. civil, political, economic, social and cultural.

The forms of government, the political system and the mechanisms which guarantee a genuine participation of the whole population in political life, pertain solely to the sovereign decisions of each State. They are determined by traditions, by experiences and the aspirations of each people.

The Director-General indicates that "democracy is anything but a static concept, and every step forward, every achievement, is just one more stage in its evolution".

We cannot try to impose a single mode of democracy based on a static concept, which does not recognise that the people truly shoulders its responsibility towards itself and all its parts, in the same way that the individual and his family take care of their own destiny, as the Director-General states, through forms and systems of government and economic regimes other than multipartism and a market economy.

There are many examples in every part of the world which demonstrate that real democracy does not depend on multipartism. Likewise, there are supposedly democratic countries in which the president is swept into office with a bit more than 20 per cent of the electorates' votes, and these same countries advise or claim to impose on weak underdeveloped countries a model of multipartism which maintains fragmented societies and makes them powerless to solve their problems and defend their national interests. In this way we are creating favourable conditions for the domination of interests foreign to the national interest.

Democracy in Cuba is a conquest based on national unity, on social property and the people's participation. It is exercised in the streets, in workplaces, in schools and universities and also in voting boxes, under our system of organisation and elections at various levels of government.

This participation of the people in decisions which govern their destinies is the essence of our democracy.

In 1975 our people, through a free and secret vote, in a plebiscite in which over 97 per cent of the voters participated, approved the Constitution of the Republic, and decided that a single party would guide the national policy. They did this, first and foremost, on the basis of an ideology which advocates a fight for true independence, under a single party.

In Cuba there is no multipartism but there is multiparticipation. The Party does not put forward candidates. These are put forward by the people. Currently, we are seeking ways to achieve even greater participation. We have agreed to carry out direct elections at all levels of our representatives. We are consolidating the autonomous nature of all our organisations and we are opening the ranks of the Party to the believers.

In order to handle the priorities of our society, and not to meet foreign requirements, the National Assembly of People's Power, the supreme body of state power in our country, will devote its session next July to a discussion of constitutional reforms; it is currently working on electoral legislation bills and its own legislative charter. In these texts, we are reforming the economic system in accordance with our current requirements, providing for the establishment of direct and secret vote in all state bodies. All this is the expression of the maturity achieved by the Cuban revolution's political process after three decades of efforts, achievements and external harassment.

Cuba for over 30 years has experienced a rigorous economic blockage imposed by the greatest imperialist power on earth, which today is redoubling its efforts to break the people's will and force it back to an already well-known past in which there is no freedom or independence, and where, as 32 years ago, social injustice, inequality, hunger and poverty are the lot of most of the people.

But despite the economic blocade and the hostility of the enemies of the revolution, Cuba can demonstrate achievements which many countries have not reached in spite their long experience with market economies and multipartism. I shall cite only a few examples: free medical and hospital care for the whole population; a child mortality rate last year of 10.7 per thousand born alive; one doctor per 274 inhabitants; life expectancy which is rising yearly. In the 1955-60 quinquennium it was 61.8 years; in 1990 it was 73.9; presently it exceeds 77 years. In employment, last year despite the economic difficulties which we were experiencing, the unemployement rate did not exceed 4 per cent; in other words, it is below that of the immense majority of countries. All the workers are protected by a decent and just social security scheme.

Once again we have to recall that socialism in Cuba was not imposed by a foreign military power, but was the outcome of a popular revolution which triumphed over abuse, crime and the plunderings of governments which had embraced a model of democracy and a market economy which some now wish to make universal and absolute. The fact is, however, that some of these advocates of democracy fail to apply this model in practice.

Based on the failure of socialism in a specific geopolitical context, the market economy is touted as being synonymous with the general well-being; but this view overlooks the historical responsibility of this economic system for backwardness, poverty and inequality in today's world, a world in which the rich become richer while the poor become poorer.

We have been talking about democracy, market economies, and multipartism for years. These concepts prevail throughout most of the world. However, the panorama we see today in the vast majority of Third World countries is one of poverty, backwardness, disease, malnutrition and illiteracy. The solution which some are advocating for our peoples, based on neo-liberal theories, perpetuates and aggravates these evils, increases inequalities in incomes, and turns into pariahs most of our population, in order to achieve a false equilibrium within which only certain minorities, which have always enjoyed privilege and well-being, will live confortably.

In order to handle the realities which our peoples are experiencing today and the lack of viable solutions to acute problems, the International Labour Organisation's programmes, within the area of its competence, should seek specific ways to re-establish a more just international economic order, with emphasis on a more equitable distribution of wealth in each country, and greater social justice, so that each man and woman may be truly free and live in dignity.

Mr. TABANI *(Employers' delegate, Pakistan)* – Let me begin by extending to the President my warm congratulations from the employers of Pakistan on his election. We have on the agenda this year some very important issues of particular interest to the developing countries of my region. I am confident that with his able guidance the session will achieve some very positive results. I also extend my congratulations to the three Vice-Presidents on their well-deserved election which reflects the confidence their respective groups have placed in them.

I compliment the Director-General on presenting the Report on the ILO's role in the process of democratisation in member States. It is one of the most important themes of recent years. One can, at the very outset, fully agree that the cross-fertilisation of democracy and development can help in reaping dividends of peace for social purposes. We share the aspirations of the Director-General and the ideals of freedom and justice cherished by the ILO which only democratisation can achieve. The new format of the Report and the cordial invitation for suggestions in the last paragraph of the Report compels me to propose some thoughts emanating from the employers of Pakistan.

The idea of using technical cooperation to lay the foundation for the application of standards, and that standards be used as models for the content of technical programmes, has been under debate recently. By itself, the proposition may seem logical. But caution has to be exercised when this principle is to be applied to developing countries most of which may not find the state of their economic development quite conducive to the application of certain labour standards. Such an approach may deprive countries in the developing world of technical cooperation and assistance which may otherwise be necessary for stimulating the process of development.

The President of Zambia, in his address to the special sitting of the Conference, emphasised the need for employers and workers to create an atmosphere for coexistence. These words of wisdom could not have come at a more opportune time. His speech encourages me to propose that the ILO should now take upon itself the task of investigating the possibilities of placing on the International Labour Conference agenda items in the area of efficiency and productivity, industrial discipline as well as the restoration of the right of the employer to manage an enterprise.

The suggestions concerning the principle of voluntary negotiations and the fact that institutions of collective bargaining should facilitate negotiations between social partners instead of imposing restrictions is welcomed. During the past few years, I have seen bipartism gain some good ground in my country which has helped to maintain durable peace in many enterprises. However, for the idea of bipartism to flourish and be safeguarded within the context of collective bargaining it is necessary to check interference by governments in the name of welfare legislation.

The problems created in the process of democratisation by the existence of heterogeneous economic and political situations is well discussed in the Report. The developing countries will certainly be interested in the ILO's contribution in promoting policies and programmes that encourage the entrepreneurship in order to promote the establishment and development of enterprises with a view to creating jobs and introducing new methods to raise the level of productivity of the small and medium-sized enterprises. Assistance to improve the potential of the informal sector and its capacity to generate employment and incomes is also essential.

With regard to the programme and budget proposals we appreciate the priority themes spelled out in the Report. The involvement of the developing countries in combating the negative effects of structural adjustment has led to the restricted allocation of resources to the two main areas which need maximum attention for combating poverty. These two areas are education and health. The Minister from Brazil in his statement to the plenary the other day correctly emphasised the importance of education to develop any economy. I cannot add another word to what he has already said in his learned address except to state that even the basic fruits of education and the most rudimentary forms of health facilities are not available in most of the African and Asian countries. It will therefore be in keeping with the ILO theme of helping the advance of democracy if programmes to promote literacy were to be undertaken by the ILO as items of top priority.

Substantial changes in the methods and structure of the ILO and its regional offices has been suggested. These changes and programmes will receive our full support with the hope that the ILO will address itself to the peculiar problems of the developing countries in a more pragmatic manner. I venture to suggest that for the purpose of programme trends, the geographical regions be subgrouped into industrially developed, developing and underdeveloped regions. Separate strategy and planning may be proposed by the ILO in the subgroups so that all the developing and underdeveloped regions in Asia, Africa and the Pacific could receive uniform attention. The priorities of ILO activities could thus be redefined in these countries keeping in view the objective economic realities.

The Employers' Federation of Pakistan has been pursuing, in close coordination with the ILO and NGOs, an awareness programme for developing consensus among different social segments with a view to implementing various recommendations of the National Manpower Commission which, besides others, touch upon such vital issues as rural employment generation, reabsorption of returning migrants, improving the productivity and incomes of women workers and finally a comprehensive labour market information system regarding human resource development and the institutional framework. Apart from the efforts mentioned, my federation has, with the cooperation and assistance of the Bureau for Employers' Activities, the ARPLA, the Confederation of Norwegian Business and Industry, the NHO and the FES, held various seminars, symposia and workshops in human resource development, occupational safety and health as well as other areas of topical interest to member organisations. We hope that the cooperation by the Bureau for Employers' Activities, as well as the other organisations mentioned earlier, will continue during the coming year.

I fervently hope that the efforts of democratisation receive sufficient safeguards through this international forum so that the tides of the North and the South, the East and the West, the haves and the have-nots, the super powers and the zero powers, may not upset the already topsy-turvy equilibrium between the developed and developing countries. The ILO is the only organisation towards which we turn, hoping for a better future. I pray that this session of the Conference will come up with concrete measures and suggestions which may bring to the teeming millions of the developing world the message of a better life for tomorrow thus marking the success of democracy as a way of life.

Original – French: Mr. SAID *(Government delegate, Comoros)* – Following the example of previous speakers, permit me to address my sincerest congratulations to the President on his brilliant election. I am convinced that he, together with the team around him, will be able to lead, the work of the present session of the Conference to full success.

To all delegates present and participating in this session, I bring, on behalf of His Excellency Mr. Said Mohamed Djohar, President of the Islamic Federal Republic of the Comoros, and also on behalf of the Government of my country, my sincerest greetings.

The 79th Session of the International Labour Conference is taking place at a time when, as rightly emphasised in the Report of the Director-General, the political climate throughout the world has undergone a spectacular change. Besides the dismantling of the Berlin wall and the end of authoritarian regimes, there is the emergence, out of from the shambles of these moribund regimes, of democracy everywhere on our globe. The aspiration of the people for democracy and a State of law is now an inexorable movement. Freedom, law and democracy represent for mankind a fundamental and vital need for his existence and socio-economic development. Moreover, my Government would also like to congratulate the Director-General of the ILO on his choice of the theme of democracy for the principal subject discussion at this session. We believe that the questions raised in the Director-General's Report are very pertinent. By linking democracy, economic development and social well-being, the Report the great interest of democracy in the life of mankind in this period characterised by profound economic crisis, particularly in the developing countries burdened as they are, by the weight of debt.

My Government shares fully the point of view expressed by the Director-General that democratisation is "the action whereby a people assumes responsibility for itself and all its component parts, exactly as individuals, and their families shape their own destiny."

We understand very well that when seen from this dynamic point of view democracy, the international organisations, in a more and more marked break with the past, are establishing a direct link between human rights, democracy and development.

As for our organisation, the ILO, it has never ceased to deploy its efforts to democratise the economic and social life of member States. The Declaration of Philadephia and the various Conventions and Recommendations adopted by the Conference on tripartite consultations are proof of the interest that the ILO has always shown for democracy.

I said earlier that people have committed themselves inexorably to democracy. This is a fact. But as is the case with any newborn creature, we have in our hands a fragile democracy because, firstly, in many of our countries democracy is still only embryonic and, secondly, persistent poverty and misery may pose a real threat to it.

With the programmes for structural adjustments which are inevitable in many of our countries, the risk of a failed democracy may be very grave because of the consequences of such programmes, in particular, on the most vulnerable populations.

Hence the necessity to reflect on what the role of the ILO should be today in establishing a state of law and what its contribution to the balance of powers inherent in any genuine democratic system should be. How can the ILO assist States to meet the aspirations of their citizens so that the latter can continue to have faith in democratic institutions?

My Government expects a lot from the present session of the Conference and from the experience of other States. This expectation is all the more justified because my country has been committed now for the last two years along the path of democracy and the path of structural adjustment.

So far as the democratic process is concerned, I should like to recall that after expelling the mercenaries from the Comoros and following the investiture of President Said Mohamed Djohar as Head of State, our people committed itself to a pluralistic path, an indispensable condition for the socio-economic development of my country. A democrat of the first rank, Said Mohamed Djohar, with the support of the people, has adopted a policy to promote the development and strengthening of multipartism. The workers and employers soon created their own occupational organisations. They are freely exercising their union rights without any interference. A law on general amnesty promulgated immediately after President Djohar assumed power has allowed all sentences based on political grounds to be cancelled and the rehabilitation of officials who were victims of unjustified sanctions. Such a measure has resulted in the establisment of a climate of political peace in our country. A national reconciliation pact signed between the President of the Republic and all political parties, a total of 24, including the opposition, has further strengthened this climate.

A national conference in which all political parties and mass organisations participated actively and with great enthusiasm was then to deal with the revision of our Constitution. The draft Constitution, resulting from the national conference and adopted by the electors on Sunday, 8 June, within the framework of a referendum, reflects the aspirations of the people of the Comoros to a State of law guaranteeing democracy and public freedom.

Turning to the economic situation, we are in my country faced on the one hand, by endemic unemployment which particularly affects our young people and, on the other, by a very high rate of population growth. The Government of my country is therefore facing a difficult challenge. The seriousness of the economic situation is such that the Government has no other choice than to negotiate with the IMF and the World Bank a programme of structural adjustment and everyone knows the painful consequences of such policies for our peoples. However, the authorities of my country are determined to overcome all obstacles to social and economic development and to make this final decade of this century the decade of hope for our people.

This is why a series of measures are absolutely indispensable. They cover the following: stabilisation of public finances; the creation of small and medium-sized enterprises; the development of self-employment; the end of monopolies; vocational training; the protection of wage-earners; the retraining of public services officials affected by adjustment programmes.

Moreover, commission of inquiry has been set up on the question of public funds following a request by the national Conference. It must establish the individual responsibility of all persons concerned and the charges to be brought. The commission's role is: to recuperate outstanding finances and pay debts of individuals or companies; nationalise the property of hirelings; request State intervention in order to end secret bank accounts, both of the levels of national and foreign banks.

At the same time, my Government is also continuing with reforms in the civil administration, to make an instrument in the service of development and not an institution of social assistance which is neither efficient or productive for the country.

The Government of Comoros has resolutely decided to look for the cause of democracy in my country. Hence, we have to fight against poverty in all its forms. And this is why we are appealing to the ILO, to all international organisations and to all friendly countries to help us overcome our poverty. More than ever before my country needs the help and assistance of the ILO in the various areas of its competence; since as the Director-General rightly points out in his Report: "No political regime, no economic system, can expect to endure unless it is capable of satisfying the basic needs of the population. Hopes for greater well-being and better security of existence provide as effective a spur to the citizens as aspirations towards greater liberty and justice."

The three questions on the agenda for this session are of paramount importance – the protection of workers' claims in the event of the insolvency of their employer, the prevention of industrial disasters and adjustment and human resources development. My delegation hopes to draw great benefit from the discussion on these topics and the conclusions made.

As far as the activities of the ILO are concerned in the course of 1991, my delegation would like to congratulate our Organisation on its constant efforts to improve the well-being of the population in my country. The implementation of such activities in various fields such as international standards and human rights, freedom of association, employment, vocational training, conditions of employment and the working environment, social security, and workers' education aims to promote development in our country and to increase the likelihood of success in the democratisation process.

I would hate to conclude my statement without welcoming the admission to the ILO of the following Republics: Estonia, Latvia, Lithuania, the Republic of Korea, Kyrgyzstan, Azerbaijan and Slovenia. These admissions will reinforce the ranks of nations fighting against poverty throughout the world to further economic and social progress within a democracy.

Original – Arabic: Mr. AL-SAMAK *(Workers' delegate, Bahrain)* – In the name of God, the Merciful, the Compassionate! I should like, on behalf of the General Committee of Bahrain Workers, and on my own behalf, to congratulate Mr. Nascimento Rodrigues on his election as President of this 79th Session of the International Labour Conference. The confidence placed in you by the participants of this Conference and your vast experience will undoubtedly lead to the success of our work.

I should like to express our gratitude and appreciation to the Director-General for having selected as the main theme for the Conference, democratisation and the ILO. This choice is indeed in keeping with the developments occurring throughout the world. The Director-General and members of the Governing Body have succeeded in explaining the importance of democratisation and the need to link this process with human resources development.

Since its inception, the ILO has always sought to protect and defend democracy, the respect of basic human rights and social justice by virtue of its tripartite structure. Yet I agree with the Director-General when he insists on the need to consolidate democracy: indeed, we cannot dispense with it if we wish to establish a more prosperous and just society.

In this respect I should like to refer to some of the main objectives mentioned by the Director-General in his Report: promotion of the respect of human rights, particularly in the field of labour; promotion of the market economy, without overlooking its social dimension and human aspect; consolidation of tripartism and the principle of collective bargaining; and improvement of the protection of workers, their working conditions and living standards.

The agenda item on adjustment and human resources development could not be dealt with at a more appropriate time, when the whole world is witnessing rapid changes and developments in production techniques and labour organisation and at a time when the technological gap between developed and developing countries is continuing to widen. This situation is even more crucial given the fact that the developing countries have few material resources and the level of their education is low, while the industrialised countries are making great strides ahead in technological progress.

If the restructuration process is to succeed in developing countries, it is essential to consider the various aspects of resources development, particularly: modernisation of education techniques and their utility in modern training programmes; training of managerial staff, vital to development; and involvement of the three social partners in establishing the necessary development projects.

In this respect, I should like to refer to efforts made by trade union representatives in my country who set out to safeguard the workers' gains in Bahrain and to defend their interest in an atmosphere of democracy – in cooperation with other social partners on the basis of international labour standards.

I should like to commend the confidence placed in us by the other social partners, factors of production and the workers' themselves.

I believe it is essential that the ILO should lend its support to the cultural activities undertaken by the General Committee of Bahrain Workers and involve our supervisory staff in the educational and training programmes they organise in seminars held at the Office or in training centres. This is not only in the interest of workers but also to promote the process of democracy and development in the region – advocated by the ILO.

Finally, I would like to add that the efforts exerted by the ILO to achieve a higher level of democratisation, development and social justice, as well as world peace, will continue to be threatened as long as atrocious aggressions against southern Lebanon continue and as long as Israel persists upon violating the rights of Arab employers and workers in the occupied Arab territories.

Original – Portuguese: The **PRESIDENT** – Before we adjourn the meeting I would like to call upon the Clerk of the Conference to give us some information.

CLERK OF THE CONFERENCE – I have two communications: the first concerns the Committee on the Application of Standards. Since the Committee is now considering the observations made by the Committee of Experts on the Application of Conventions and Recommendations (Report III (Part 4A)), the Chairman of the Committee has asked me to request the representatives of the Governments which have not yet registered their names to take part in the discussion concerning their country to do so as soon as possible.

There will be a sitting this afternoon, a second one tomorrow morning, Saturday 13 June, and another one on Monday 15 June.

The countries in question are the following: Albania, Antigua and Barbuda, Bahamas, Barbados, Cambodia, Central African Republic, Dominica, Grenada, Guinea-Bissau, Jordan, Lao People's Democratic Republic, Lesotho, Lebanon, Liberia, Madagascar, Pakistan, Panama, St. Lucia, Senegal, Seychelles, Somalia, Spain, Suriname, Venezuela, Yemen and Zaire.

Secondly, I would like to remind delegates that the closing date for the list of speakers at the special sitting to discuss the report on the occupied territories is this afternoon at 6 p.m. As previously announced, the special sitting will take place on Tuesday 16 June at 3.00 p.m.

(The Conference adjourned at 1 p.m.)

Seventeenth sitting

Friday, 12 June, 3.15 p.m.

President: Mr. Mugalla

COMMUNICATION TO THE CONFERENCE

The PRESIDENT (Mr. MUGALLA) – Before starting our work this afternoon, I would ask the Clerk of the Conference to read a letter which I have received from the Government of the Republic of Hungary.

The CLERK OF THE CONFERENCE – The letter is dated 10 June 1992, and it reads as follows:

> Dear Mr. President,
>
> I have the honour to inform you that in connection with the "Declaration of the representatives of the people of the Republic of Serbia and the Republic of Montenegro", dated 27 April 1992, I addressed a letter to Mr. Hansenne, Director-General of the ILO, dated 14 May 1992, in which I communicated the position of my Government concerning the Declaration. In his reply, the Director-General let me know that the content of the letter was being forwarded to the competent body of the International Labour Conference.
>
> Reiterating the substance of that communication, I wish to inform you, Mr. President, that the Government of the Republic of Hungary is of the view that the unilateral statement of the Republic of Serbia and the Republic of Montenegro, dated 27 April 1992, does not represent a legal basis for a decision on the continuity of the membership of the defunct Socialist Federal Republic of Yugoslavia in international organisations.
>
> In the opinion of the Government of the Republic of Hungary, the settlement of the question of continuity should be based upon the agreement of all successor States of the former Socialist Federal Republic of Yugoslavia and only such an agreement can form the basis for any decisions to be taken on the issue of representation of the Federal Republic of Yugoslavia in international forums, including the ILO.
>
> Accordingly, Hungary believes that any procedural arrangement that the ILO may provisionally follow in this regard should is no way prejudice its position on the question of the status of the Federal Republic of Yugoslavia at the ILO.
>
> I would appreciate if it you, Mr. President, could kindly bring the content of this letter to the knowledge of the Conference.
>
> Please accept, Mr. President, the assurances of my highest consideration.
>
> *(Signed)* Tibor TOTH
> *Ambassador,*
> *Permanent Representative,*
> *Permanent Mission*
> *of the Republic of Hungary*

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL *(cont.)*

The PRESIDENT (Mr. MUGALLA) – We shall continue the discussion on the reports of the Governing Body and of the Director-General.

Mr. TAN *(Employers' delegate, Philippines)* – First of all, I extend to Mr. Nascimento Rodrigues and the Vice-Presidents my warmest congratulations on their well-deserved election to their positions. I am certain that with their experience and expertise they will guide this session of the Conference to a successful conclusion.

It is with a deep sense of admiration and satisfaction that I shall touch today on the Report of the Director-General, *Democratisation and the ILO*. Indeed, this document is a classic treatise on liberty and the human person as the enduring foundations of law and the progress of society.

I associate myself with the observation of the Director-General that democracy is the "repository of humanity's hopes for a better life". By its nature, democratisation unleashes the potentials of a people in the governance of a nation. It is the instrument through which they participate in shaping their own future.

In the last few years there has been (in the words of the Report) "a spectacular change in the world's political climate". Specifically, the Report cites the collapse of totalitarian regimes, as a result of their inability to satisfy the people's aspirations, and the awakening of populations rescued from poverty and deprivation who want to speak out and have a say in their country's affairs.

Nothing can be more correct than these conclusions in the light of the events that have occurred in Eastern Europe, Latin America and other parts of the world. To this political upheaval the Philippines has contributed its share in extending the frontiers of freedom. For in 1986, in what many called the "four days that shook the world", the Filipino people threw caution to the winds, overthrew a dictatorship and secured for themselves the blessings of democracy.

But the transition from dictatorship to democracy has not been easy. The legal structures that served as the life support system of the authoritarian regime had to be dismantled little by little, because they were locked into the life of the people. In time, backed by a popular mandate, the Philippine Government promulgated a "Freedom Constitution" and, in 1987, a permanent Constitution was overwhelmingly ratified by the Filipino people as the fundamental law of the land.

It is, therefore, with a sense of recognition and kinship that we subscribe to the points made in the Report. The parallelism is inescapable between the Report and our experience, especially in the challenges that face a nation that has just emerged from a long, dark tunnel into the light.

Shortly after the overthrow of the authoritarian regime, the political emancipation of the citizenry stood out as a priority that stared in the face of the national leadership. And so, in the flush of a great victory that was waged in the historic EDSA, political prisoners were released and human rights occupied a commanding place in the agenda of the nation. But it is a sad footnote to such a noble action that those who enjoyed the guarantees of liberty soon exploited those very same guarantees to undermine freedom itself.

This should not be taken, however, as a disincentive to democratisation. It is simply a historical fact that, while the path to liberation is paved certainly with courage and principles, it must still be won against betrayals from the left and from the right. It remains for the true believers of democracy to keep the faith and to harness its promise to the fullest. In the political field this path must be translated into the enfranchisement of the governed and the exercise of the right to choose the nation's leaders through free, honest and orderly elections, such as those held in the Philippines on 11 May 1992.

Yet, this political exercise is not all there is to democratisation, as the Report suggests, for its most forbidding challenge lies in the socio-economic amelioration of the people. As enshrined in the Philippine Constitution, the equitable distribution of wealth is a primordial concern of the State. For so long, a majority of our people lived below poverty levels. As of 30 April 1991, about 14.4 per cent of our workforce was unemployed, aggravated by 800,000 entrants into the labour force every year.

Against this background are these words of injunction of our fundamental Charter: "The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and improved quality of life for all."

This is a State policy. It is the fruit of democratisation, where the people, as authors of their own liberation, enshrine their own aspirations in their Constitution. As the Report puts it, "democracy is not just for the rich, its values are universal".

Toward this end, a people longing to be free prepare themselves for the widest participation in a consultative government – no longer the recipients of marching orders from central authority. That is why in the Philippines a new Act, the Local Government Code, was passed giving more autonomy to local governments. It is likewise for this reason that to preserve the gains of the democratic struggle in 1986, people power has been elevated into a constitutional virtue. Thus, our Constitution provides that "the right of the people and their organisations to effective and reasonable participation on all levels of social, political and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms".

This principle is never more honoured than in the relations among Government, workers and employers. But I cannot help but concur with the perception of the Director-General that tripartism is not just a mechanism; it is also a state of mind, meaning that the parties should accept the principle of change. If this is admitted, then agreements on issues that divide workers and employers are not only desirable, but possible.

Just last April, the Employers' Confederation of the Philippines held its XIII National Conference of Employers, with the theme: "Jobs, Justice and Peace: Agenda for the 90's". The conference highlighted the painful reality that, even with democratisation, the country continues to wage the battle for jobs, justice and peace. In this connection, the Government took steps to revitalise the economy by, among others, lifting the import levy, freeing the exchange rate and promulgating the Foreign Investments Incentives Act, all calculated to create more jobs for our people.

Not to be left out, however, are the other two ideals, justice and peace, that make up the trilogy of values of any government worth its name. At present, the branch of peace is being held out to those who have sought to destabilise the State. On the part of workers and employers, we signed a Social Contract for Development Based on Justice and Peace, on 1 May 1992, where we committed ourselves to the economic well-being of workers and agreed to resolve labour disputes peacefully through conciliation, mediation and arbitration. If this covenant holds, the transition of labour-management relations from the political to the economic agenda of the parties could only augur the beginning of a just and honourable industrial peace.

Finally, it is likewise my wish and that of the sector I represent that the ILO continue to spread the gospel of democratisation. It cannot go wrong in enhancing the worth of the human person and his right to a better life. The ILO can only reap the rewards of a true and faithful steward from its grateful constituency who, from a world of acceptance and passivity, will finally emerge unafraid and free.

Original – German: Mr. **VERZETNITSCH** *(Workers' delegate, Austria)* – When electing the President and Vice-Presidents, we expressed our full confidence in them. I am sure that under their able presidency our joint work will attain the positive and desired results.

I spoke of confidence, and I am convinced that in the course of the last year, confidence in international organisations – and amongst them in the ILO – has been on the increase.

We must take up the challenge, being aware that in times of upheaval and change, the Organisation is often the only protection and upon which we can rely, the only foundation upon which we can build.

The Director-General has devoted his Report this year to the theme, democratisation and the ILO, and paid particular attention to countries undergoing reform; I think this was a very apposite choice.

I am from Austria, a country which over four decades had to live, right next to – even within sight of – the Iron Curtain. On two occasions this natural frontier has been overrun by massive waves of refugees. In 1956, Hungarians in their hundreds of thousands came on foot to Austria, or swam through icy rivers in late autumn, before the Hungarian revolution was quenched by much bloodletting; and tens of thousands of refugees came from Czechoslovakia before the so-called "Spring of Prague" was terminated by Soviet tanks.

Austria has a long and common history with its Eastern European neighbours; it also has a common tradition and many family and personal relationships. When borders were opened once again, this was greeted with much enthusiasm and new contacts were rapidly established.

All of us here in this hall were overjoyed when the Berlin Wall was dismantled. But we know equally well that this euphoria has dwindled in the meantime. This was due to many reasons – both in the East and the West, because Communism left a weighty heritage: ruined economies, food scarcity, vast environmental damage – and people who gradually had to get used to how to live in freedom.

The discrepancy between hopes and reality soon emerged: and discrepancies trigger unrest. People may wish to turn the clock back and live in the past; or they can leave their country to seek happiness in the so-called "Golden West" – a golden West which often turns out not to be as glamorous as it appears on television.

And unrest and impatience – and I should like especially to point this out – can also give rise to the formation of radical groupings. This danger exists and we have to face up to it.

This lead me to a second conclusion, which is particularly topical in the light of the civil war in Yugoslavia. Bloody confrontations between ethnic groups – also between religious groups – occur whenever there is poverty. Everywhere people look for scapegoats to make them responsible for the tragic situation; and war is waged against them.

I believe that there is only one way to avoid these conflicts; they must be dealt with at source.

Europe has a role to play here which I shall sum up as follows. Eastern Europe needs assistance for self-help. This is not only a task for politicians but more than ever a task for international trade unions.

It is also a task for the ILO, which should support the process of democratisation in countries undergoing transition with the political means at its disposal. For the ILO, in its Preamble, spells out a way to help the process of democratisation, when it states that universal and lasting peace can be established only if it is based upon social justice.

Assistance based on this principle should have the following components when extended to the new countries undergoing transition: action against anyone trying to trample minimum standards pertaining to labour and social law underfoot (many government representatives feel that trade unions are a stumbling-block and many employers want to profit from the weak economic situation in Eastern European countries to be able to invest); action against entrepreneurs hiring clandestine labour, who exploit them and ruin competition; action to create relations between employers and workers based on mutual respect so that we might build a social Europe where social rights are guaranteed within its geographical borders.

We, as Austrian trade unionists, wish to bring about an orderly labour market. And by this, we mean that workers able to find a job should be given correct housing and not have to sleep on the streets and that their children should be able to go to school and not have to work for a pittance.

But this is only one side of the coin. We must help the Eastern countries make their own countries worth living in once again. This naturally requires money; but it is also an ethical issue.

At this point, I should like to make two comments which lead us away from Europe but which I believe are of paramount importance. I mentioned earlier in my statement that wars and civil wars break out when there is very great social tension. This applies throughout the world, whether in Yugoslavia, Sudan or Mozambique. And everywhere we must apply the same solution. We must remove the origins of these social crises as wars and civil wars are barbarous and innocent persons are always the first to pay the price.

We must therefore provide assistance; and this brings me to my second comment. It would be a disastrous mistake if, because of the economic problems in Europe, we reduced our aid to the Third World. This would be tantamount to putting a lid on a kettle of boiling water; there would inevitably be an explosion. I therefore maintain that humanity and solidarity are indivisible and must remain indivisible.

In concluding, I would like to say that Europe is undergoing profound changes; it has a flourishing inland market in the West and a hesitant democracy in the East, assailed on all sides. In spite of all the dangers, we see this as an opportunity and a challenge; we need to take up this challenge together with courage.

Mr. MOTSA *(Minister for Labour and Public Service, Swaziland)* – It is for me a great honour and indeed a privilege to be accorded this opportunity of addressing this august assembly, on my own behalf and on behalf of the delegates from the Kingdom of Swaziland.

I bring to the President, the Director-General and the distinguised delegates of this 79th Session of the International Labour Conference, greetings and good wishes from my Head of State, His Majesty King Mswati III, and the people of Swaziland.

May I take this opportunity to congratulate Mr. Nascimento Rodrigues on his election as President of this session. I have no doubt that under his wise leadership, guidance and judgement, this august assembly will be assured of fruitful and constructive deliberations.

Not long ago His Majesty celebrated his 24th birthday. The King is devoted to the principles and philosophies laid down by his late father. He is committed to piloting his people under conditions of social, political and economic stability, while continuing to maintain and strengthen the cultural and traditional institutions that make the Swazi people a peaceful and homogeneous society.

Swaziland, like many other developing countries, has a mixed economy. Some of the major industries include, asbestos mines, coal mines, and diamonds. On the other hand, the manufacturing industries have a mixed bag of agriculture – based enterprises, that is sugar production from sugar cane, cotton production and ginning, the processing of wood pulp and a variety of others. It is basically from these mining and agricultural industries that Swaziland earns her foreign exchange.

The Government of the Kingdom of Swaziland has studied with great interest the Report of the Director-General on the activities and performance of the International Labour Organisation during the year 1991-92 and the all-pervasive subject of employment and development. Swaziland attaches considerable importance to the need for global recovery, the challenge of employment creation and the participation of the social partners in all the strategies and decision-making processes.

Permit me at this juncture in my address to state that Swaziland enjoys a comparatively good industrial relations system, based on respect of the principles of natural justice. Our labour laws provide adequate and comprehensive machinery and procedures for redress to the Industrial Court in the event of an industrial dispute.

As I said earlier, Swaziland is growing very fast industrially. We have more than 1,500 registered enterprises, ranging from small enterprises to enterprises employing up to 2,000 workers.

Apart from the agricultural sector, there are four other main industries in Swaziland: the mining industry: this includes the Bulembu asbestos mine, the Emaswati colliery and the Dvokolwako diamond mines and quarries. The processing industry: this is fairly advanced – the food canning and beverage industry and the textile manufacturing industry are at the international level. The construction and transport industry: this employs a substantial percentage of our population. The paper and pulp processing industry: this is quite advanced in Swaziland, and has huge man-made forests at its disposal.

It is clear that with all these industries we deal with a wide range of chemical substances. The disposal of chemical waste products predisposes our working population to many potential occupational health and safety hazards, not forgetting possible environmental pollution through water, soil and air.

We have mentioned the problem of chemicals in our industries. Swaziland, like many other developing nations, depends substantially on agriculture through subsistence and commercial farming. About 80 per cent of the population lives in the rural areas and their main occupation is farming. Farm implements, machinery and chemicals are widely used. In commercial farming, which is highly mechanised and sometimes automated, we have the following: the sugar-cane industry, the forestry industry, citrus fruit estates and cotton farms in the lowlands.

Considering the range of machinery, farm equipment and chemicals like fertilisers, pesticides, herbicides, insecticides and fungicides, used in this industry, it is clear that a big portion of our population is exposed to occupational health and safety hazards.

Each year more than 1,000 workers are injured and maimed to varying degrees as a result of work-related accidents or diseases. Up to 44 workers per year die as a result of occupational accidents and diseases. Occupational diseases such as noise-induced deafness, pneumoconiosis due to organic and inorganic dusts, skin diseases due to chemicals and oils have been identified in our country.

Our legislation was not amended in time to cope with the rapid growth of industrialisation. The enforcement of prevailing legislation is also not quite adequate. We have recently embarked on a project to strengthen the Factories Inspectorate with the assistance of the ILO. All companies and workplaces in Swaziland are now being re-registered. Our inspectors visit and inspect all our factories at least once a year. The boilers, pressure vessels and lifts are inspected as stipulated by law, to avoid potential dangers, and all this work done by the Factories Inspectorate is simplified by the use of computers. Many employers are relatively unaware of occupational health and safety problems. It is the duty of our inspectors during their inspection visits to preach to the employers the concepts of health and safety and we even show videos to the management teams concerning safe and healthy work practices.

We in Swaziland are very grateful to the ILO for the assistance it has given us in strengthening our Factories Inspectorate Division.

In conclusion, allow me once again to congratulate the Director-General for preparing and submitting to our governments in good time his comprehensive and thought-provoking Report that will inspire this august assembly in its search for practical and lasting solutions to the diverse social and economic problems confronting mankind. We live and thrive in a world of change and interdependence where all nations, be they large or small, need one another. It is therefore my delegation's wish and hope that this body, in its pursuit of the fundamental principles of human dignity, freedom of association and social justice, will continue to contribute to the creation of a better world for all.

Original – Russian: Mr. ANDONOV *(Employers' delegate Bulgaria)* – On behalf of the Bulgarian employers' organisations and myself, I would like to congratulate the President on his election and to say how honoured we are that the Bulgarian Industrial Association has been chosen to represent the employers of our country at the 79th Session of the International Labour Conference.

In July 1991, speaking before ECOSOC, the Managing Director of the International Monetary Fund said that a stable economic system could not exist without structures providing for joint dialogue and participation in decision-making processes, which show that decisions are being taken in the national interest, and not simply to preserve the position of an oligarchy. It is no accident that the Director-General referred to this in his Report to this session, as this is the most concise definition of tripartism available.

Unlike States with many years experience in this area, the countries of Central and Eastern Europe which have decided, once and for all, to break with totalitarianism and authoritarian government, and centrally planned economies, in favor of a market economy, the social partners have only just begun to emerge and have little experience in tripartite negotiations. Many employers' and workers' organisations have yet not fully grasped their role and, it seems to us, even the State itself has had difficulty in delegating to such sectors the powers traditionally theirs in a free society.

For the first time ever, tripartism has emerged in Bulgaria with the creation of the National Coordination Commission by virtue of a general agreement between Government, the Confederation of independent trade unions and the National Association of Employers, followed by an agreement establishing a Tripartite Commission. This Commission was conceived as and acts as a body encouraging consultation at the national level.

The discussions of the Commission have shown that social partnership between the Government, employers and trade unions is essential and has provided a useful way of settling social problems. It is also invaluable at a time of economic reform, and when striving for social peace throuhout the country.

A number of errors have come to the fore. I would like to mention three such errors: the enormity of the State sector and the slow pace of privatisation which has led to a situation whereby employers have been unable to make a clean break from the State; secondly trade unions have, on occasions, assumed functions traditionally theirs; and thirdly the new Government has been unable to work as and when necessary with its partners and opponents.

I believe that despite all these problems, all the partners in Bulgaria are profoundly convinced of the need for tripartism. This explains the rather abrupt lifting of the "freeze", or delay, imposed on tripartite consultations at the national level concerning the concept of a social partnership. This concept includes the creation of a national council, bringing together representatives of the Government, trade unions and employers. Nonetheless, I am at a loss to explain why this concept has been so slow to take hold. In the end, however, it was adopted.

We believe that in order to form a national concept of social partnership, the following is necessary:

1. We must accurately and unequivocally define the three partners in a manner capable of ensuring that they are able to fulfil their responsibilities, while guaranteeing balance among the parties, as follows: The Government, and especially the Ministries of Labour and Finance, should act as regulators, modulators and arbitrators and should reconcile the positions of the other two parties when necessary. The trade unions and employers should participate through constant and legitimate representation in the central administration, so that they have the opportunity to make use of information and other resources they need to fulfil their responsibilities in the new circumstances.

2. The specialised social partnership bodies (commissions) should differentiate the various problems in five areas – profits, prices, wages and social insurance; employment and qualifications; social and labour legislation; privatisation and structural policy, investment and job creation; and credit and fiscal policy. We believe that the Committee and the specialised commissions should work at three levels – national level, the branch and regional level and the enterprise level.

3. The decisions of the Council and of the Commission should be taken by consensus and be carried out in accordance with the legislation in effect.

Obviously, we in Bulgaria need time to learn how social partnership functions. Our lack of experience and tradition in this field and the complexity and polarisation of our times make it especially useful and imperative to exchange experience and know-how with countries that have a long-standing democratic tradition.

In concluding, I should like to express my deep gratitude to the ILO for the excellent organisation of this Conference and to the Government of the Netherlands for their financial assistance, and I would like personally to thank Mr. Gladstone for his participation in the project to create a new system of labour relations in Bulgaria. The participation of Bulgarian employers in this project helped them become acquainted with and make use of the experience of the developed industrial countries of Europe.

We are confident that we will work together in the future, for the betterment of all the peoples of the world.

Original – French: Mr. LETTIERI *(Workers' delegate, Italy)* – I should like to stress, on behalf of the three Italian trade union confederations – the CGIL, CISL and UIL – that the subject of this session of the Conference has been very well chosen.

Democratisation of political and social regimes has been and remains a fundamental objective of the ILO and, of trade union organisations as well. Political democratisation today is the main characteristic of our epoch. The end of military regimes throughout Latin America and Africa, the defeat of the forces of apartheit in South Africa, and the collapse of Communist totalitarianism in Central and Eastern Europe are the victorious signs of the advancement of democracy and political freedom. It is in this perspective that we must concern ourselves now with ensuring the success of the Israeli-Palestinian negotiations and hence the right of the Palestinian people to live in a free and independent State in a framework of security for all countries of the region, beginning with Israel.

And yet, this point in history is uncertain, ambiguous, full of unknowns and dangers. The ambiguity resides not only in the process of economic transition but also in the models on which this transition is based.

The official theory is that of a move towards market economies, but tend to forget that there are different types of market economies and different approaches.

I find it unacceptable that this transition should be virtually imposed by the rich and developed countries without taking account of the social costs, the sacrifices of workers and the weakest sectors of our population. The macroeconomic adjustment and the consequent shock therapies imposed by the IMF as a condition for international assistance on the Eastern countries and on Third World countries, would not be accepted, owing to their consequences, by any industrialised country. The consequences of these monetary and budgetary policies have nearly everywhere lowered production and brought about massive unemployment and impoverishment of the populations. The unfreezing of prices, at a time when the old monopolies still prevail, and recession and generalised poverty are the norm, has led to an unsustainable increase in prices, the collapse of purchasing power, the marginalisation of unemployed young people, women and retired persons. Even the sudden privatisation that is being attempted, at the cost of a generally obsolete but still existing industrial structure, in my view reveals and ideological and abstract concept of the transition to a market economy.

In the analyses of the ILO I find a source of serious preoccupation with the risks that all of this implies for the transition to genuine democracy. I believe that we must openly and forcefully denounce the threat that this represents for democracy. There is no one who can ignore the damage that has already been done as a result of this policy. Considerable frustration has followed the euphoria that initially resulted from overturning the former totalitarian regimes. This frustration more and more has resulted in political apathy, social fragmentation of the search for new ethnic and nationalist collective identities, often to the detriment of civil rights and individual freedoms. "Yugoslavisation" threatens to be not an extreme expression of the process of disintegration and contraposition, but rather the paradigm of a desperate and often illusory search for these new identities.

We need to discuss openly the responsibilities which involve us all, which involve all the representatives of the industrialised world who also benefit from a more long-standing democratic experience. We need to oppose the economic models and ideologies which threaten to lead certain countries towards a new Fascism.

I fully agree with the need to integrate the social dimension into the process of adjustment and the international integration of economic systems. For it is precisely here that we find the immense gap that needs to be filled. Even in the European Community, we have seen a country with a long-standing democratic tradition – the United Kingdom – fail to sign the agreement on social policy.

With this dominant neo-liberalism, the temptation is to replace the suffocating and ineffective rules of a centralised economy with unbridled capitalism. The return to an ideology of economic laissez-faire is reflected in a Darwinist social model, which would mean the end of solidarity, the protection of rights and the concept of social needs.

In this context, in which even the strongest of the trade unions run the risk of being weakened, trade unions which seek to grow in the transition regimes of Eastern Europe and the southern parts of the world, find immense difficulties in reaffirming their representative nature and their role as an effective counterweight.

We need to aid the trade unions of countries in transition to find a way out of this impasse. They have the right to be active participants in transformation through tripartism. This is necessary in order to ensure the success of the process of transition. But tripartism is not enough when the objective of governments is merely to seek consensus for policies that fail to make account of social needs.

A major effort of international solidarity is therefore required in order to promote the development in new democracies of free, autonomous and representative trade unionism, in the conviction that democracy can be consolidated and developed only where there is a strong and independent trade union movement.

The ILO has a major role to play in this process.

In conclusion I will simply mention three points.

First, the ILO should strengthen and extend its work of monitoring and supporting basic trade union rights – freedom of association; the right to collective bargaining; and the right to strike. Where these fundamental rights are lacking or systematically violated, we must debate the right of countries or enterprises that fail to respect the fundamental rights of workers.

Secondly, the ILO should systematically prepare a report on the trade union and social situation of the various regions of the world, which takes into account the process of building democracy, and attempts to clarify the context and the conditions of law and fact in which trade unions can or cannot develop their initiatives.

Thirdly, a major effort should be made by the ILO to strengthen and extend trade union training, and not just vocational training, together with the international, regional and national trade unions providing assistance and cooperation. The ILO can and should play a major role in this new stage of history.

In conclusion, individual and collective social rights go hand-in-hand with the principles of freedom and equality on which genuine democracy is based. All of us must be committed in order to bring about the success of these principles and to give about the success of these principles and to give a specific meaning to democracy and to the hopes that men and women throughout the world attach to democracy.

Mr. SALIMIAN *(Workers' delegate, Islamic Republic of Iran)* – I would like to join the earlier speakers and extend our warm and sincere congratulations to the President on his election to the presidency of the 79th Session of the International Labour Conference. I would also like to congratulate the Director-General, Mr. Hansenne, and all his staff on the work which they have accomplished over the last year.

I welcome the new Members of the ILO who have joined since the 78th Session of the Conference.

Proud to represent the workers of the Islamic Republic of Iran, I wish to express my views, as well as the views of my colleagues and the workers' organisations of my country, concerning the Report of the Director-General to the 79th Session. I hope that this session of the Conference will be able to set objectives and concrete guidelines in steering the difficult problems which are being discussed towards an acceptable solution.

The theme of the Director-General's Report, *Democratisation and the ILO*, a vast subject and it would not be possible to cover each of its areas within this limited period of time. So I would restrict myself to only a few of them which are of particular interest to us.

One of the important and misleading aspects of the economic and social context is the existence of a phenomenon called verbal identity, in the sense that different basic peculiarities and conditions are expressed by a single word. For example, regarding the term democracy or democratisation, which is the subject-matter of the Director-General's Report, the question arises in the mind of any neutral critic as to what the word democracy and what the word democratisation mean. Because if the meaning of democracy is that mentioned in the Director-General's Report, and I quote: "Democracy... though initially a political concept,... has always been, and still is, the instrument of freedom", then the term democracy can be used in one place with one meaning and in another place with a totally different meaning. In such a case, is it possible that the satanic politicians of this era have a double standard for democracy, one at home and the other abroad?

Do you think that the arrogant of this world can, through democracy, succeed in quenching their own thirst by plundering the wealth and resources of the deprived nations of the world? Or that the advocates of democratisation can go to such an extent of military aggression against a democratic government, elected through democratic institutions by an absolute majority, and install a puppet government just to safeguard their own vested interest? In the light of these empirical contradictions, can it be expected that this term, democracy, is understood in all places to have the same meaning?

Although the subject of democracy is being discussed in the current session of the Conference, unfortunately some bitter and acrimonious facts like the veto rights of the so-called Superpowers are being ignored. At the least, the workers' organisations should raise their voices against this anti-democratic aspect which permits a country to tyrannise others and impose its own will because of its military strength and economic power.

The discovery of democratic values is, no doubt, not a recent phenomenon. Democracy is not just a theory it is the respect of fundamental human rights. The international labour Conventions that deal with fundamental human rights focus on freedom of association, the right to organise, the right to strike, collective bargaining, the abolition of forced and child labour, and equality of opportunity and treatment in employment. The main objective of such standards is to create an environment favouring development. I share the views of Mr. Hansenne, that "the technical cooperation project would be used to lay the foundation for the application of standards...".

We believe that fine theories, principles, and the ratification of international Conventions are not sufficient. There must also be application in practice by bringing Labour Codes into conformity with Conventions.

I spoke earlier about misleading aspects of economic and social contexts. I would like to mention here another aspect. The GNP of an advanced economy can measure improvements in its condition. However, in a dependent economy, the GNP not only measures improvements in its conditions but, due to the reproductive nature of dependence, which in fact replaces the earlier dependencies with the new ones, also measures the advance toward non-development.

One of the main points which can be raised in the present session is that, under the terminology of structural adjustement, the problems of economically advanced and backward countries, which are fundamentally different in nature, have been mentioned collectively there by confusing the issue.

The projection of the problem of structural adjustment in developed countries is basically human in nature, especially as regards the workforce of these countries.

But the same phenomenon, used in the developing countries, is imposed and is anti-human in nature.

This structural adjustment is firstly an imposed one because it is accompanied by different types of pressures and conditions of the International Monetary Fund and the World Bank. Secondly, it is anti-human in nature because it becomes the basics for the extension of poverty, the deepening of economic dependence, the expansion of unproductive jobs, and a reduction in opportunities to attain minimum health, education housing and income levels.

The important mission of the ILO is, firstly, to divulge this problem by acquainting the Third World countries with the substantial difference of structural adjustement between the two groups, i.e. the developed and the backward countries. Secondly, the situations prevailing before and after the implementation of the structural adjustement programme imposed by the IMF and the World Bank, with due emphasis on its theory and empirical evidence, must be clearly spelled out so that governments become aware of its serious consequences, and so that workers' and employers' organisations will not swallow its false slogans, which say that the pressure of these programmes is felt only in the short term. According to John Maynard Keynes, in the long run, we will all be dead and there will be no one alive to test these promises.

Another basic point which is of great importance is the presentation of the problem of equality in educational training opportunities for different groups of society. We know that the logic of economic liberalisation is the logic of one dollar one vote, and has nothing to do with equality. It is for this reason that governments must be warned so that they are not fooled by empty and crisis-brandishing slogans. With their timely and conscious intervention and the participation of the social partners (workers' and employers' organisations), they can create opportunities for equal utilisation of social facilities by the poor.

Turning to Part II of the Director-General's Report on the activities of the ILO in the last fiscal year, I would like to draw the attention of the competent authorities to the fact that in the allocation of new ILO technical cooperation and training facilities, the Islamic Republic of Iran, and especially the Workers' House, has been deprived of its legitimate right of access to these projects and training facilities. Since the Islamic revolution in Iran, we have not received any noticeable assistance, except for a few scholarships relating to getting acquainted with the ILO and its functions.

The facts and figures also support our deliberations. Table B on expenditure on technical cooperation programmes in 1990-91, by geographical region, shows that 25.5 per cent of it is allocated to Asia and the Pacific region. The share of the Islamic Republic of Iran from this total expenditure of $43.4 million is only $125,000, or just 0.3 per cent. If we look at the contributions made by the countries in an region, our share is 2.1 million Swiss francs, or in other words 27 per cent of the local regional contribution. As we have stated on a number of occasions, there are sufficient opportunities in our country to absorb the ILO's technical cooperation and training facilities. Now, we once again request this esteemed body to give more attention to the workers' training needs in our country.

Anyhow, we are grateful to the ILO for arranging the first seminar in Teheran since the last decade. We hope that this will be a turning point and will open a new chapter in the bilateral cooperation between the ILO and the Workers' House. We are sure that such seminars will be held in the future, too. We are ready to hold such regional and international seminars with the cooperation of the ILO and its Workers' Education Department.

In conclusion, on the eve of the third anniversary of the death of Imam Khomeini, I have a message from our Iranian workers to the distinguished delegates present here today. There are no prospects for the accommodation of western mentality in our Islamic system. The Muslim people and workers of Iran have demonstrated their loyalty to the cause of the Islamic revolution and are determined to clear any hurdle without any compromise on policies, and to continue on Imam Khomeini's path. Furthermore, we are all the more determined and steadfast in following his path because we believe that it is the path of salvation and the only one to take to ensure the rights of the oppressed.

Original – French: Mr. MANANJARA *(Minister of Labour, Madagascar)* – The Malagasy delegation, which I have the honour of leading, would first all like to congratulate sincerely the President on his brilliant election to the Chair of this session. Our congratulations also go out to the other Officers who will assist them in carrying out his difficult but also lofty mission.

At the risk of wounding the President's sense of modesty, I would like to say how pleased we are to see him hold this office which he deserved in more ways than one.

As an outstanding university teacher and statesman who is fully conversant with the economic and social problems besetting today's world, he will, we are sure, be able to lead this session of the Conference to a successful conclusion.

I would also like to pay tribute to our Director-General and his staff for the excellent Report before us. This excellent working document is highly topical and an act of faith in democracy as the basis of all human development. Throughout his Report, the Director-General does not merely highlight the virtues of democracy, but also calls upon us to adopt a critical and constructive approach to the many aspects of this same democracy.

Since 1989, a landmark which will stand out in the annals of mankind, with the dismantling of the Berlin wall and the profound changes in the East, many other events, have occurred which have changed the face of the world.

We should be grateful to those who crafted these major changes. I would like to refer to the major political leaders and international and intercontinental organisations and their tireless struggle to ensure that democracy, this time a real democracy, can finally see the light of day. They have shown that there can no longer be any temptation to associate democracy with the greed for power, to confuse democracy with demagogy or any of the many perverted sophisms which are dangerous to mankind.

To this end, the ILO can lay claim to the title of pioneer of democratisation because of its tripartite structure which makes it so different from other international organisations. The forward-looking, almost prophetic vision of the founders of our Organisation made it possible for the three groups to engage in an ongoing learning process of institutionalised concertation within a well-defined framework.

More than 70 years after the creation of the ILO, history has finally recognised the place of concertation and consensus in the quest for and the definition of a common policiy, through the institution of administrative and supervisory machinery which inspires confidence to all. The example of the ILO is an example of patience and abnegation for all those who claim to be disciples of democracy.

The winds of change are now blowing throughout the world, especially in developing countries, hoisting the flag of democracy as a symbol of hope, of development and liberty. It is a challenge which can be taken up only if we all believe in equity, legitimacy and the unavoidable nature of the sacrifices and the efforts required. The temporary solidarity linking generations, ours with that of our children, makes it necessary for the international community to support this democracy by the establishment of all kinds of assistance, through multilateral and bilateral lenders, the rescheduling of debt or the reduction of private or public debts. This requires greater flexibility in financial arrangements for the countries which have embarked on structural change, but which are experencing serious difficulties due to external factors.

Madagascar, although its insular character should have spared it of upheavals, has not escaped the determinism of history. Our presence with a tripartite delegation at this session of the Conference, which would have been unthinkable yesterday, is a striking example of this.

Transitional institutions, established by national consensus and the main tasks of which is to prepare the advent of the Third Republic, are now managing the destiny of the country. These transitional structures hold in themselves the seeds of a true democracy when you consider the advent of an actual multiparty system, a pluralistic trade union structure, freedom of the press, tripartism, the holding of a national forum to discuss the transformation of political institutions, social and economic restructuring and the liberalisation of the market. These are a few examples of the changes which bode well for the future of democracy.

The negative impacts of various reforms underway and the harshness of structural adjustment measures give rise to economic, financial and social difficulties which lead to unemployment, inflation and poverty, etc. The severe situation caused by the drought in southern Madagascar is a striking example.

The transitional character of bodies which are directing the country, is causing some reticence on the part of international lenders, and this situation is only compounding the difficult situation and hence the future of democratic process. But we are convinced that – the international organisations and financial institutions which attach importance to democratic values will also help us in the future, as in the past, with their precious cooperation.

May I be allowed by way of conclusion to refer to two important sentence from the Report of the Director-General there can be no true democracy without effective development; there will be no viable democracy without social justice. I would like to add that there can be no social justice without development. Many countries, where democracy is still embryonic are confronted with major social and economic problems which result in poverty and pauperisation. And so let us make a passionate appeal for awareness by the international community so that the foundations of a genuine democracy can be established through the search of appropriate solutions to certain crucial problems. In the countries of the South, we must use the enthusiasm and motivations arising from the advent of democracy in the interests of development. In the countries of the North, more particularly the rich countries, we would like to recall that no development is conceivable as long as the international debt, resulting above all from the collapse of commodity prices, continues to weigh on our economies.

Finally, we would like to renew our confidence in the ILO to ensure that development goes hand in hand with social justice. This is the message which our delegation would like to convey to the cause of development.

Mr. GRAY *(Workers' delegate, United States)* – There is no more important theme for the International Labour Conference than the ILO's role in democratisation. As the Director-General writes in his Report, democracy truly *is* a precondition for social justice.

I would go beyond that and add that the ILO's central mission – the defence and the promotion of freedom of association – is a precondition for democracy. For without the guarantee of such freedom, without free institutions to represent the interests of workers and other sectors of society, the people find themselves at the mercy of the State's potential for brute power and of the employer's potential for brute exploitation.

In this regard, the ILO is the indispensable international body for the defence and promotion of freedom of association, workers' rights and fair labour standards – and thus of democracy.

In the last few years we have witnessed eloquent testimony to the importance of the freedom of association in the achievement of democratic rights. From Solidarity in Poland, to the Workers' Autonomous Federation in China, to the independent Black trade unions in South Africa, workers rose up and organised themselves to demand their rights, and demanded democratic freedom to exercise those rights. And the world has been transformed.

In this struggle, the ILO's position has been clear: a single standard applies to all countries, no matter its political or economic systems. The standards of freedom of association and other workers' rights were applied, in historic fashion, equally to Poland under communism and in South Africa under apartheid. In part owing to the ILO's consistent course in the 1980s, political and economic walls and barriers came down.

And that is the point of the ILO's single standard: for the advance of freedom of association means the advance of democracy, which means greater participation of ordinary people in determining their own lives. When established democratic countries impinge on the rights of freedom of association, the ILO rightly steps in, for we know they are impinging on democracy.

Yet, even with the democratic advances of the last few years, there is still much to be done. Workers' rights and fair labour standards are in no way safe from their attackers, nor is democracy itself.

Political dictators still abound. They remain the enemies of free workers' institutions and seek either their suppression or subordination. In the wake of democratic revolutions that have broken down the walls of opposition and oppression from Berlin to Vladivostok, from Addis Ababa to Kinshasa, and even to Johannesburg, the world's remaining dictators have responded in the only way they know: by tightening their grip on power, and workers have borne the brunt of intensified repression.

There is another disheartening and complementary undemocratic trend at work in the world; that is, the effort under way to promote the unfettered free market – unfettered even by free trade unions – as the indispensable lever of both democracy and prosperity. This trend threatens workers' rights and fair labour standards not only in the newly democratising countries but also in the developed democratic world.

Today the free market is a mantra; freedom of association is just irrelevant noise for the true believers. Trade unions, it is claimed, are a drag on the industrial and post-industrial economies and an impediment to growth in the developing and post-communist economies which require structural adjustment programmes instead.

The globalisation of the marketplace – and wholesale cheap-labour shopping by multinational companies intent on exploiting export-hungry developing countries – has placed hundreds of millions of workers at the mercy of unscrupulous employers and uncaring governments. Newly democratising and developing countries are being sold a bill of laissez-faire goods that romanticise the free market's virtues while minimising its faults. As a result, these countries are willing to establish economic free trade zones and legal conditions that bring back the days of swashbuckling robber barons. In the end, this means establishing the conditions where free trade unions are not free to function and where workers are exploited.

This threat to freedom of association is a threat to democracy, and not just in newly democratising countries. The effects of the global marketplace strike at workers' rights and labour standards in the industrialised world, where democratic government and democratic institutions have had long traditions.

The return of this laissez-faire doctrine is today being justified by the utter failure of communism's central planning and its totalitarian control over the economy. But communism's economic failure cannot justify a return to the exploitation of the early days of the Industrial Revolution. It cannot justify the brutal exploitation of women and children in sweatshops. The backward state of the economies in Central and Eastern Europe simply cannot justify the violation of human and workers' rights elsewhere whether it be in Malaysia, in Indonesia, in Thailand or anywhere else in the world.

The ILO was created expressly to combat the pernicious idea that either democracy or prosperity required the exploitation of labour and the denial of rights to workers. The ILO was created with the idea that workers and employers, through their chosen representatives, could work together with government to establish minimum standards that protected workers from extreme exploitation in the marketplace. Indeed, the ILO was created to help put an end to the degradation of workers under the "hidden hand" of the market. It has worked well towards that end, to the benefit of untold millions. Let us not now allow the proponents of this hidden hand to hide behind the failures of communism.

World events and economic facts have shown that greater prosperity comes when freedom of association is guaranteed and workers gain full exercise of their democratic rights. More importantly, they have shown that workers' rights need not be trampled for there to be economic growth. Today poverty is most profound in places where democracy and its free institutions are most absent, or in countries where such institutions are just emerging. In short, the deprivation of human and workers' rights brings about economic injustice.

In the face of attacks on workers' rights in the name of the free market, we must all, labour, business and government, recommit the ILO to the urgent purpose of promoting workers' rights and fair labour standards. We must do this in order to foster democracy, prosperity and social justice.

The ILO, in its activities, programmes and deliberations must redouble its efforts to make the respect for the most crucial workers' rights, as embodied in the international labour Conventions on freedom of association, on the right to organise and collective bargaining and on forced labour, the basic yardstick for its consideration of technical assistance programmes. The ILO should not allow these programmes to be conducted in countries where fundamental workers' rights are violated and where legitimate workers' organisations are shunted to the sidelines and their representatives shoved into prison.

The ILO must redouble its efforts to rid the world market place of the most pernicious violations of labour standards concerning child labour, workers' safety, health and minimum conditions of employment.

Finally, the ILO must redouble its commitment to the principle on which it is based, the tripartite cooperation between workers' representatives, employers' representatives and governments to establish and enforce basic workers' rights. For on these efforts to a great degree the movement for democratisation rests.

Original – Arabic: Mr. GHARIB *(Workers' delegate, Iraq)* – In the name of God, the Merciful, the Compassionate! I should like to take this opportunity of the feast of El-Adha to extend to you, in the name of the Muslim world, our prayers to the Almighty to bring peace and well-being to all mankind.

I have the pleasure of bringing to you the greetings of the workers of Iraq for the success of this session of the Conference. Their eyes are turned towards all the forces of good in the world to support them in their misfortune, at a time when they are confronted with an iniquitous blockade which has caused the death of hundreds of thousands of their children.

I should like to take this opportunity to congratulate the President for the confidence and esteem which the Conference has shown him in electing him to guide the work of this session towards success.

The workers of Iraq have entrusted me with the responsibility of telling you about the tragic situation being experienced by their children and their sick, and of the terrible catastrophes which are threatening the lives of millions of citizens in this noble country whose land saw the emergence of the earliest human civilisations and which has contributed throughout its long history to the enrichening and development of these civilisations. This was the country which promulgated the earliest legislation known in history, which established human rights, proclaimed the justice and equality between men and gave workers essential rights. Iraq, which the international community has known as an apostle of justice and equality between peoples has been and still is the victim of the most atrocious catastrophes resulting from the military aggression and economic blockade which have no equals in the annals of hatred and barbarianism. All this has been confirmed by many international missions, and in particular by the report of the representative of the Secretary-General of the United Nations, the mission report of the University of Harvard, the UNICEF report as well as many other documents.

The UNICEF report states that 340,000 Iraqi children are threatened with death, that a million children suffer from malnutrition and that 400 children die every day. At the same time, the reports have confirmed that the water purification plants and electricity generating stations have been destroyed, interrupting the distribution of drinking water and causing sewage water to flood of streets and homes.

We should like to confirm to you that our hospitals have become the scenario of the worst tragedies which mankind has ever known. Surgical operations are carried out without any anaesthetic, medicines are not to be found anywhere, food is scarce, more and more people are dying every day, diseases previously unknown in Iraq are spreading radidy, hundreds of children receive injections with the same syringe in a primitive manner which Iraq had abandoned decades ago. Furthermore, more than 80 per cent of our workers are unemployed following the destruction of factories, the shortage of raw materials and spare parts and the impossibility of our employers to operate their plants. Unemployment has risen, non-organised forms of employment have spread, the price of foodstuffs has rocketed and yet the entire world simply looks on at these human tragedies. A policy of humiliation is being practised against the people of Iraq, who reject this policy as well as the policy of subjection which is an attempt to destroy the national sovereignty of our country for which it has paid a very high price. We are convinced that all this is not the fault of international law as such, but the fault of the mentality of hegemony and abuse which is used to pursue despicable interests compounded by hate to create a spectacle of odious destruction and barbarianism in Iraq. It is unjustifiable and unreasonable that the process of genocide against Iraqis should be pursued when none of the reasons which were used as a pretext to impose this destructive policy of starvation against Iraq no longer exists.

Yes, this is what is happening in Iraq and what is being prepared for the Libyan Arab Jamahiriya which after the air blockade will see itself the victim of resolutions which have already been prepared and are ready for adoption and which will be followed by other resolutions which will affect the Arab countries and States in the region.

As regards the violation of human rights in Palestine and in the occupied Arab territories, the confiscation of land, the rape of women, the oppression of trade unions, the arrest of trade union officials, the taking away from Palestinians of their right to work, the racial discrimination practised against them... all this occurs within the framework of international law which applies two different yardsticks.

The Director-General was wise to choose *Democratisation and the ILO* as the subject of his Report, in which he objectively outlines the path towards a future based on the close relationship between democracy and social justice. Although we present to him our most sincere congratulations for the ideas which he sets forth, we hope that practical measures will be taken to implement these ideas through support for trade union organisations which have a genuine interest in seeing the establishment of democracy on the principles of social justice. Allow me to say in all sincerity that the slogans of democracy, international legality and human rights are no longer meaningful to the Arab workers who are living a tragedy every day of their lives and who see international legality used as a cover for aggression and injustice, as is the case in Iraq, in Palestine and in the occupied Arab territories as well as in the southern Lebanon.

The Arab workers would like to warn the workers of the South of the planet against the use of democracy for the purposes of imposing the will of global monopolies and multinational enterprises in their attempts to steal the wealth of people and deepen the gap between a world which is rich and a world which is assassinated by ignorance, poverty and disease. One of the tragi-comic paradox of our epoch is that the countries which benefit from the goodwill of the United States administration are those which prohibit trade union and political activity and in which democratic institutions do not exist, even in their most elementary forms, while crocodile tears are shed over human rights in Iraq, which was the first Arab country to joint the ILO and contribute to its development. Iraq has an exceptional tradition in the sphere of labour legislation and democratic practice. Although we have not yet acheived our ambitions, in comparison with the friends and allies of the United States administration in the region, our situation is one which requires support and protection.

From this rostrum we should like to reaffirm that the workers of Iraq will continue their march towards greater democracy and social progress. They are determined to pursue their struggle to develop their labour code, pensions code and social security code and to ratify the international labour Conventions which Iraq has not yet ratified and to adapt these codes to these Conventions. All this means that the ILO must give every possible assistance in this sphere, particularly since the items on the agenda concerning worker' claims in the event of the insolvency of the employer, structural adjustment, human resources development and the prevention of industrial disasters are problems which affect the workers of Iraq.

Even so, we are optimistic about the future and we support what the Director-General says in Part I of his Report. We affirm the need to strengthen the supervisory machinery for the application of Conventions and Recommendations and confirm once again the need to apply the Declaration concerning Action against Apartheid in South Africa. Finally I would like to thank all the trade union and humanitarian organisaitons which have supported the workers and peoples of Iraq, which have offered humanitarian aid, and which have said that they are ready to give medical attention to the sick children of workers, and all those which have supported law and morality.

May the peace, mercy and grace of God be with you.

Original – Spanish: **Mr. MENESES** *(representative of the Permanent Congress of Trade Union Unity of the Workers of Latin America (CPUSTAL)* – May I congratulate the President and the other Officers on their election to these important posts, and wish them every success in conducting our debates.

I would also like to thank the President of this session of the Conference for enabling us to take part in these important discussions, as representative of the Permanent Congress of Trade Union Unity of the Workers of Latin America (CPUSTAL), which groups together trade union confederations from more than 20 countries in the region. The CPUSTAL, in its recent statutory meetings, both of the Council and the Executive Committee, reiterated its historic and present commitment to continue the struggle in favour of unity of action, together with all the forces of the Latin American and international trade union movement that are ready to mobilise themselves with a view to achieving the aspirations of workers seeking progress and well-being. It is in this spirit that we take part in the 79th Session of the prestigious and important international gathering that is the International Labour Conference.

The 79th Session of the International Labour Conference is taking place during a period of severe economic crisis, especially in the so-called Third World. In Latin America and the Caribbean the crisis is compounded by the foreign imposition of neo-liberal policies which are affecting all the social, political and cultural structures of the region with the so-called magic of the market forces. It is tragic illusion, and it is in fact an instrument with which the rich and powerful impose on whole societies a set of values and rules which only make it harder to achieve the social solidarity which the nations struggling under the weight of underdevelopment are more and more in need of.

Behind the figures, the stagnation and decline of the GNP, the hyperinflation, the continous drop in terms of trade, there are human beings, men and women, children and old people, who are seeing their possibilities of receiving health care, education, comfortable homes and sufficient food fading away.

The areas of destitution and absolute poverty are growing. Unemployment rates are growing. The purchasing power of salaries is falling. Production is falling and millions of people are moving to the cities looking for work and opportunities, which is turning the cities into gigantic metropolises with marginal populations who lack the most basis sanitary conditions, and hence are a prey to epidemics whilst, from another point of view, the chaotic and uncontrolled growth of these cities has resulted in such high levels of environmental pollution that the air is virtually unfit to breathe and the sun is unable to puncture the layer of cloud, dust and gases that obscures the cities.

Latin America and the Caribbean is a continent that cannot manage, in spite of enormous potential wealth, including skilled labour, to overcome underdevelopment, backwardness and misery. The CPUSTAL has a name for this phenomenon: dependency.

Today, dependency has taken on a definite economic form: it is the imposition of neo-liberalism and of the adjustment policies dictated by the International Monetary Fund.

It is a cruel policy which translates into enormous sacrifices which are a long way from leading us to development, and the only guarantee they give us is that we can keep handing over 25,000, 30,000, or 40,000 million dollars each year to the international credit bank.

It is because of this that wages are falling and unemployment is rising; because of this that State enterprises are being sold and essential resources are no longer available for health services and education.

In this situation, no Latin American, not even the most unwary one, could fail to be suspicious of the so-called Enterprise for the Americas Initiative.

It is clear to us that behind any small drop in the immense sea of our needs (caused by imperialist exploitation) is the intention of consolidating our dependency, of binding our markets and our potential to their needs, in a word, of consolidating the lowly rank that has been assigned to us.

For the CPUSTAL, regional integration implies changes in the application of the IMF's adjustment policies and in how countries carry on with regard to debt. For the CPUSTAL any solution to the difficult situation in Latin America and the Carribean must put an immediate stop to the blood-letting being suffered by our economies.

For the CPUSTAL, development cannot be imposed from the outside. It is a creative social process based on culture. Development cannot come from money, physical capital or foreign exchange alone, but must be based on a society's ability to tap collective wisdom in order to unleash the creativity of the masses, and to give people power and allow them to participate in order to liberate their intelligence. The trade union organisations are responsible for fighting the destructive forces that are hoisting the flag of market criteria and submission to the blind and irrational laws of their system, which, moreover, was the cause of the backwardness, the misery and the terrible exploitation that prevails in three-quarters of today's world.

The CPUSTAL is in favour of substituting the present IMF adjustment policies with policies that, using the resources that are at present set aside to service debts, would allow technology to be brought in, enabling us to modernise our production processes and make them competitive, improve the living conditions of our peoples, strengthen and develop our markets, policies, to use an ECLA expression, that would enable us "to grow with equity".

How can the trade unions and progressive forces respond to the problems and challenges before us?

We believe that although the problems are both big and complex, we mustface up to them. We believe that workers and their organisations, united with other popular forces in their respective countries, have the real option of fighting to change the order of things and working to achieve their claims, rights and aspirations.

The fate of workers in Latin America and the Caribbean is not unlike that of workers the world over and of the popular masses that are fighting together for the same cause. We can establish a common front which will allow us to change the present and project ourselves forward into a future of well-being and hope.

We believe that the Latin American trade union movement can find the ways and means to establish a common front that will allow us to make headway in the process of Latin American integration, to increase regional trade, to allow the harmonious development of our domestic markets, to give us the necessary strength to dismantle trade barriers and other protectionist practices that stop our products getting on to the world market, and to make all the nations in Latin America and the Caribbean a decisive force in building the world of peace and justice that humanity deserves.

Our organisation pledges all its forces in order to achieve this aim. We hope that the other trade unions on our continent will do the same: the Latin American Central of Workers, the Inter-American Regional Organisation of Workers and the Regional Organisation for Latin America of the World Federation of Trade Unions (WFTU). This will help us to create a single movement able to solve the major problems before us.

The main subject of the Director-General's Report to this session of the Conference is democratisation and the ILO. There is no question that this subject is synonymous with progress. We entirely agree that democracy is necessary for freedom, that democracy means participation in political power and in economic responsibilities, that democracy means respect for human rights such as the right to work, to health, to education, and to housing, to food, in other words to progress and social well-being. So we cannot believe that the simple fact that military dictatorships have fallen in certain countries on our continent means that those countries are now enjoying democracy. There are caricatures of democracy in some of our countries that are drowning people in mysery and hopelessness.

Before finishing I would like to express the request before this forum that the criminal embargo imposed by the North American imperialists on Cuba in their obsession to defeat a revolution that is a living example of justice and dignity be lifted. We also demand that Yankee forces be withdrawn from Panama and that the Panamanians people be paid compensation for the considerable damages in terms of life and resources they have suffered as a result of the genocidal intervention of the United States.

Original – Spanish: Mr. BERNAL CAMERO *(Workers' delegate, Cuba)* – I should like to begin by extending to the President the sincere greetings of the Confederation of Workers of Cuba. As always, we appreciate the important role that the ILO has played within the United Nations system and we express our willingness to contribute to its success.

With respect to the subject of our discussion, we understand democracy as being power of the people, for the people, and by the people, as Abraham Lincoln taught us, and this has not yet been achieved at the end of the twentieth century.

You yourself have said, and we agree, that trade unions – the other major pillar of tripartism – are the counterweight to employers' organisations.

For us, the independence of the trade union movement began with a triumph of the revolution in 1959. That was the beginning of an economic, political and social process at the service of the legitimate interests of the workers and the people. The Cuban trade union movement, without detriment to its autonomy, identifies with the revolution which it consciously and voluntarily defends and regards as the greatest victory ever achieved by workers in the history of Cuba.

In Cuba there are no official or semi-official trade unions. Our trade union organisations have been constituted by the free choice of workers without any interference from state or party organisations. Joining a trade union in my country is an individual and voluntary decision taken by each individual worker. No one and nothing forces anyone to join a trade union.

The trade union movement in Cuba is self-financed. We do not receive any subsidies from state, party or international organisations. The members of trade unions personaly hand over their dues which provide the monthly financing for their organisation. Therefore, in Cuba, there are no mandatory "dues" which were used such as those by corrupt trade union leaders to enrich themselves prior to the revolution.

Trade unions are strong and powerful and, at the same time, profoundly democratic. In my country, there are more than 70,000 trade union organisations in both urban and rural areas and every worker has a possibility to play an active role in trade union life. More than 97 per cent of workers are members of trade unions.

All of the leaders are elected by direct and secret ballot. The candidates are put forward by individual proposal made by another member or by the candidate himself, if he so wishes. It is enough to accept to be a candidate to be included in the list which is submitted for direct and secret ballot. When the votes are counted, anyone who wishes may join the committee that counts the votes. Therefore, I can say the candidates are not put forward by the party and they are certainly not appointed by the party as a certain international confederation has reported to the ILO.

I can say, with my head held high, that in Cuba that we find no danger to trade union freedom and democracy. Ten per cent of workers (more than 35,000) hold trade union leadership posts and have been democratically elected to these, as I said earlier. We adopt our statutes ourselves without any supervision by any Government institution or official.

In this world, which is so dominated by powerful interests, there are organisations which distort reality in the name of freedom and democratic values. They like to invent so-called trade union leaders of supposed organisations for some pretended democratisation, and they then channel to these anti-democratic organisations enormous amounts of financial resources, providing press coverage, communication and printing equipment, and trained, full-time specialists devoted to disrupting the unity of Cuban workers.

We are well aware of the ideological basis of this tactic. It has nothing to do with carrying out and implementing international Conventions. Thus, in 1957 to 1958, when hundreds of trade union locals in Cuba were attacked by the Batista army and with the approval of the Secretary-General of the Confederation of Workers of Cuba (CTC) at the time, which was then affiliated to the regional body of the ICFTU, trade union leaders were set in place by ministerial degree.

When there were no freedom of association or constitutional guarantees, a delegate of the International Confederation (to which the CTC was affiliated), after visiting and contacting leaders and attending meetings, said, and I quote: "The Confederation of Workers of Cuba is fulfilling an important and effective task in the strictly trade union area, and enjoys full freedom of association and meetings." They also said they had not encountered any evidence of lack of freedom of association and that on the contrary they had received the impression that there was no barrier to trade union action in relation to social benefits or workers' claims. They said there was no evidence of violation of the trade union rights that were universally accepted in the free world, and no reason to doubt that the Confederation of Workers of Cuba was acting in accordance with the basic principles of the ICFTU.

Naturally we are quite aware that only months after the dictator Batista had to relinquish power in the same year even, one could read in a report by that same organisation: "In Cuba there is a military dictatorship. Cuba is going through a very difficult and turbulent period of time which will require much tact and diplomacy on the part of the CTC".

Now there is no talk about tact and diplomacy, now, when the workers themselves are building their own society, a committee has been established which broadcasts radio messages from abroad to Cuban workers, calling on them to sabotage production, to stir up labour and social indiscipline, to sow disorder, and to burn the cane fields and destroy transport.

The CTC respects and recognises any trade union leader who has been elected by the members, but it has no obligation to accept passively the anti-democratic imposition of leaders and policies not in the legitimate interests of the workers.

For democracy to exist there must, among other conditions, be an end to outside interference of whatever type. Some international organisations employ methods and procedures that play into the hands of the powerful countries who regard themselves as defenders of freedom. For there to be democracy, we have to begin by democratising the United Nations and, first and foremost, the Security Council.

I do not believe that it is either democratic humane, or just, or ethical for the government of a powerful nation to prevent other countries and enterprises from trading freely with my country. Recently, the president of that nation stated his intention to sanction any vessels that put into Cuban ports.

I would request the ILO to intervene with the Secretary-General of the United Nations in order to oblige that government to change its position of economic and trade blockade which it has maintained against my country for more than 30 years, causing immense damage to our economy of other workers and enterprises in the world and naturally of those workers which I represent.

This same nation hides behind its military might and the acceptance of international organisations in order to maintain against the will of my people an aggressive naval base in Guatanamo Bay which is Cuban territory.

As long as the interests of powerful nations and multinationals prevail over the interests of the people, as long as there is abject inequality among those who live by the work of others and those who must live on their own modest wages, and as long as there are millions of unemployed and illiterate in the world, and as long as we continue to think of the market economy as synonymous with freedom and democracy, to say that there have been hopeful changes in the world is a utopia that we cannot share.

As for democratisation within the ILO, we believe that it is necessary to continue to perfect its procedures and structures, to increase participation in decision-making, to maintain and to improve balance in analyses between rich and poor countries, to base analyses and studies on the specific practices of each country, taking no account of external pressures that might distort reality and to sow confusion.

We favour the most effective control of the implementation of all Conventions equally in all countries. And I would like to conclude by proposing that we study the possibility of debating at an early session of the Conference the causes underlying the low level of union membership that we see in many parts of the world.

We also very much would like to see continued the efforts that have been made to prevent the implementation of the unjust decision to dislodge the headquarters of the World Federation of Labour from its present headquarters.

Mr. KHAN *(Workers' delegate, Bangladesh)* – Let me join the previous speakers in congratulating the President and the Vice-President of the Conference for their election. I repose my confidence in their abilities to conduct the proceedings of this Conference.

I take this opportunity to compliment the Director-General for his Report, *Democratisation and the ILO*. He has referred to the democratic movement that has replaced authoritarian political systems in Eastern Europe, some countries in South America, Africa and Asia, and indicated that the process has to be kept alive with necessary support from the social partners in member countries of the ILO.

The process has already enlarged the membership of this tripartite organisation, thereby placing additional claims on its resources and technical abilities. It has also expanded the horizon of democracy and fundamental human rights. It would call for more active and effective participation in the activities of the ILO by Governments, Employers and Workers, as well as the adoption of standards, not only for upholding the rights and interests of the workers, but also for institutionalising fundamental human rights.

In addition to the democratic parameters, member States are now called upon to ensure the expansion of economic activities, where necessary, by expediting structural adjustment, enterprise development and employment and training. The Director-General has duly emphasised the need for strengthening tripartism as a means for attaining those goals.

The 79th Session of the International Labour Conference has on its agenda some basic issues like the protection of workers' claims in the event of the insolvency of their employer, the prevention of industrial disasters and the development of human resources, in addition to the usual items.

The delegations of member States attending the Conference have already presented for consideration resolutions which will cover various issues including those on migration of employment. I would say that the ILO should not only adopt Conventions, Recommendations and conclusions on all these items, but also strengthen technical cooperation activities with a view to enabling member States to implement existing standards.

Coming as I do from a developing country and representing the workforce of Bangladesh, I ask this Conference to adopt standards that can be implemented in the majority of the countries of the world. The Conference should also adopt programmes and financial and administrative proposals that will activate the revelant departments of the ILO for effectively interacting with member States, where necessary with technical assistance. At this stage, I should underscore the needs of the developing countries which must be covered, in addition to the expansion of technical assistance to new members of the ILO.

The needs of the developing countries will naturally increase with the process of structural adjustment and human resources development. They will also increase due to technological development. This Conference should, therefore, adopt measures for meeting the upcoming needs of developing countries and of countries in Eastern Europe. Likewise, the Conference should deliberate on issues that come up with constitutional changes in South Africa and the continuing problems of workers in the occupied Arab territories.

On the subject of practical development, I wish to refer to the changes that took place in Bangladesh. This small country of 110 million people has opted for democratisation through the political upsurge in 1990 and democratic elections in 1991. The people at large reposed confidence in the leadership of Begum Khaleda Zia for transforming the political and economic aspects of life. Parliamentary democracy has been resuscitated, the economy is being restructured and the rights and interests of the people, including workers, have been rehabilitated. As a result, the country is now in need of inflow of capital and know-how, upgrading of skills of manpower and expansion of economic and trading activities. For all these, the resource-constrained country looks upon the world community through this unique tripartite organisation for adequate assistance and collaboration. This is necessary to ensure quick economic development through proper implementation of the "politics of productivity" introduced by the late President Ziaur Rahman and being pursued by the present Prime Minister Begum Khaleda Zia.

Bangladesh has a huge manpower surplus. Quite a substantial part of it is highly educated but unemployed. Part of the workforce is highly skilled, yet the need for the expansion of education and training is underscored by well-meaning people, including experts, that go to work under different technical assistance projects. As a representative of the workforce, I urge this Organisation to adopt programmes that will be of assistance to Bangladesh.

It is common knowledge that the demand for skilled manpower increase with technological advancement. In the case of Bangladesh, the same demand is added to the demand for skilled manpower in traditional industries like the textile and agro-industries. Bangladesh even needs to expand training programmes for construction workers, who are in demand. In the area of garment manufacturing, which employs the bulk of otherwise unemployed people, technical assistance is needed. Creating employment opportunities for rural women should be considered as another area of priority for technical assistance, while expanded support for workers' education is necessary for a better labour-management relationship and higher productivity.

I have so far touched only upon the fringes of the problems that a country like Bangladesh is faced with, and urged the expansion of collaborative activities. I would fail in my duty if I do not refer to the need of the workforce in terms of their organisational activities. It is because of the prevailing circumstances that trade union activities have not burgeoned into a comprehensive structure. Some of our workers are yet to be protected. With the move for structural adjustment, some of the actively engaged workforce is likely to be retrenched without an assured "golden handshake" or arrangement for retraining and rehabilitation. This grim prospect has made our active labour force rather concerned and reactive. This trend needs to be reversed through retraining facilities and rehabilitation programmes, both of which, may I reiterate, will depend on inflow of assistance from multilateral and bilateral sources. Through this forum I exhort the world community to come in good stead of the workforce of Bangladesh.

In regard to the adoption of Conventions and Recommendations on the agenda items, I should only say that, while issues like industrial disasters and workers' claims are of a universal nature, issues which are more relevant to the workers of developing countries, who constitute nearly 80 per cent of the world's workforce, should be given precedence. At the same time, national-level implementation of the fundamental Conventions like Nos. 87 and 98 should be pursued more rigorously. This will be in line with the theme of the Director-General's Report submitted this year.

Mr. MALENTACCHI *(representative of the International Metalworkers' Federation)* – Firstly, may I congratulate the President on his election and on the fair and partisan way in which he is presiding over this gathering.

The ILO, like many other of the world's institutions, has been seeking to define its role in a new world epoch. This is a challenging task.

The 1980s saw a crisis for communism which turned out to be terminal – at least for the European-based variety. Will the 1990s turn out to be a decade of crisis for capitalism?

The triumph and euphoria about the end of history are misplaced. Barely more than one hour's flight from where we sit, a great and a tragic civil war is raging in a European region.

Each week, it seems, unemployment in Western Europe rises, and the ILO itself has produced excellent reports on the possible tragedies that confront labour markets in Russia and other Eastern European States unless there is prudent planning and consensus in the passage to a market economy.

We are watching in Rio the sight of the world's rich countries turn their backs on the poor. But in the Third World we see mounting poverty, mounting hunger and a denial of a wide range of human rights. And what, in this process, is the role of the ILO?

It is a question partly tackled in the Director-General's Report, *Democratisation and the ILO*, a fascinating document in which many ideas and not a little provocation can be traced to the hands that helped to shape it.

There were also questions dealt with in the important opening address given by the ILO's Governing Body Chairman, Monsieur Chotard – a speech that deserves close study. He laid stress on three objectives for the ILO. Firstly, that "social dialogue is the vital complement to political democracy, and that this dialogue requires independent partners and public authorities that respect their independence". Secondly, he stressed the ILO's "constant objective of combating poverty". Thirdly, Monsieur Chotard emphasised the need for "the comprehensive protection of workers". If the last two are ends, then the first priority – social dialogue between independent partners – remains the means.

Let me also say that I strongly agree with Monsieur Chotard's remarks about the universality of the ILO and its tripartite philosophy and the necessity to avoid a regionalisation of world trade and values.

Sadly, it cannot be said that each and every one of the speakers who has preceded me to this rostrum appears to have read Monsieur Chotard's remarks, or to understand what the ILO's core message is, or why the values of the ILO are so essential to creating the new world order based on sustainable growth, political democracy and social justice.

Hyprocrisy, Voltaire said, is the compliment that vice pays to virtue. Now, Monsieur Voltaire, another wise Frenchman, lived only a few hundred metres from where we meet today but, alas, died two centuries ago. I often ask myself what a modern-day Voltaire would say if he heard all the beautiful speeches made from this rostrum and contrasted them with the reality back in the country or in the companies that the speakers represent.

We have the admission of a new country to the ILO, the Republic of Korea, whose Government is making no effort to ratify key ILO Conventions and which, far from instituting or encouraging a social dialogue, prefers to lock up trade unionists who organise independent unions.

I would like to suggest that the ILO's communications staff look into the possibility of televising by satellite the proceedings of this Conference to all the workers of the world so that they can hear what their governments and employers are saying here in Geneva, and contrast the words with the experience, the speeches with the reality.

I appreciate the solid work done the ILO and the unique nature of its tripartite composition. The ILO's record on apartheid and, in earlier days, in combating imperialism and colonialism gave it a moral standing in the world.

Today, there are no more imperialists, or are there?

Let me quote from the newspaper of international business and banking, the *Financial Times*, which recently described what it called, and I quote, "the New Imperialists". The new imperialists, said the *Financial Times*, come from the World Bank and the International Monetary Fund. They arrive with a new gospel, the doctrine of the SAP – in English, the Structural Adjustment Programme. According to the *Financial Times*, developing countries can receive loans provided they follow the new orthodoxies of balanced budgets, devaluation, privatisation and a hearty welcome for foreign investment. The paper concluded that this new imperialism has involved the total integration of the International Monetary Fund and World Bank into the life of the target countries.

I support free trade and the free flow of capital, but I do want to issue a word of warning before the ILO gets too closely integrated with these new imperialists.

Much is made of contacts between the IMF and the World Bank and the ILO, but there is a difference between exchanging views and opening the gate of the hen house to the fox.

It will require very clear leadership and an unswerving adherence to ILO principles to ensure that this body sustains a vital role in the future, and I am sure the Governing Body and the Director-General and his staff can supply that vision and leadership.

I also appeal to all member governments to abide by ILO Conventions.

Normally, protocol demands that one avoid criticism of members States, but there is one violator of ILO Conventions which cannot escape criticism.

For nearly 20 years now, in complaint after complaint to the ILO, the Government of Malaysia has been found guilty of violating ILO Conventions Nos 87 and No. 98 by refusing to permit workers in the electronics industry to form a union or unions of their own choice.

In his address last week, the Minister of Human Resources made reference to forming in-house unions, but the very complaint which the Committee of Experts on the Application of Conventions and Recommendations as well as the Governing Body dealt with this year concerned an in-house union at Hitachi which was destroyed by the company and the Government. Electronics workers have sought to form in-house unions at RCA Harris and, again, because the union was formed by workers and not by the company, it was destroyed. I get rather sick and tired of the claim that Malaysia can do what it likes and reject ILO principles because it is a poor developing country. Compared with it neighbours, Indonesia or Thailand, let alone India or Bangladesh, Malaysia is a wealthy country, but the gap between the workers' living standards and the profits made by multinationals is getting bigger day by day.

Only independent trade unions and an adherence to ILO principles can put this matter right.

The full details of Malaysia's lamentable record in the ILO is contained in a special book available to all ILO delegates. This is no longer an issue to be brushed under the carpet, nor is it one that will surface only at this Conference. The issue of Malaysian violation of ILO core principles will remain on the agenda and grow in importance in the years to come. I urge all delegates to talk with the Malaysian delegation.

In conclusion, I would like to congratulate the Committee on the Application of Standards on the strong conclusion on Malaysia that was reached today, and to express the hope that the Malaysian Government accepts the offer of ILO technical assistance to bring it close into line with ILO Conventions.

It is not our business to interfere in internal Malaysian affairs, but it is our business to uphold ILO principles and to support the findings and recommendations of the ILO Governing Body.

Mr. RAHMAN *(Employers' delegate, Bangladesh)* – I am privileged to have this opportunity of addressing the 79th Session of the International Labour Conference.

I should like, first of all, to congratulate Mr. Nascimento Rodrigues on his election to the Presidency of this Conference. I am also happy to congratulate the Vice-Presidents.

The Director-General deserves congratulations for presenting an excellent report before the Conference. The theme of this year's Report, democratisation and the ILO, is of critical importance in view of the far-reaching reforms and changes that are currently taking place in the world. It is heartening to see that the ILO is addressing itself to the prevailing situation with a view to responding to the expectations of its constituents, to help strengthen democracies and consolidate transition towards market economy.

Political and economic systems are being rebuilt in many parts of the world. It is a delicate process, one that requires subtle handling and realisation of what democracy really entails. It would be a tragic mistake to assume that democracy automatically leads to economic development. To raise this point is not to question the essential virtues of democracy, but to stress that democracy is not an end in itself but a means to an end. All depends on how the means are availed and utilised.

What is needed therefore is a clear-headed realisation of the prerequisites for the success of democracy in bringing the greatest good to the largest number of people. Democracy requires institutions, rule of law, civil liberties, free press, supportive administration and deregulation. These have to be recognised, developed and nurtured.

As pointed out in the Director-General's Report, no political regime or economic system can expect to endure unless it is capable of satisfying the basic needs of its population. The transition towards democratisation in the low income countries is thus a formidable task because of economic crisis, widespread poverty and alarming unemployment.

The low income countries will be able to succeed in attaining lasting and sustainable democracies if the widening gap in global opportunities is reduced. These countries are being increasingly marginalised in the world trading system. The LDCs have been among the greatest losers; their share of global trade has been reduced by 50 per cent – from 0.8 per cent to 0.4 per cent over the last two decades. The lack of market opportunities for developing countries costs them at least US$500 billion a year, which is ten times higher than what they receive in foreign assistance. Net transfer of long-term lending to developing countries turned from plus US$21 billion per annum from 1972-82 to minus US$21.5 billion from 1983-90. IMF net transfer to developing countries was minus US$6.3 billion from 1986-90. In 1991, net World Bank transfer was minus US$1.7 billion. The Bretton Woods institutions thus failed many developing countries at their time of greatest need.

The democratisation process has been threatened in many low-income countries because of massive unemployment. Renewed protectionism in developed countries affected negatively on the abilities of the developing countries to generate employment. Industrial countries have been raising barriers to import from developing countries. Of 24 industrial nations, 20 are more protectionist today than they were ten years ago. The effective rate of protection against exports from developing nations is considerably higher than the rate against exports from industrial countries. Such restrictions, according to the World Bank, reduced developing countries' GNP by three per cent per annum. Non-tariff barriers, which increased by 20 per cent between 1987-90, are now the main obstacles to the exports of low income countries to the developed world. About 50 per cent of exports of textiles and clothing are subjected to non-tariff barriers. The Multi-Fibre Arrangement (MFA) denied the developing countries an estimated US$24 billion per annum in export earnings in recent years.

The disparities in the distribution of global economic opportunities are also serious in other cases. The developing countries effectively paid 17 per cent interest a year on their foreign debt during the last decade while the rich nations paid only 4 per cent. The income gap between rich and poor countries is not only considerable, it is widening at an alarming rate. The North, with about 25 per cent of the world's population, consumes 70 per cent of the world's energy, 75 per cent of its metals, 85 per cent of its timber, and 60 per cent of its food. During the last three decades, the countries with the richest 20 per cent of the world population increased their share of global GNP from 70.2 per cent to 82.7 per cent. The countries with the poorest 20 per cent of the world population saw their share fall from 2.3 per cent to a mere 1.4 per cent today.

In such an unfavourable international environment, the journey towards "more democracy" and "more market" will not be smooth in many cases. "More democracy" in most instances spurs hopes for greater expectations, demand for more consumption, and participation in the decision-making process. Such aspirations, in many countries, may be out of proportion to the existing politico-economic capabilities. It has been our experience in Bangladesh that the democratic process tends to be overwhelmingly preoccupied with reconciling the interests of political groups and employed labour, and has thus been able to give correspondingly less attention to focus on development issues including ensuring the basic needs of the larger section of the population. Such a process of reconciliation poses a political dilemma. I feel that the ILO has a major role to play, not only in such processes of reconciliation, but in the overall management of the transition.

Finally, as so many countries in the world focus their efforts on constructing market economies, international agencies, including the ILO, have to take them closer to the main actors in that process. For many decades, these international organisations have been financing governments and government-controlled projects. Of necessity, their relationships have been with government bureaucracy rather than with the private sector. They need to readjust themselves at the earliest possible moment so that private enterprise development is encouraged rather than discouraged.

Original – Portuguese: Mr. GODINHO GOMES *(Minister of Administrative Reform, Public Service and Labour, Guinea-Bissau)* – Speaking on behalf of my country, Guinea-Bissau, before this illustrious assembly, I should like to begin by warmly congratulating the President of the 79th Session of the International Labour Conference of his brilliant and well-deserved election. I should like to wish him every success of which his career and his human and professional qualities are the best insurance.

This 79th Session of the International Labour Conference is taking place at what is a particularly difficult moment for developing countries, including Guinea-Bissau. The very negative consequences of the international crisis have been aggravated by those which arise from structural adjustment programmes under way in many of our countries and the difficulties arising from the process of political transition to a multi-party democracy currently taking place in most African countries. In his Report to the 1992 session of the Conference, the Director-General selected as his topic *Democratisation and the ILO.* On behald of the delegation of my country and myself, I should like warmly to congratulate the Director-General for the very appropriate topic he has selected and also for the quality of his Report.

Guinea-Bissau, like the other Portuguese-speaking countries of Africa, who have lived through a period of national liberation, a struggle that lasted more than ten years, is now in a situation which includes on the one hand, a historical legitimacy based on the massive voluntary support of our populations for the national liberation struggle, and on the other, the difficult legacy of colonisation and war. Poorly skilled leaders were educated within infrastructures which have by and large been destroyed, and the absence of implementation, of our very scarce human resources created, early on, conditions for dependence on foreign aid, which has increased in the years following independence. This historic legitimacy, established on a democratic basis has proved a major advantage for our country and the Party which took power in 1973. This was a historical precedent with regard to the fight for democracy. Some economic mistakes were made in our country, which have had consequences in both the economic and social sphere.

With the changes that took place on 14 November 1980, a very serious effort was made under the leadership of the new PAIGC to correct the errors of the recent past. Major reforms were undertaken and the State became more of a partner than a figure of leadership. In 1986, trade liberalisation began but as economic performance made it possible for a market economy to be introduced, political life in general began to stagnate, content with the conquests of the past, and failing to take into account the erosion of democratic consensus that had existed since the liberation. This consensus began to feel the adverse effects of the new situation. The Government undertook a series of political reforms that allowed large sectors of society in Guinea-Bissau to express themselves freely. At the same time the door was opened to a multi-party system, at the instigation of the single party which put into action, what the will of the people demanded. A new Constitution was promulgated and new laws on the freedom of association, the right to organise and the right to strike were adopted. At present we have seven legally constituted parties of which the PAIGC is one. These seven parties are preparing to compete in presidential and legislative elections which will take place at the end of this year. This process is taking place in a climate of social peace and tolerance that we are determined to preserve.

It is in this context that Guinea-Bissau is making an effort to implement its structural adjustment programme which is a precondition for continued economic recovery.

In order for this adjustment programme to be successful, our development partners, and in particular the Bretton Woods Institutions, should support the efforts and the political will that the Government has demonstrated. They also need to create conditions, conducive to a successful outcome, including an appropriate organisation of the labour market, strengthening of institutions and meeting the tremendous need for training. There is now a cooperation programme in the field of training, prepared by the Portuguese-speaking African countries, Portugal and the ILO. We believe this is an excellent and timely initiative and we would like warmly to congratulate those who promoted it.

In conclusion, I should like to appeal to the ILO to pay increasing attention to my country so that the sacrifies that have been made and all of our current efforts will not be in vain.

Original – French: Mr. ROLAND *(representative of the International Miners' Federation)* – The International Miners' Federation represents close to 3 million mineworkers and quarry workers as well as the energy sector. These workers, these employees, these technicians and administrative staff are grouped in 49 organisations, established in 44 countries.

Our organisations have confirmed that workers and their organisations have an essential role to play in the process of transition towards democratic government.

In the Eastern and Central European countries there is hardly any country where mineworkers have not been amongst the first ones to organise in order to destabilise and then overthrow intolerable regimes. From the mines of Valias, near Tirana, to the Kuzbass coal mines, to Upper Silesia, miners, through collective action, have helped to dismantle these regimes which had banished freedom of association.

In Africa, amd here I refer in particular to the struggle of the NUM in South Africa, but also in Latin America and Asia, miners and their organisations have been and continue to be the champions in the struggle for government which represents the nation and are answerable to it.

Our sector, because of this very ongoing process, especially in the economic field, is still faced with serious problems in many countries. Closures, transformations, rationalisations, restructuring, adaptations to market realities, in particular to price-setting mechanisms, the absence of social security schemes, are realities which affect us brutally. These are realities which quite often cause our members to wonder whether by insisting on more democracy or better adapted economic systems to meet their needs, they only won one right, namely, the right to our employment.

The International Labour Organisation could help to facilitate this transition by making it less painful.

First of all, it could see to it that there is a true social dialogue in those societies which are now undergoing a process of civil reconstitution. Democracy does not boil down to profit and loss statements or to casting a vote.

At present, in the mining and energy sector of Eastern and Central Europe, opportunistic advisers and consultants from the West find a broader audience than the workers of these industries. This is not healthy. The ILO could provide greater opportunities to the workers' organisations, to the employers' organisations and the governments of these countries in order to reflect jointly on their problems based on experience gained elsewhere.

The number of seminars and training courses to meet new needs, which are best indentified by tripartite organs, should be increased. The ILO could also increase its ability to provide diligent, qualified opinions on the new legislative proposals which affect the world of labour and industrial relations.

The Director-General was right to say that there are no ready-made solutions for these countries. But in our sector, at least, there are more credible solutions than just to close down mines as in Great Britain. The Organisation, to meet these tasks, quite often can count on highly qualified personnel which, in a better and more flexible environment, could work even more efficiently in displaying its skills.

The ILO could also strengthen its institutional role. An evaluation, untarnished by complacency of the tasks, especially as regard technical cooperation, would help to bolster the reputation of the ILO as a truly specialised agency of the United Nations. Organisations such as the World Bank, the International Monetary Fund, the UNDP, but also regional groupings such as the EC, which in its external activities quite often arrogantly disregards the world of labour, should be made to consider the ILO as a check-point when their plans might have an impact on workers.

The standard-setting activities of the ILO makes it different from quite a few other international organisations. This distinction should be constantly upgraded. The Governing Body of the ILO has, at the request of the Workers' group, finally agreed to consider at its forthcoming session the possibility of including an item on the prevention of accidents in the mining industry on the Conference's agenda in 1994. We welcome this decision.

My organisation, which was set up more than 100 years ago, still has no international instrument which is conducive towards greater safety and health in mines or establishes minimum standards for the protection of workers, especially as regards the prevention of accidents. However, this is an industrial sector which has very specific problems. Such a Convention would fit in very well with the work already undertaken by the ILO in this field. It would be the logical follow-up of the work undertaken by the two industrial committees which have been working on mines for years. It would enhance the value of the various codes of practice adopted by the ILO concerning mining activities by linking them with an international legal instrument.

In the month of April of this year, our organisation organised in Germany, with the technical and financial assistance of the ILO, an international conference which adopted a charter on occupational safety and health in mines and which reflected the wishes of the workers. The 113 participants coming from 53 countries called for the ILO to adopt a Convention on the subject.

That conference was dedicated to the memory of the workers who were killed in a dramatic accident in the Zonguldak mine in Turkey. A few days later, a fatal accident struck in Germany itself. Since then in Canada, Sierra Leone, South Africa, China and elsewhere, accidents led to the death of dozens and dozens of workers. On Tuesday last, 55 miners were killed following a methane explosion in Ukraine.

Many of these dramas could have been avoided. An international convention could have helped simply because in the field of occupational safety and health a precise knowledge of the conditions leading to accidents, drawing on internationally recognised criteria and comparative analysis, is one of the best sources for an expertise leading to avoiding these accidents. Such an instrument will be extremely useful to help developing countries where the mining industry is expanding and where existing legislation is still anachronistic. It also would help to ensure that all mining companies would respect the same occupational safety and health criteria, and thus would bear comparable financial burdens. The fact that companies obtain an international competitive edge by skimping on occupational safety and health expenditures is intolerable.

We fervently hope that the Governing Body will agree to place on the agenda of the 1994 session of the Conference an item on occupational safety and health in mines with a view to a Convention.This, of course, is a sectorial instrument, but to reject this proposal on that ground alone would be to deny the importance and specificity of safety problems in our sector, a fact which is unfortunately borne out by accident after accident. Our members do not wish to make a living by losing their lives. This is a legitimate aspiration which the ILO should heed.

I would like to conclude by coming back to the question of democratisation and saying that President Chiluba made a very clear and strong statement about the subject. Before he was elected President of his country, Fred Chiluba was also the democratically elected President of the South African Trade Union Congress. The Secretary-General of this Congress, Chakufwa Chihana, is today jailed without any charges having been brought against him, for having had the courage to say aloud what other people simply whisper, i.e. that Africans no longer wish to be victimised by dictatorial, decadent and corrupt regimes. The South African Trade Union Congress, the legitimacy of which was confirmed repeatedly by the South African Labour Congress, a tripartite organisation, saw its premises sealed.

The name Chakufwa means in the vernacular "dead child". It was given to him by his parents to ward off an ill fate. He was able to avoid death but he is still jailed and gagged. This is a heinous violation of human and trade union rights, unfortunately one more in this country and in many others.

Mr. JENNINGS *(representative of the International Federation of Commercial, Clerical, Professional and Technical Employees)* – It is a great pleasure for me to congratulate Mr. Nascimento Rodrigues on his election as President of this 79th Session of the International Labour Conference and to address him and the distinguished delegates present here today.

My organisation, the International Federation of Commercial, Clerical, Professional and Technical Employees (FIET), is one of the largest international trade union organisations in the world with over 11 million trade union members in 370 unions in over 100 countries. Nearly half of our members are women – their numbers fuelled by the growth in service sector employment around the globe.

Workers in the service sector represent tomorrow's labour force. These workers need the ILO to devote more resources for research, education and training, and equal opportunities in our sectors if the ILO wishes to tailor its activities to the realities of today's labour market.

We need the ILO to support efforts to extend trade union and social and labour protections to them. We need new international labour standards; for example, workers in cleaning and maintenance – in what we term property services – need a specific ILO Convention and we hope that a future Conference examines this question with the utmost urgency.

Our members also need the ILO to integrate better our concerns in all its programmes and activities. Workers in commerce, in financial institutions, in property services, in offices, in industry, in social insurance and health care, in high technology fields and in professional managerial grades have concerns that need to be reflected in all of the ILO's work. New working patterns, including greater use of flexible and part-time workers, homeworking and other "atypical" employment relationship have consequences for all of the areas that fall under the terms of reference of the ILO. It is time we saw a response from the ILO to address these issues.

Technological and organisational changes, which are causing the shift in employment structures, must not be allowed to produce divided, more fragmented societies with greater disparities in living and working conditions. They must be geared to achieving sustainable and equitable development for all the world's citizens.

By the year 2050, it is estimated that the world's population will stand at 10 billion. Already in the last two decades, absolute poverty has increased substantially in all continents. How many people will be forced to live – or should I say die – in poverty in the future unless we take action now? The ILO has a strategic role in promoting concerted international action to bring about better social advancement. It must also sharpen its ability to influence the conduct of multinational companies.

Today, we stand at a turning point in history. At a time when just 500 companies control 70 per cent of world economic trade, 80 per cent of foreign investment and 30 per cent of world GDP, at a time of global democratic revolution, at a time of closer economic integration, ordinary working people are more vulnerable to social and economic forces over which they have little control.

We have seen governments adopt monetarist policies which fuel poverty and increase social instability. Such short-term policies reflect a notion of progress that recognises the price of everthing, but the value of nothing. Today in the OECD region alone unemployment stands at 30 million. We will never build successful economies at the local, national or international level through a process of pauperisation of the workforce.

The Director-General in his Report to this year's Conference is correct in recognising that the concept of social justice, which lies at the heart of the ILO's *raison d'être*, has to be rekindled and nurtured afresh if it is to continue to have a meaning in today's changing world order. But we will not succeed if we rely on "selling" social justice as a marketable product. It has to be much more.

It is true that political democratisation is taking place around the world. It is true that workers and trade unions have been a vanguard for the struggle for universal suffrage; but it is also true that human rights are more under attack than ever. Over 100 governments in the world practise torture; trade union rights are being systematicall violated in many countries. Child labour and bonded labour is widespread. The standards and principles of the ILO are more than just "sources of inspiration". Member States of the ILO must actively support the Organisation's principles and objectives and translate this inspiration into practice.

Many of our affiliates have long-standing conflicts with their governments. We cannot accept interference in the right of trade unions to organise all workers, including those occupying professional and managerial functions. We cannot accept delays on the part of governments to extend trade union rights to all workers. The Turkish Government, for example, still fails to give bank workers the right to strike or to organise in the public sector in spite of many promises and in spite of the repeated requests made by the ILO. In Korea today trade union leaders are indiscriminately arrested for conducting what we consider normal trade union activities.

It is promising that the Director-General in his Report points to increased cooperation between the ILO and the international financial institutions, and to the greater emphasis being given to the social content of national adjustment programmes and to the need for tripartite discussion in the framing of development policies. FIET would welcome the ILO playing a bigger role in the work of the IMF and the World Bank. FIET for one is ready to play its part in this process.

Much has been said already during the Conference in support of tripartism in building democratic, developed societies. As a tripartite organisation, the ILO obviously has a key role to play in promoting tripartism throughout its member States. In grouping together the main actors in society – trade union, employers and governments – it can help shape the social, political and economic relations which are necessary to the long-term viability of our civilisation. Tripartite structures are critical to the new democracies in Central and Eastern Europe, to the debt-ridden economies of Latin America, to the fast-developing nations in Asia and the Pacific, in Africa and in an apartheid-free South Africa.

These new relations have never been needed more than now with the growing racism and hatred that fill many of our societies.

The Director-General in his Report rightly emphasises the important role of the social partners in building and maintaining viable democracies. Strong and participatory social partners are fundamental to democracy. But the Director-General must not let himself fall into the trap of thinking that employers and trade unions are always equal players in the game. How can trade unions be truly equal when governments – rather than recognise and negotiate with strong democratic and independent trade union organisaitons – choose instead to enact restrictive labour legislation, curtail the ability of unions to function, make the right to strike difficult to exercise and where employers invest heavily in anti-union campaigns? The ILO must be much firmer in demanding that governments create the right conditions for tripartism to function effectively.

In conclusion, the ILO must harness the support of government to create a social framework where working people can be protected from exploitation. Democracy and social justice are two sides of the same coin. They need to be given shape through mutually agreed regulations and procedures and to be constantly developed by the active participation of all elements in society. Too often, governments look passively to market forces as a pretext for their inaction. They are "opting out" of their responsibility to create a better tomorrow.

I hope that, in the future, we will all hear much louder and clearer the basic philosophy of the ILO reaffirmed.

The PRESIDENT (Mr. MUGALLA) – I wish to allow the right of reply to Mr. Rachman, Workers' delegate, Indonesia, to the interventions of Mr. Torres Couto, Workers' delegate, Portugal, and Mr. Vittori, representative of Pax Christi International; and to Mr. Zhang, Government delegate, China, to the speech of Mr. Gray, Workers' delegate, United States.

I wish to point out that the replies should refer only to the point under debate. They should be brief, not exceeding two minutes and should not give rise to any further remarks. Lastly, they should be couched in correct and parliamentary language.

Furthermore, I wish to point out that in order to avoid endless debates, it has been a practice of the President to refuse to allow replies to a reply.

Mr. RACHMAN *(Workers' delegate, Indonesia)* – During the second sitting, the guidance for the smooth proceeding of the Conference was set in which all delegates were requested to avoid mentioning any issue outside the topics under discussion.

The Indonesian Workers' delegate believed that this guidance was applicable to and would be respected by all. The Workers' delegate of Portugal was an exception. It is becoming a ritual for this delegate to refer to East Timor – a territory which was irresponsibly abandoned by this colonial power in the midst of a civil war which the latter had itself instigated. Breaking chains of over 100 years of colonialism, the people of East Timor themselves decided in 1975 to be independent through integration with Indonesia. The Indonesian people of the province of East Timor are now enjoying more than ever before their basic rights as well as improved living standards.

Concerning the incident of 12 November, my delegation would like to remind the speaker of the result of the proceedings of the United Nations Commission on Human Rights last March when, inter alia, it welcomed the steps taken by the Indonesian Government to correct and to redress the situation.

Consequently, no resolution or decision on the incident was adopted, and their all-frustrated cries for international solidarity went unheeded since they were groundless and politically motivated.

The tripartite system is unique to the ILO and when governments and non-governmental organisations directly concerned with labour matters, such as the Employers' and Workers' groups, deliberate seriously and harmoniously, they work for the benefit of workers and their families. However, these efforts are frustrated when an NGO – like Pax Christi International – intrudes into our work by raising an issue which is not relevant to it.

Original – Chinese: Mr. ZHANG *(Government delegate, China)* – In his speech this afternoon the Workers' delegate from the United States referred to the so-called Workers' Autonomous Federation of China as a trade union organisation, for which we have to express our regret. The so-called Workers' Autonomous Federation was developed in 1989 by a handful of criminal offenders who had attempted to overthrow the Chinese Government. Now some of them have fled the country and continued their activities against the lawful Chinese Government.

This development has nothing to do with the question of freedom of association and it also has nothing to do with the question of workers' rights.

We hope that the Conference will take note of this position of the Chinese Government.

(The Conference adjourned at 6.15 p.m.)

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Provisional Record

Seventy-ninth Session, Geneva, 1992

Eighteenth sitting

Monday, 15 June 1992, 10.15 a.m.

President: Mr. Nascimento Rodrigues

Eighth Report of the Selection Committee: Submission and adoption

Original – Portuguese: The **PRESIDENT** – The first item on the agenda is the Eighth Report of the Selection Committee, which is to be found in *Provisional Record* No. 6G. This has been submitted by the Chairman of the Selection Committee and only contains changes in the composition of Committees. It is submitted to you for your adoption. If there are no objections, I shall consider it adopted.

(The report is adopted.)

Ratification of a Convention by Japan

Original – French: The **CLERK OF THE CONFERENCE** – I have pleasure in announcing to the Conference that the Director-General of the ILO has registered the ratification, by Japan, of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). This brings the total number of ratifications of international labour Conventions to 5,688.

Statement by the President concerning the Special Sitting of the Conference

Original – French: The **PRESIDENT** – There is a statement on the Special Sitting which I would now like to read out to you. Delegates will remember that the Special Sitting of the Conference will take place in the afternoon on Tuesday, 16 June, in order to examine the Appendix to the Director-General's Report on the situation of workers in the occupied Arab territories.

You will also remember that the list of speakers for the Special Sitting was closed on Friday, 12 June at 6 p.m. so as to enable me, after consulting the Vice-Presidents, to submit to the Conference for decision without debate a proposal for a time-limit for speeches at the Special Sitting.

The list contains the names of 46 speakers, of whom five are representatives of international non-governmental organisations. This number has led the Officers of the Conference to consider fixing the maximum length of speeches at seven minutes, it being understood that this would be an absolute maximum. We would like to call on all speakers to ensure that their speeches are as brief as possible in order to respect the limits of the timetable already decided upon by the Conference.

An exception would be made in favour of the European Community, whose spokesman is in the unique situation of being able to speak on behalf of the 12 member States. Similar exceptions night be made for delegates who will speak on behalf of several delegations in so far as there will be no separate statements by these governments or delegates. Since this contributes substantially to an overall reduction in the length of debate, and since this practice is followed in other organisations, it appeared to the Officers of the Conference that, as last year, it would be fair and in the interests of the Conference itself to increase the maximum length of these particular statements from seven minutes to ten minutes.

Moreover, in order to ensure that the absolute deadline of 9 p.m already fixed by the Conference is respected, the Officers of the Conference have also concluded that it should be understood that the President will periodically review this situation in the light of the number of speakers remaining on the list and that the maximum time allotted to each speech will then be recalculated according to the time remaining for the speakers still on the list.

If there is no objection to these arrangements, which have to be decided without debate by the Conference in keeping with Article 14, paragraph 6, of the Standing Orders, I shall consider them adopted. I see no objections.

(It is so decided.)

I would also like to inform the Conference of certain other arrangements concerning this sitting which fall within the prerogative of the President and the Officers of the Conference but which I feel I should inform you of now in order to ensure complete clarity and to enable everyone to act accordingly.

The first has to do with the right of reply during this sitting. In order to save time, this right of reply will be granted at the end of the sitting in a global but not in a cumulative manner. This means that the limit of two minutes which had been decided on in a general manner at the beginning of the Conference for the exercise of the right of reply will not be multiplied by the number of statements to which the speaker requesting this right wishes to respond, it being understood that the President may, if time permits, allow this limit to be slightly exceeded if the reply concerns a large number of statements.

The second matter concerns the non-governmental organisations, of which five have registered for the debate but may in principle speak only with the authorisation of the Officers of the Conference. My colleagues and I have concluded that they will only be authorised to speak at the end of the sitting, in the order in which they registered and only if their speeches do not result in the Special Sitting continuing beyond 9 p.m.

May I, in conclusion, emphasise that these arrangements have been decided upon by the Officers of the Conference in the interests of consistency and objectivity and of respecting the legitimate interests of all the parties concerned with whom, moreover, there have been contacts. The arrangements are entirely in accordance with the spirit of consensus without which this Special Sitting could not take place and in full conformity with the decisions taken last year. They should contribute once again to the success of an undertaking the importance of which everyone is aware of.

Reports of the Governing Body and of the Director-General : Discussions (*cont.*)

Original – French : The **PRESIDENT** – We will now move on to the second item on the agenda which is the discussion of the Reports of the Governing Body and of the Director-General.

Original – Spanish : Mr **RODRIGUEZ** *(Minister of Labour, Venezuela)* – On behalf of the Government of Venezuela, I would like to congratulate the President of the 79th Session of the International Labour Conference on his election.

I would also like to congratulate the Director-General, Michel Hansenne, for the relevance and quality of his Report. In essence, we agree with his approach and proposals.

Over the last three years, across Latin America, and most particularly in recent months in Venezuela, there has been an intense debate on democratic values principles and institutions.

Around 70 per cent of the population of Venezuela is under 35 years of age ; therefore, the majority of Venezuelans were born into a democracy and an even greater majority have known no other form of government. This is perhaps why we had begun to take democracy for granted, and had no doubt that it would always endure. But after events of February of this year, we were startled and concerned to learn that democracy is something which must be won every day, that it is a system of government which must be perfected and reasserted in an ongoing process.

Another lesson we have learned is perhaps rather more painful : it is that while democracy is not just for the wealthy, but is a universal value, as the Director-General of the ILO has stated, there are times in the history of countries when material difficulties and despair can make democracy, and indeed freedom, hollow, abstract concepts.

Much of the current debate is centred on the social and political effects of the application of economic adjustment programmes aimed at fostering a market economy.

On this last point, there are those who think that the economic adjustment programme, because of its high social cost, is the only cause of all our difficulties.

We would refute this contention, and remain convinced of the need for structural change in our economy. Although we are far from a socially satisfactory situation, the economic policy has now begun to show encouraging results : the economy is growing again (9.2 per cent in 1991), our current balance of payments is showing a surplus, and the rate of unemployment has been gradually diminishing towards more manageable dimensions.

We know that the market economy is not a panacea for all our problems. However, some sectors portrayed the market as a magic wand, and thus aroused unrealistic expectations which, when dashed, served only to increase the discontent of the people.

The market is a necessary condition, but not the only one, for reaching satisfactory levels of social development. The market, by itself, cannot guarantee a solution to the problems which governments face.

In order for the market to be socially effective, it must be part of a framework of respect for the principles of solidarity and social justice.

The sense of solidarity and the ability to express it is perhaps one of the clearest distinctions between man and animal. A society shows solidarity when it expresses concern for the fate of its most vulnerable members, that is, when it protects its children, heals its sick and cares for its elderly.

The search for social justice, for its part, shows the determination of a society to move towards improved forms of organisation and coexistence. A society is fair when it offers to all its members equality of opportunity for self-fulfilment.

Without overlooking the traditional role of mediation in the social dialogue between workers and employers, and the search for tripartite consensus, we have emphasised social security, giving top priority to the development and establishment of a comprehensive system of social protection that meets the country's requirements and can serve as a practical tool to give effect to the principles of solidarity and social justice.

Furthermore, we should highlight that the importance of a comprehensive social security system does not lie solely in what has been outlined above, for one of the greatest merits of a sound system of social security is that it promotes political stability.

Alongside the introduction of a market economy, the Government of Venezuela has also introduced far-reaching changes in the political sphere with a view to improving our democratic system. The electoral reform which introduced the direct election of mayors, councillors and state governors has brought about a revolutionary change which we have yet to appreciate fully; it is a key part of our transition from an imperfectly representative democracy towards a genuinely participative democracy.

The economic, social and political changes in the country require representative institutions such as trade union organisations and employers' associations, to redefine their strategies and re-evaluate their aims. They cannot continue to act on the basis of models which, while they may have been successful in the past, are ineffective and even counter-productive under present conditions.

Last but not least, the present situation should involve a change in the internal structure of these organisations. Dominant personalities and centralisation must give way to ongoing consultation and democratic decision-making methods, as well as the encouragement of individual initiative by members of the organisations.

In general, the Venezuelan Government hopes that the ongoing process of decentralisation will serve to foster an active and participative search for methods and schemes of social organisation which are more conducive to a fairer and more fulfilling community life. In sum, we hope that Venezuelans will participate more fully in the process of decision-making which determines our present and future life. In order for the economic and political changes which the Venezuelan Government is introducing to be legitimate and viable, it is necessary that there should be tripartite consensus around them. Workers, employers and the State must agree on their validity and necessity.

We know that it is not always easy to reach an understanding with and between employers and workers because the interests of each sector, in most cases, do not overlap. However, we believe that there are circumstances where it is necessary to set aside the selfish pursuit of one's own interests in order to think of the interest of society as a whole.

Here, we would point out that the collapse of communist hegemony in the countries of Eastern Europe has taught us one important lesson: mankind must always come before ideologies, and the interests of society as a whole must come before the exclusive interests of any party, trade union or employers' organisation. When this truth is forgotten, situations arise which may for a time benefit a particular sector; but these situations, however long they last, will not last forever, and will inevitably collapse and bring down those who were benefitting at everyone else's expense.

Together with the Director-General, we welcome the end of ideological conflicts within the ILO, but we but we would like to point out the risk that the end of ideologies may suffocate idealism, and that pragmatic and selfish opportunism may replace political action which is inspired by the ideals of solidarity and social justice.

Original – Arabic: Mr. MATAR *(Employers' delegate, United Arab Emirates)* – In the Name of God, the Merciful, the Compassionate. It is an honour for me to communicate to this important Conference the good wishes of the Federation of Chambers of Commerce and Industry of the United Arab Emirates, representing the businessmen and employers of my country. They send their greetings to participants and observers, along with the wish that their work may be crowned with success so that constructive resolutions and recommendations may be adopted which will be at the service of those engaged in the production process throughout the world.

I also wish to congratulate Mr. Nascimento Rodrigues on his election to the presidency of this session of the International Labour Conference, and I congratulate also the Vice-Presidents of the three parties represented here.

I should like to take this opportunity to express our appreciation and esteem as regards the outstanding role played by the ILO, through the efforts of its Director-General and his team, to create the conditions necessary for the holding of conferences and to ensure that there is appropriate follow-up of recommendations and monitoring of their application. Indeed, such activities are in the interest of the three parties involved in the production process throughout the world.

Our federation is doing everything it can to coordinate its efforts with all parties, including the ILO, in order to assist, organise and offer guidance to the labour world, and thus permit better production, greater productivity and more creativeness among workers engaged in the production and tertiary sectors. In so doing, we try to make extensive use of the training of administrative and technical supervisory staff and our participation in the ILO's conferences and technical meetings, where the problems and challenges facing labour are studied. These meetings also serve to keep us abreast of changes in production methods and the introduction of new technologies related to them, the interdependence of such changes and employment and the way in which the world of employment adapts to these developments (i.e. equipment, production processes, etc.).

The United Arab Emirates has adopted a liberal economic policy. The State has garnered this policy and has achieved considerable success. We have seen the highest growth rates in the various social and economic activities in our country. There are no obstacles or impediments to investors, and no problems and no contradictions as regards those involved in the production process. All parties concerned work together in cooperation and harmony within the limits of the laws promulgated by the State.

The United Arab Emirates has faced serious construction needs at various stages of its development. At the time the country had record figures, leaving an obvious and tangible legacy which includes, for example, the creation of the necessary infrastructure for the national economy and the construction of major national factories and plants. These projects required, of course, the presence of a major foreign labour force and a large number of foreign specialists. Their salaries and conditions of work were highly competitive.

The State has been able to transform large areas of the desert into agricultural land, orchards and public parks, for the pleasure and benefit of our citizens and of the foreign workers who come to join us in our young State. The Emirates have guaranteed a decent standard of living for all, in the spirit of our beliefs and social traditions.

Our federation is actively involved in the development of the country, and particularly the development of training and retraining. In this connection, our federation is involved in vocational training and in administrative training in accordance with the policy of the State, which is aimed at encouraging construction and development. Our State is extremely respectful of work, and encourages its citizens by offering broad opportunities for them in the world of work. The State has indeed created many schools and vocational training centres, as well as institutes to train managers, bank personnel, and agricultural colleges, technical schools and a university. Furthermore, the State encourages students to take courses at enterprises and in factories even during their school holidays in order to ensure that they acquire the necessary knowledge and expertise for their active participation in the economy.

We in the United Arab Emirates shall continue to work very seriously to draw full benefits from the training programmes which have been developed by the International Labour Organisation, an organisation which at the international level is able to promote and develop the labour world to help it to overcome its problems.

I would like to express my thanks to the Director-General for his excellent Report which has reviewed the work of the Organisation in 1991 and has also looked ahead as regards the further development of the labour world.

Mr. EDSTROM *(Workers' delegate, Sweden)* – May I congratulate the President on his election. I would also like to congratulate the Director-General for choosing *Democratisation and the ILO* as this year's topic for plenary discussion, and I welcome his Report to this forum. The basic ILO concept of tripartism must be recognised and established everywhere and – what is an important lesson – must be fought for continuously.

In Sweden, we have had a long tradition of established practices of industrial relations. Over 80 years ago, the Supreme Court recognised the trade unions' legal capacity. In 1938, the Swedish Employers' Confederation and the Swedish Trade Union Confederation agreed upon a consensus model with the aim of finding peaceful solutions to labour conflicts. The Swedish labour market has been characterised by strong, independent workers' and employers' organisations which have actively participated in formulating economic, social and participation procedures. The virtue of this is underlined in the Report of the Director-General.

What I have described might have belonged to the past, because our new Government's policy in a number of respects is contrary to workers' interests and basic ILO concepts.

Our primary concern is the rapidly growing unemployment affecting both blue-collar and white-collar workers. Up to now, it has mostly affected male workers in the industry and building sectors. But female workers' employment in the public sector is also threatened now. In a situation like this, all three partners ought to collaborate, but instead we face a Government policy which undermines the position of the trade unions.

In Sweden, we have regulated wages (including minimum wages) and working conditions by collective agreements, not by law. The social partners have also been free to make agreements concerning supplementary income protection in case of sickness, but during 1991-92, under the former Government, the rate of remuneration was reduced by law to the first three days in case of sickness. The question of whether this violates international labour Conventions is not yet settled.

In addition, the new Government intends to lower social security standards further by taking away all economic compensation for the first two days of sickness – a proposal which both social partners have reacted against.

The Government also intends to reduce state subsidies to the unemployment insurance system and thereby increase the part being paid by the worker himself by six times. This, of course, affects certain sectors and certain workers more than others.

An important area is the working environment. A proposal has been put forward to limit the scope of what is regarded as an employment injury, for budget reasons. The effect of the proposal will be that strain injuries, which may occur after repetitive monotonous work, will not be recognised as employment injuries. This type of injury occurs most frequently among female blue-collar workers. The situation for the occupational health service in accordance with the Occupational Health Services Convention, 1985 (No. 161) is also troublesome because it has been announced that the state subsidies, which account for approximately 50 per cent of the costs, will be abolished.

Another step by our Government is to denounce the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96). The workers' organisations have protested against this, not only because we were not informed of how the new system would function but also because we think that it is better to work for a revision of the Convention. To denounce Conventions is a wrong signal to the ILO if one would like to see changes in the Conventions.

In his Report the Director-General rightly states that " there seems to be no country on earth where a discrimination problem does not arise in one way or another ". An obvious example of this is the ambition of our Government to introduce an international ship register – a so-called second register. The aim is to employ foreign workers under conditions which are much cheaper for the employer compared to those of Swedish employees. Such a register would discriminate against foreign workers as compared to Swedish workers, restrict the freedom of collective bargaining of Swedish trade unions and be a valid reason for dismissal of Swedish nationals working on Swedish ships.

Even legal regulations that are mandatory on the Swedish labour market will not be applicable on those types of ships.

One week ago the proposal seemed to be withdrawn but recent information cast this into doubt. I urge the competent ILO bodies to deal with the problem as soon as possible in order to prevent more countries from following this road of competition by means of social dumping and infringing international labour Conventions.

Tripartite consultation and participation are essential elements in democratic societies and in working life. I regret that our Government's policy is contrary to what the Director-General regards as essential, namely to involve the social partners in shaping the common destiny. The Swedish trade union representatives will now be thrown out from various social bodies. Even our representation on the Swedish Labour Market Board is questioned. I do not believe that this would promote a more democratic working life or a smoother functioning of the labour market.

I hope that all countries and governments understand the value of the international labour standards developed in the ILO during more than 70 years.

Original – French: **Mr. LOUA** *(Minister of Administrative Reform, Public Service and Labour, Guinea)* – I would like first and foremost to offer the President and the Officers of the Conference warmest congratulations on behalf of the Guinea delegation on their brilliant election at this the 79th Session of the International Labour Conference. My delegation is convinced that our session will benefit from your outstanding qualities and your great experience and enjoy great success.

I would now also like to congratulate the Governing Body and the Director-General of the ILO on the quality of the Reports which be submitted to us and on the rich harvest of tasks which have been carried out since the 78th Session, during a period which saw the emergence of an era of great freedom and countries moving closer and closer to a market economy.

This means that the Report of the Director-General *Democratisation and the ILO* is most timely and tallies perfectly with realities of the present time. It also invites the member States of the ILO to reflect on their needs with regard to assistance and cooperation with the Organisation in the framework of their efforts to build new societies based on freedom, democracy and justice.

On a subject that has been of interest to thinkers and politicians for many years, the Director-General shed new light, further enriched by new decades of the experience of our Organisation. He defines the contours and requirements of a democratic State, the primacy of law, respect for human rights and the law, freedom and equality for all, etc. We thus see the dynamic and energising path to be followed, working towards the concepts of democracy, rights, freedom, justice and others which have constituted since time immemorial a legitimate motive for the struggle of peoples deprived of such rights.

In Guinea the creation of a second Republic on 3 April 1984 has recognised and restored respect for human rights, as proclaimed in the Universal Declaration of Human Rights (1948) and implemented by specific Conventions of your Organisation. In the light of the adoption of liberalism in Guinea in the field of economic development, our Government has undertaken to recreate a modern State by freeing it from the concerns of production and the direct marketing of goods and services, by encouraging private initiative in creating a State based on the rule of law recognising the right to property and of enterprise. For this purpose, a whole series of new legislation has emerged in all sectors of national life, culminating in the drafting and adoption of the fundamental law in December 1990, supplemented in 1991 by organic laws relating, in particular, to the independence of judicial power, freedom of the press, the electoral code and the creation and functioning of political parties. In these provisions, the fundamental law has enshrined democratic choice with regard to politics, trade unions and the press. As far as industrial relations and the right to work are concerned, it has reconfirmed provisions contained in the new Labour Code, drawn up with the technical cooperation of the ILO and adopted back in 1988. Moreover, it is with satisfaction that we can note today the existence of some ten newspapers, independent of the Government, and the commitment of about 40 political parties to publicising their various programmes, in preparation for the elections to be held at the end of this year.

All these political and legal concepts exist within a difficult socio-economic framework that measures of structural adjustment have not always improved. Economic recovery is dragging its feet. Unemployment is on the increase, especially for young people, students, and also for personnel who have lost their jobs in the public service. Credit for productive investment is inexistent, out of reach for small producers. So, many people fail to understand the meaning and scope of measures taken in the interests of economic recovery, including privatisation of public enterprises. Those who have a job in the modern or the informal sector claim – in the light of the increase in the cost of living and inflation – an increase in their wages, even resorting to strikes, especially when dialogue is deafening by its silence.

All these realities besetting the Government are spurring us on to rethink labour relations and procedures and consequently also to ask more assistance of the ILO with a view to implementing the structures for consultation with social partners to train economic agents in the spirit of the enterprise in managing their businesses and intensifying the workers' training with a view to strengthening the tripartitism which is just beginning to emerge.

The protection of workers which is not the least of our worries must in the light of recent experience linked with the closing down of public enterprises be reconsidered, covering also workers in the informal sectors and self-employed workers. The help of the ILO will be of great use not only in finding the policies to create new jobs but also to halt the rise in inflation, even bring it down gradually and help us to improve implementation of ratified standards and guarantee stimulating conditions in the field of work and life.

In all these areas and in many others fruitful cooperation with local social partners and international technical cooperation in particular with the ILO and UNDP are really indeed precious and indispensable additions to public action.

The agenda of our Session covers also other questions of great interest for my delegation, in particular the question of protecting workers' claims in the event the insolvency of their employers. Here, my county has positively revised its legislation to support the adoption of an international Convention.

We hope that the provisions of such a Convention will also cover public establishments. The question of the prevention of industrial disasters is also under discussion and we hope this will lead to appropriate standards being drawn up with a view to better guarantees of safety at work and for the population and also give better protection to the environment and natural wealth.

Human resources development within the context of structural adjustment which our countries are undergoing today is of particular interest to us and continuous action is being taken in consultation with all partners involved in social and economic development.

Training young people for jobs required by enterprises and providing further re-training are aspects which prepare for better management and exploitation of our human resources – the most reliable resources available in our country whose budgetary capacities are falling far short of what is needed.

In this area, where its experience is at its greatest, our Organisation is perfectly placed to help its member States.

At the end of our intervention, our hopes are high. The common reflection started on such important questions will inspire us more and more to develop the working population in our various states engaged in the struggle for a better future, for safer working and living conditions and in a climate of true peace and democracy.

Original – French: Mr. OECHSLIN *(Employers' delegate, France)* – Allow me first to congratulate Mr. Nascimento Rodrigues on his election to the

Presidency. I am speaking today as a delegate of the French employers and I am happy to confirm the solid links of friendship and cooperation uniting the enterprises of our countries.

"Democracy always has been, and still is, the instrument of freedom." This statement by the Director-General may sound surprising. Tocqueville predicted that the development of democracy might be at the expense of freedom – or rather of freedoms. The first gesture of countries which have rid themselves of democracy has frequently been to shed the adjective "democratic", added to the official name of the State. How many crimes have been committed in the name of democracy.

The Report of the Director-General dispels this first impression. Democracy in his view is not defined by the existence of an elected assembly but by a complex network of institutions making it possible for the citizens to participate effectively by the autonomy of enterprises in a market economy, the setting of limits to the functions of the State and the effective guarantee of the exercise of public freedoms – and in our particular field, freedom of association for employers and for workers.

On pages 22 and 23 of his Report the Director-General perceives three broard areas of ILO action in this respect: (1) respect for fundamental human rights; (2) encouragement of a market economy with a social dimension; (3) strengthening of tripartism.

Human rights first. By definition, I believe these to imply the rights of one man and one woman. These rights therefore take precedence over those of a group, whichever it may be. Collective rights exist only if they stem out of the free exercise of the right of association.

Tocqueville, once again, said that democracy functions better from the bottom to the top than from the top to the bottom. The so-called unions which act as a conveyor belt between the power – the Stahe – or single party – and the citizen – or subject – are the opposite of the right of association. The citizen on the other hand participates all the better in power if his action is relayed by that of groups which he himself has constituted out of his own volition and if there is an "art" of association, so dear to Tocqueville.

This is why freedom of association – freedom of trade unions in the context of the labour world – should be the crux of the IIO's strategy in the field of human rights. The right of employers and workers to establish organisations of their own choosing, in the sense of Article 2 of our Convention 87, gives these organisations, the best tool for resisting powers.

The main gauge for the respect of the spirit of freedom of association is the possibility for these organisations to be representative, that is to be founded upon the freely expressed choice of the individuals and to be autonomous – in other words, to express the will of their members, even if these disturb political power.

Thus freedom of association remains the guarantee of the most basic of our freedoms, freedom of speech, the one which appeared at the dawn of democracy. In the "Phoenician Women" by Euripides, Jocasta asks her son what he felt was hardest to bear in his condition of exile. The reply is clear : "The worst of all is that there is no freedom of speech." Jocasta concludes : "The fate of a slave is not to be able to say what he thinks."

The second field is just as important. Market economies are based upon a realignment of the role of the State towards its functions of arbiter and trustee of the general interest and the free interplay of the economic and social actors within the respect of rules which do not break the spirit of initiative. This market economy is social because it contains the limits intended for the protection of the weakest and also because it is based upon the free choice of men and thus encourages their individual responsibility.

The market has proved to be the method of economic organisation best suited to decentralised democracy and to the optimum management for modern economies. These require personal efforts, spurred on by the tough law of competition, and committing man in his totality.

A political system based on man – that is, democracy in the fullest sense of the word – therefore has affinities with the most advanced systems of the management of human resources in the enterprises, and allows for economic development, without which it would be vain to try to fight against poverty, the most serious danger threatening human rights.

The development of enterprises, and of the spirit of enterprises, is therefore at the crux of the ILO's mandate in its fight against poverty and in favour of employment.

Tripartism finally. This word, according to the excellent formulation of the Director-General, means " any system of labour relations in which the State, employers and workers are autonomous parties, each performing specific functions".

I would like to insist on the word "specific". We must not, indeed, confuse tripartism and corporatism. The sovereignty of the State, and in particular that of the legislative power, cannot be questioned. On the other hand, it is up to the employers and the workers, directly or through their representative organisations, to negotiate freely the terms of their contractual relations within the framework of the laws and under the supervision of judicial institutions.

However, if each of the components of tripartism bears a specific responsibility, consultation within the respect of the diversities is necessary because it enables the citizen, whether employer or worker, to understand the major economic and social options and to participate in their elaboration.

In France we practice freedom of choice and of expression, sometimes to the extreme. We love our diversity, but I think that I can state that there is a very broad consensus with respect to certain basic principles. Dialogue is recorded in our constitutional institutions, in particular through our Economic and Social Council, but even more so in practice. Our system of collective bargaining, which takes place at three levels national, branch and enterprise level makes it possible to tackle realities closely.

France, I am sure, is not a model, but it certainly is an experience. The greatest contribution the ILO can make to democratisation is no doubt to present and to confront these experiences, and to prepare the free organisations of employers and workers to fulfil the essential role they hold in a free society in favour of social development.

In every country, governments and the independent social actors must construct their own tripartism as well as their own democracy. This is a time-consuming process which will never be finished. The

ILO must be the catalyser of this slow mutation and act as the humble servant of all these constituents in the accomplishment of their task.

Dr. HEPTONSTALL *(representative of Soroptimist International)* – First of all, I wish to join previous speakers in congratulating the President and all the other Officers of the 79th Session of the International Labour Conference on their election.

It is an honour and a pleasure to take the floor as a representative for Soroptimist International. Ours is an international professional women's organisation, active in 98 countries and territories worldwide. We undertake service and local community programmes concerned with economic and social development at the grass roots level. Among the many new groups recently founded in all regions of the world, we have members in Bulgaria, Estonia, Czechoslovakia, Hungary, Poland, Romania and the Russian Federation.

As Convenor of the non-governmental organisation Working Group on Women and Employment, I am also closely associated with the following organisations in consultative status with the Economic and Social Council: the Associated Country Women of the World, Zonta International, the International Alliance of Women, the International Council of Women, Socialist International Women, the International Council on Social Welfare, the International Council of Jewish Women, the International Federation of University Women, the World Union of Catholic Women's Organisations, the World Federation of Methodist Women, the International Council on Aging, the Medical Women's International Association and the American Association of Retired Persons.

Reading the Director-General's annual Report to the 1992 Session of the Conference, *Democratisation and the ILO*, has been a matter of keen interest to us all. The Director-General highlights the central issue as follows: "How can the ILO, within its sphere of competence, help States to respond to the legitimate aspirations of their citizens?" The Report raises many new questions, but we are also happy to see that it maintains continuity with its predecessor of 1991 which focused on the needs of workers in the informal sector for the first time in the history of the ILO. We welcome the Director-General's remark that "the rural sector and the informal sector should remain priority areas for ILO action".

We therefore call on the delegates present to maintain this concern for all citizens, to utilise fully the experience of the International Labour Office to develop concepts of economic activity covering both the formal and the informal sector and, in so doing, to take account of household production and the economic contribution of care-givers.

Given the current turbulence in world affairs, there are no clear cut-answers as to how to respond to the legitimate aspirations of the people. No simple solutions that, once applied, will result in a successful conclusion to the need for economic restructuring. This need affects virtually all countries, whether they be in transition, are developing or even industrialised. It is important to recognise the multi-faceted nature of the problem. We therefore congratulate the ILO on "the efforts made (...) in the field of structural adjustment policies (...) to win acceptance of the principle that social objectives are of cardinal importance, and that they must be taken into account if economic restructuring is truly to lead to sustainable growth". We welcome the search for alternative structural adjustment policies and the ILO's current examination of the social effects of these policies, in particular on the promotion of employment and adequate incomes, access to education and training, and the reduction of poverty.

As members of non-governmental organisations concerned with building a just society, structural adjustment and democratisation are of special concern to us. While the current changes offer new opportunities for women, they can also mean new disadvantages if planners and policy-makers lose sight of the social objectives noted above. Women can find themselves marginalised if, for example, in the transition process from a planned economy to a free – market economy, services essential to supporting women's double role in society become either unaffordable or unavailable. The result is that men, women and children, that is families, are open to a number of risks: family benefits being reduced or eliminated, health care being restricted, fewer educational opportunities being available, increased poverty. Moreover, since women tend to be clustered in low-paid employment in the formal sector, they have a greater chance of being the first to lose their job. Finally, at older ages men and women can find the purchasing power of their meagre old-age and survivors' pensions severely eroded by inflation.

When making decisions involved in the structural adjustment process, a truly democratic society calls for special care to be directed to those least able to defend themselves. We therefore welcome the Director-General's recognition of this fact : "Help will also be needed in the planning of the policies and programmes that mitigate the social costs in times of transition and that protect those in the most difficult circumstances."

As underlined in the Report, one of the major considerations must be the provision of a basic social safety net, an issue that requires a new approach. The members of the non-governmental organisation Working Group on Women and Employment entirely agree with the Director-General's remark that "(...)social security is still too closely tied to the concept of employment and contribution (...). What should be promoted instead is an idea of social protection covering the entire population."

In developed countries, where fully evolved schemes for social security exist, men still predominate in the primary employment market, despite increasing opportunities for women. This means that when social security is exclusively tied to employment and earnings-related contributions in the paid sector, women in the secondary labour market and the informal sector are seriously disadvantaged.

In many countries, particularly those in transition and those rapidly industrialising, informal systems of social security based on the family can often no longer be relied on and women and children are the ones who suffer most. Even in many developing countries, where family care has been the norm in the past, traditional family patterns are undergoing rapid social change and these support systems are being disrupted.The ILO has researched and documented the problem in *Women and social security: Progress* *towards equality of treatment.* The development of international standards is fundamental to the activities of the ILO, and the Organisation has been in the forefront of the move to ensure human rights for women through equality between men and women in employment and occupation. Can we now, therefore, look to the ILO's tripartite system for progress – to move the issue of equal treatment and, I may add, of equitable treatment, of women and men under social security to greater policy implementation?

Discrimination has no place in democracy. It is a violation of the Universal Declaration of Human Rights and yet remains a sad fact of life. Overcoming discrimination calls for targeting vulnerable groups and the Director-General cautions that "despite progress made in certain areas" discrimination remains a major obstacle to carrying out the aims and purposes of the ILO, and programmes targeted on the needs of women remain essential. Therefore, it is not surprising to find women listed with young persons, old persons, the disabled, unemployed persons and migrant workers as in special need of education and training. These categories, however, are not mutually exclusive and may often engender double discrimination as, for example, in the case of elderly women. It must be underlined that men and women in equal measure comprise the world's population and that democracy, development and human rights relate to all.

A major obstacle to economic development everywhere lies in the pervasive discrimination that women still attract despite the important progress that has been made in this area. It is, after all, non-productive and financially wasteful to train women or any other member of a targeted group if, subsequently, they are not given adequate opportunities for employment and promotion in the market place. More and better programmes are required for special groups but discrimination continues to block the path to success, as the Director-General has made clear. As long as it does so, discrimination equally blocks access to a world less beset by poverty and hunger.

Mr. COWEN *(Minister for Labour, Ireland)* - May I begin by joining with other speakers in congratulating you the President on his election and in wishing him and his Vice-Presidents every success in their important work.

Our distinguished Director-General has focused attention in his Report on the opportunity which changes in the world's political climate present for a renewal and a reassertion of the fundamental aims and purposes of the International Labour Organisation.

An entirely new political landscape has been established in Europe in the past few years. The new situation presents great challenges and great opportunities. Much has already been done in forums, such as the Conference on Security and Cooperation in Europe (CSCE), but clearly this important work is far from finished. The political transformation is accompanied by – and, indeed, closely connected with – unprecedented changes in the economic area as the transition from rigid central planning to systems based on the market takes place. But under conditions of democracy, it is evident that the free market economy should be more than a free-floating system of the kind associated with classical *laissez-faire* theory.

The transition to the market economy must go further than building up a supportive infrastructure of democratically controlled legal and financial institutions. To ensure that the reform process does not lose momentum, a pluralistic approach in political and administrative life is required. Tripartite cooperation between employers' organisations, trade unions and governments is essential in sustaining reform. The transformation is, however, a most arduous one. The euphoria of the first days of democracy in Central and Eastern Europe has now given way to a realisation of the scale of the undertaking and to an acknowledgement that a considerable length of time will be needed for its completion.

The mobilisation of support at the international level is vital to sustain the processes of political and economic change. It is only at the international level that sufficient resources can be assembled and delivered in a coordinated way that will maximise their impact. It also provides a strong signal of collective international concern and of a desire to integrate the new democracies fully and as quickly as possible into the multilateral economic system.

In the light of its membership and of the expertise it has developed, the International Labour Organisation has a vital part to play in this process. I would like to take this opportunity to express our appreciation for the excellent work that the ILO is carrying out in the newly democratic countries.

Ireland as a newly independent State made its first formal entry into international affairs through its membership of the International Labour Organisation. We have also had direct experience of the valuable assistance which the ILO can make available not only in relation to the development of strong, representative and independent organisations of workers and employers but of social policy generally.

Ireland shares the widespread desire to contribute in a practical way to the establishment of peace, prosperity and stability on the continent through support for political and economic reform in Eastern Europe and the former Soviet Union. Our effort is integrated with that of our partners in the European Community which has a special responsibility of its perceived role as a centre of stability in Europe.

The Community's PHARE programme of technical assistance for Central and Eastern Europe is going from strength to strength, and is coordinated with wider efforts through the Group of 24 mechanism, with which the International Labour Organisation is associated. Substantial, indeed exceptional, balance-of-payments assistance has been extended by the European Community to a number of States in the region. The Community itself and its member States, including Ireland, are founder members of the European Bank for Reconstruction and Development, an institution which we believe has enormous potential in tackling the challenges of developing infrastructure, promoting the restructuring of enterprises and creating employment. Contractual ties are of great importance at this juncture and Ireland, in common with its partners, will this year ratify the association agreements which the European Community has negotiated with Poland, Hungary and Czechoslovakia.

We will work for their full and effective implementation and look forward to the completion of similar links with other countries in the region. On a bilateral basis. I have also been directly involved in confirming a joint agreement on aspects of labour cooperation between Hungary and Ireland. I believe that our commitment to a tripartite partnership as the key to transforming Irish society and improving our standards of living and social equity has been a positive factor in helping us forge such cooperative links.

In Ireland we have, on the basis of a partnership between Government and the principal economic and social partners, fundamentally altered our approach to managing our national affairs. This has enabled us to put in place macroeconomic policies geared to low inflation and lower interest rates, together with a programme of major structural reform designed to generate new employment and reduce long-term unemployment and involuntary emigration. This tripartite partnership has endorsed a long-term strategy which also includes as its key objectives: the development of greater social rights within our health, education, social welfare and housing services; the promotion of collective and individual social responsibility in relation to the discharge of tax liabilities, fair conduct and business dealings, the sensible treatment of the environment and the reasonable use of public services; and, thirdly, the development of worker participation and women's rights.

There is a shared recognition on all sides that these objectives must be met in the context of very radical changes now taking place in the international economic environment.

The end of the cold war presents this Organisation with an opportunity to reaffirm its purpose and its mission. The historic Declaration of Philadelphia, adopted towards the end of the Second World War, marked a radical departure by proclaiming that social progress should never again be subordinated to the supposedly natural workings of market forces. The situation of those countries in the throes of transition from centrally to market-oriented economies is a new challenge. I congratulate the Director-General for his Report to this session of the Conference. By linking the issues of human rights, democracy and development, he has outlined how the Conference and the Office, especially through the ILO's active programmes, can help member States to regenerate their economies and promote social justice.

Thank you for this opportunity to address such a distinguished audience this morning, and I would like to wish the Director-General and his staff and the Organisation as a whole every success in the coming years.

Mr. SUNMONU *(representative of the Organisation of African Trade Union Unity)* – Please permit me, on behalf of African workers and the Organisation of African Trade Union Unity, to congratulate the President of the 79th Session of the International Labour Conference on his well-deserved election.

I would also like to express our sincere appreciation to the Director-General of the ILO, Mr. Michel Hansenne, for his excellent reports. In particular, the choice of democratisation as the theme of this year's session is of particular importance to us in Africa.

The wind of democracy is also blowing across Africa and African workers and peoples have warmly welcomed this invigorating development. African workers have not only contributed to the initiation of the democratic process in Africa, but they have also been insisting that African democracy should be based on popular participation: empowerment of the people; accountability; social and economic justice; respect for human and trade union rights; and the rule of law – in conformity with the African Charter for Popular Participation in Development and Transformation (Arusha, 1990), which the African Heads of State and Government adopted at the Addis Ababa Summit in July 1990. Therefore, any type of democracy that does not contain the above-named cardinal objectives, will be an alien democracy and, as such, not welcomed in Africa. That brand of democracy will disempower the African peoples, perpetuate social and economic injustice, increase poverty among the vast majority of our peoples and cause social instability. That brand of democracy will then be "government of the rich, by the rich, for the rich, on behalf of the people". We do not accept that.

African workers and the Organisation of African Trade Union Unity agree with the Director-General's assertion that " the law of the market cannot be the law of the jungle. The law of the market should point the way to prosperity for all, for the aspiration for a free society has not eclipsed the desire for a just society " . It is our view that the neo-liberal economic philosophy of greed, selfishness and insensivity, which is presently pursued by a few minorities, will neither bring prosperity for all, nor ensure a just society.

The Director-General said in his Report that the objective of the International Development Strategy for the Fourth United Nations Development Decade is to " help provide an environment that supports the evolution everywhere of political systems based on consent and respect for human rights, as well as social and economic rights, and of systems of justice that protect all citizens " . May I ask if the United Nations and its agencies will protect the social and economic rights of all peoples and all countries in this decade of the 1990s ? I ask the question because the social and economic rights of most Third World countries, especially in Africa, were not protected by some United Nations agencies in the decade of the 1980s. This gross lack of protection is manifested in : (1) The injustice in international trade against the developing countries. For example, it is estimated by O. Knudsen, that African countries will suffer a net loss of about US$ 3,000 million annually as a result of the Uruguay Round of GATT (2) The imposition of neo-liberal, anti-people conditionalities by the International Monetary Fund (IMF) and the World Bank, on African countries in their orthodox structural adjustment programmes.

With more than 34 African countries adopting, through blackmail, the orthodox structural adjustment programmes of the IMF and the World Bank, poverty has increased among the majority of African people, so have unemployment and illiteracy. These have increased social injustice and brought political instability to many African countries.

In spite of mistakes, which even the President of the World Bank himself admitted that the World Bank made in its orthodox structural adjustment programmes, the Bank and the IMF have consistently refused to support the African Alternative Framework to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation – otherwise known as AAF-SAP – as a basis for the design of structural adjustment programmes in each African country.

Are the IMF and the World Bank respecting the economic rights of African countries ?

We, African workers and trade unions, maintain that there can be no democracy without social and economic justice, both at the national and international levels. The right of countries to their economic and development paths is as fundamental and inalienable as human rights are to individuals. This right should therefore be protected, enforced and defended by the international community, the United Nations and its agencies, including the ILO.

In the light of the difficult economic and political transition which African countries are presently passing through, and the key role African workers and the Organisation of African Trade Union Unity are playing in that process, we call on the Director-General to assist African workers and the Organisation of African Trade Union Unity in capacity building and human resources development.

In the area of capacity building, we want the ILO to provide assistance for equipment like computers, audio-visual aids, and books to enhance the research and education capabilities of African trade unions.

In the area of human resources development, we want more intensive workers' education programmes with the ILO Workers' Education Branch in the areas of international labour standards, health and safety, cooperatives, development studies, investment of trade union funds, trade union administration, employment, project design and environment, and through fellowships.

The development of human resources and capacity of African workers and trade unions will be an important contribution of the ILO to the democratisation process in Africa.

The ILO should be actively involved with the IMF and the World Bank in the design of structural adjustment programmes, and should participate in IMF and World Bank missions connected with the structural adjustment programmes, especially in the developing countries. The present arrangement, whereby the two Bretton Woods institutions involve the ILO after their structural adjustment programmes have caused devastating social and economic destruction, is not in the interest of the developing countries. We want the ILO to prevent the social and economic fires caused by the IMF and the World Bank, and not to act as their fire brigade, as it is doing at the moment. The ILO should be " the devil's advocate " for the two institutions.

I would like to conclude my speech by expressing our appreciation and gratitude to the Director-General, Mr. Hansenne, and all his Officers and staff for their cooperation and assistance to our members. The Assistant Director-General in charge of ILO activities in Africa, Mr. Faisal Abdel-Rahman, has been particularly helpful and instrumental in the transformation of the Organisation of African Unity Labour Commission into a tripartite commission.

Original – French: Mr. **BREHOI** *(Government delegate, Romania)* – Allow me, on behalf of the Romanian delegation, to extend to the President our warm greetings and our cordial and sincere congratulations on the constructive discussions which are taking place under his presidency.

The Report of the Director-General *Democratisation and the ILO* gives me an opportunity to report on the experience of my country, Romania, a country which is now in the throes of radical and democratic transformation, directly reflected in labour legislation and social protection issues.

The path which we have followed since the historic act of December 1989 has seen, apart from the new Constitution, the elaboration and the implementation of fundamental standards which have had mayor social and economic consequences, such as the transformation of State enterprises into commercial autonomous companies ensuring the effective transition towards privatisation of industry and agriculture.

In this respect, I would like to emphasise from the outset that Romania has enjoyed the permanent and continuing assistance of the International Labour Organisation in the preparation of new standards. The accumulated experience of this important Organisation, the vast documentation to which we frequently refer, and the periodic consultations with ILO experts are all elements which fully reflect the implementation of the ideas expressed by the Director-General in his excellent Report.

To this should be added the fact that there are now before Parliament three Conventions for ratification: the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168).

Allow me now to summarise the changes which have taken place in the labour legislation and social protection schemes in our country. We can say that at present our labour legislation is undergoing radical change. In practical terms, what we have done is to draw up and adopt absolutely new laws and regulations relating to the market economy and which well govern the subject of labour relations.

The complex process of the transformation and democratisation of all our labour legislation may perhaps be best characterised if we understand that at a preliminary stage some standards were abrogated which contained regulations which were restrictive and anti-democratic and were contrary to the spirit of certain international labour Conventions. These were then replaced by provisions to remedy the situation. At a second stage, which is now underway, we have already adopted or are in the process of preparing further new regulations which will modify from a structural point of view the entire system of labour relations, establishing a new legal order based on freedom and the equality of social partners , the workers and employers. This series of regulations appropriate and pertinent to the market economy, has its roots in the legislation and the traditions of Romanian legislation which prevailed between the two World Wars, highlighting the experience of the ILO and that of other countries with long experience with market economy systems. Some of these standards and regulations are real innovations so far as Romania is concerned.

Among the legislation which has been adopted, I would like to emphasise the importance of the Act respecting collective bargaining because it is the tool which well provide have recourse to legal practice to interpret former labour legislation. It also represents the "pivotal" law around which we are now structuring and developing our new legislation. Thus the Wages Act, the Act respecting the settlement of collective labour disputes and the exercise of the right to strike and the Act respecting paid leave follow the concept of affirming the principle of collective bargaining.

The implementation of collective bargaining would not be possible without the Act respecting trade unions. And so, in order to have a full picture of the new Romanian legislation in the field of labour legislation, mention should also be made of the Act respecting the employment of workers based on their skills and the Act respecting the social protection of unemployed persons.

A decisive role in this development of regulations governing labour relations in Romania has been played by the provisions of Title II of the Romanian Constitution which came into force last December, concerning the basic rights, freedoms and duties of citizens. Among these fundamental rights are those which will have direct incidence on labour legislation: freedom before the law, freedom of movement, the righ to education and training, the right to health protection, the social protection of labour, the prohibition of forced labour, the right to strike, the protection of private property, the protection of children and young people and the protection of disabled persons.

From what I have stated, you can see how very complex are the problems of labour legislation, particularly since all this is still in the process of transformation and renewal. The process of the radical transformation of our labour legislation will be completed by the end of this year when it is planned that the Act respecting individual employment contracts will be adopted, as well as the legislation on the legal responsibilities of worker's labour jurisdiction, as well as the status of civil servants.

At the same time, new important structures for the development of labour relations will be created, such as the Social Policy Council which is responsible for the application under our legislation of Convention No. 144.

As of next year, it is anticipated that there will be a real transition towards the complex process of systematising labour legislation in a new Labour Code and probably, for the very first time in our history, a Social Protection Code.

Original – Arabic: Mr. **ABDEL HAK** *(Minister of Manpower and Training, Egypt)* – In the name of God, the Merciful, the Compassionate! I would like to start by congratulating Mr. Nascimento Rodrigues on his election as President of the 79th Session of the International Labour Conference. We are sure that the work of this Session – in which we are placing all our hopes that we shall attain comprehension, cooperation and justice for workers and peoples throughout the world – will, thanks to his wisdom, devotion and abilities, be crowned with success.

I have read closely the Report of the Director-General, *Democratisation and the ILO*. We agree with him that social justice is the main objective of our Organisation and that true democracy is vital for the setting up of social justice, tripartism, the application of basic international labour standards, the respect of basic human rights, freedom of association and the elimination of all forms of discrimination. At this point, I would like to say that Egypt is one of the member States that has ratified – and committed itself to applying – the most international conventions concerning basic human rights; furthermore, it is working, in cooperation with the International Labour Organisation, to amend its labour legislation and bring it in line with the new economic situation arising from structural adjustment and from the extension of the private sector and market economy – while totally respecting its international obligations and international labour standards.

In this respect, we agree with the Director-General when he says in his Report that when drafting international Conventions and Recommendations, care should be taken to ensure they are flexible enough to allow member States, without too many difficulties, to fulfil their commitments and apply the provisions in these instruments; it goes without saying that this flexibility should not in any way undermine their basic objectives.

As regards freedom of association I should like to point out that in October 1991, trade union elections were held at all levels, in accordance with the law and under judicial supervision.

In order to strengthen trade union participation to allow unions to play a role within enterprises, the Egyptian legislation on enterprises in the public sector stipulates that trade unions must sit on administrative councils of "holding" companies and their branch offices, because these councils establish the regulations and fix the working conditions in these enterprises.

In the Conclusion to his Report on democratisation, the Director-General mentions the issues to which the Office proposes giving priority in its forthcoming programme of action: democratisation; assistance in the war against poverty and the promotion of workers' protection. The document submitted by the Director-General to the 252nd February–March 1992 Session of the Governing Body contained the guidelines for the Programme and Budget Proposals for 1994-95, as well as the Director-General's estimates on the funding of this programme. We support these proposals and are pleased that the social partners have achieved consensus on these issues which are inter-related. They require the assistance of the ILO in the regions and a greater decentralisation of technical cooperation activities. We would be happy if the city of Cairo, in which the Organisation's Regional Office is situated, could welcome one of the four working groups the Director-General intends setting up in Africa; not only because of its geographical situation but also because we have decided to grant all the necessary facilities to this working group, both from the standpoints of transport and communications.

In his Report, the Director-General devotes considerable attention to the struggle against discrimination and equality of opportunity and treatment in employment. We agree with him that these issues are vital and inextricably linked with the ILO's objectives and Constitution. We welcome the efforts to promote equality of opportunity and treatment of migrant workers and their families; however, we hope that this problem will give rise to a global solution that sets out to eliminate discrimination against migrant workers in the countries of immigation – and not only discrimination as regards working conditions. They should also be able to enjoy their rights and be ensured that their claims are met when they terminate their service or contracts in the countries having welcomed them.

We in Egypt, given that we are one of the countries whose workers were most affected by the Gulf War, hope that the International Labour Organisation will play a role in helping our workers recover their debts and claims – estimated at several billions of dollars.

The workers who suffered as a result of the Gulf War – from whatever country – hope that the Organisation will play an active role in this respect. Nobody denies the social injustice inflicted – and still being inflicted – on these workers; but no progress has been made towards enabling emigrant workers to recover their claims, rights and compensation for damages. We already stated at your Conference, at its 78th Session in June 1991, that it was time that the ILO took the measures it considered necessary, in cooperation with the compensation fund of the Security Council, to ensure that emigrant workers obtained all their rights and debts and that they should be guaranteed justice and equality in their working conditions in line with international labour standards. We hope that the ILO will start to take the necessary steps in this area so that these workers may no longer find themselves in this situation.

We highly appreciate the ILO's efforts and role in drawing up and implementing training and further training programmes, so vital for economic growth. Indeed, the developing countries, more particularly the African countries, are confronted today – more than ever – with many problems linked to programmes of economic reform and structural adjustment; the most serious of these are unemployment, inflation and the foreign debt. It is for this reason that the Organisation should increase its technical assistance to educational and training programmes linked to the policies of these countries in the areas of employment and development in general. We believe that the solution to these problems in job creation and an increase in revenues in the rural and informal sectors – as well as in the establishment and implementation of labour-intensive programmes and the development of local resources to create jobs locally.

We commend highly the ILO's activities in its struggle against apartheid, as they are reflected in the Special Report of the Director-General on the application of the Declaration concerning action against apartheid in South Africa. This Report analyses the latest developments and most recent measures taken by the ILO and other international organisations to overcome apartheid; and we hope that progress will be achieved in this area over the next few years so that all forms of racial discrimination and apartheid will be eliminated once and for all.

I have no need to repeat Egypt's unaltered position towards the policy of apartheid. Egypt has approved all the resolutions taken to support the struggle of the peoples against racial discrimination in South Africa – in the same way that it supports the front-line States in the defence of their sovereignty. Allow me to greet the representatives of workers and liberation movements from South Africa, who are struggling to dismantle the system of racial discrimination. I urge the international community to encourage dialogue in South Africa with a view to setting up a provisional government and establishing the foundations of a new non-racial society, in which all citizens will enjoy equality of rights and duties. In order to obtain this objective, we believe that we should continue putting pressure on the Government of South Africa; we also hope that the ILO will step up its technical assistance to southern Africa to support the Black majority, thus eliminating apartheid.

We welcome Albania, Estonia, Lithuania, Latvia and the Republic of Korea to the International Labour Organisation and congratulate them and their peoples for having succeeded in winning democracy and freedom.

We believe that these new member States bear witness to the ILO's vital role to promote social justice within the international community.

Mr. AHMED *(Government delegate, Ethiopia)* – On behalf of the delegation of the transitional Government of Ethiopia and on my own behalf, I would like to congratulate the President upon his election to preside over this august assembly. I am also fortunate to be able to address this august assembly as the first delegate of the Transitional Government of Ethiopia.

My delegation has noted that the Report of the Director-General to this year's Conference consists of two parts: Part I on *Democratisation and the ILO*, and Part II, covering the activities of the ILO during 1991.

In part I, which contains the central theme for this year's Conference, the Report has given a very comprehensive account of the topic in the light of the changes currently being experienced by various countries in their determination to establish genuine democracy.

Indeed, democratisation is not new for the ILO since, as the Director-General rightly puts it, its values have been enshrined in the Organisation's Constitution since its earliest days. But what *is* new about it is that its seeds are bearing fruit in its constituencies. And hence, we firmly believe that the ILO has a tremendous role to play to strengthen it. Today, our world is witnessing a profound change in international relations as an outcome of the democratisation process. Confrontation is giving way to cooperation. Peoples are rising up for the preservation of their basic rights, freedom and participation in the social, political and economic life of their country. The wind of change sweeping across the continents is creating an opportune moment for the promotion of the spirit of tripartism. Although free and independent, all the social partners have one lofty ideal to uphold, the betterment of the conditions of their people through dialogue, consultation and negociation in a time of difficult economic conditions.

Ethiopia is today ushering in a new era of peace and democracy. Decades of war that consumed hundreds of thousands of our youth and did irreparable damage to our national economy are at last over. The historic conference that was convened by the Ethiopian People's Revolutionary Democratic Front, after crushing the Military Junta from power in July 1991, in which a wide range of domestic, political and ethnic groups were represented, and some organisations from abroad also took part, ended by adopting a National Charter embodying principles for the reconstruction of the Ethiopian Government and society along democratic lines. Among the most significant results of the July Conference was the endorsement of the National Charter which incorporates the United

Nations Covenants on Human Rights and the OAU's African Charter on Peoples and Human Rights. The Conference made the endorsement in the realisation that respect for human rights is the foundation of peace and democracy. The right of nations and nationalities to self-determination was also endorsed. Freedom of speech, press, assembly and association is being observed in so far as possible in a country that has never had any experience of democracy. In general, democracy is triumphing in Ethiopia. Our past has prepared us for it, and our present makes it inevitable.

On the economic front, the Transitional Government has adopted a realistic, modest and pragmatic new economic policy to deal with a national economy left a shambles due to unrealistic policies and the Military Junta's obsession with central planning and uncritical imitation of foreign economic models. The new economic policy thus attempts to provide various incentives to encourage domestic and private investments. As government resources were severely depleted, economic recovery is believed to rely largely on private sources to reactivate industries, stimulate the market, revive the devastated farm sector and overcome the shortage of raw materials. With a favourable political climate prevailing, there is a high expectation that the national economy will benefit from such a turn of events. However, as you all know, a country just emerging from decades of war cannot overcome alone all the obstacles placed in its way. Hence, the significance of international assistance is beyond any doubt in this regard.

At the moment, our country has given priority to reconstruction of war-damaged areas and to the rehabilitation of more than a quarter of a million demobilised soldiers, displaced persons and returnees from neighbouring countries who fled the country on account of political repression and persecution.

In the labour field a Draft Labour Law is under consideration by the Council of Ministers and will soon be presented to the Council of Representatives for approval. To mention the major highlights of the new Labour Law, employers and workers can form their own association of their own choosing without any public interference. Gone are the days when, under the Military Junta's regime, the Ethiopian trade union was a wing of the governing political party. The new labour law has also fully incorporated the basic provisions of those international labour standards to which we are a party. International labour standards that are not ratified by my country were also referred to as guiding principles in the new Labour Law.

Therefore, we commend the ILO for its unsparing efforts over the past years for the promotion of social justice. We hope the ILO will redouble its efforts in the field of technical assistance in the light of the dramatic events unfolding today, in such areas as promotion of employment, the rural sector, the informal sector, and the development of social security systems.

The Turin Centre has made its mark in the field of vocational retraining, management training and training in project formulation. The African Regional Labour Administration Centre in Harare (ARLAC) has made, and is making, a remarkable contribution in the field of professional training and policy development in labour administration within the context of a social and economic environment in changing Africa.

Finally, we call on the ILO to continue its support and to increase its resources to make available more opportunities for us and for Africa to benefit from the capabilities of those Centres in developing our human resources.

Mr. VASURATNA *(Employers' delegate, Thailand)* – It is a great pleasure for me to be among the honourable delegates at the International Labour Conference once again. May I take this opportunity to express my sincere congratulations on behalf of the Employers' Confederation of Thailand (ECOT) to the President on his election to the presidency of the 79th Session of the Conference. With his wisdom and able leadership, I am confident that he will lead the deliberations of this session to a fruitful and successful conclusion.

I would like to begin with the agenda item, the protection of workers' claims in the event of the insolvency of their employer. I still insist that the existing laws and procedures in most countries, as well as Article 11 of the Protection of Wages Convention, 1949 (No. 95) provide sufficient protection for workers and I feel it is not necessary to create a new international instrument to cover this subject. If this session of the Conference decides to draw up a Convention and Recommendation, I will consider them to be provisions for the protection of workers' claims by means of a privilege.

The other provision, involving a guarantee institution which would pay the workers' claims, will cause additional costs and thereby discourage investment and the creation of new jobs. Furthermore, it is not fair to penalise successful enterprises by making them pay for the mistakes of other incompetent enterprises, and it may be jeopardising the competitiveness of enterprises, especially in the developing countries.

My suggestion regarding the provisions concerning workers' claims is that they should only appear in a Recommendation and should be considered a privilege. Each country would develop its own forms of regulation, according to its practices, culture, constraints and legislation.

On the agenda item, the prevention of industrial disasters, I agree in principle on developing instruments for the prevention of industrial disasters and I am in favour of a Recommendation only. Whether this session of the Conference decides to draw up a Convention or a Recommendation, the following factors should be taken into serious consideration: (1) there are many constraints in most of the developing countries, such as weakness of law enforcement, too many small enterprises, the informal sector, etc.; (2) the proposed instruments should not be too exhaustive, covering such items as process safety management, but should be limited to major hazard control only; (3) the need for training programmes and various technical assistance programmes; (4) the coordination with existing regulations of other international organisations within the United Nations such as the WHO, OECD, UNEP, IPCS, EC, etc., and even the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Safety and Health Recommendation, 1981 (No. 164), in order to avoid unnecessary duplication.

Since the ILO suggested that the elaboration of a Recommendation may not be appropriate, its long and detailed provisions may become obsolete before it is possible to consider revising them. For this reason, I agree with most countries' employers that the Recommendation simply makes reference to the ILO code of practice on the Prevention of Major Industrial Accidents and that the Code should be used as a basis for giving effect to the policy for the prevention of industrial disasters. For any future amendment of the Code to come into effect, it would be necessary to adopt a Protocol.

Next, I would like to touch on the topic of adjustment and human resources development.

There is no doubt that human resources development, through education and training, is a crucial factor for the future growth and prosperity of workers, employers as well as nations.

Education and training are creating skill development, adaptability to change, increasing productivity, higher incomes and an improved quality of life. Governments have been forced by economic crises and structural adjustment to reduce expenditure in education and training budgets. This is because education and training are still publicly financed. I believe that in order to protect education and training programmes that are considered to be critically important for economic and social development, the combination of legal definitions of the size of budgets, levy systems, the political mobilisation of interested groups and the privatisation of training institutes is needed.

Enterprises are the primary market for education and training, and therefore, employers are the ultimate arbiters of market demand for skills and knowledge. For this reason, employers should have stronger roles in deciding vocational training programmes, course content and enrolment in each course. Nowadays, employers need more and more dual systems – the combination of theoretical school-based education and practical on-the-job training.

Lastly, I would like to support the idea of increased international funding to help the economically underdeveloped countries to provide universal primary education. Credit must be given to the ILO's effort in trying to provide a better quality of life for everyone.

Mr. **BOEDJOSASTRO** *(Employers' delegate, Indonesia)* – On behalf of the Employers' Association of Indonesia (APINDO), I am greatly honoured to be participating in and to have the opportunity to address the 79th Session of the International Labour Conference.

I wish to congratulate Mr. Michel Hansenne, the Director-General of the ILO, for his valuable and comprehensive Report on *Democratisation and the ILO*, which has reminded us of what we have already done so far and what remains to be done in the consolidation of democracy.

As you are all aware, democracy is not just a system to organise and exercise government activities, but a philosophy of life. Democracy is a way of life. In a general sense, democracy promotes liberty and equality. Since democracy is a philosophy and a way of life, democracy may develop from the evolving civilisation of a country. Democratisation has to be linked also to the economic development of the country.

In his Report, the Director-General refers to the address of Mr. Camdessus, Director-General of the International Monetary Fund, to last year's session of the International Labour Conference, and his view that there are possible ways of making democratisation and economic development proceed hand in hand.

The philosophy of *pancasila* has been accepted as a natural expression by the Indonesian people through a long historical process. Indonesian culture is basically composed of varying cultures of many ethnic groups which are of highly diverse nature. Nonetheless, the Indonesian nation has successfuly maintained its unity under the national motto "Unity in Diversity". In its very essence, it places high value on a sense of tolerance, pluralism and of oneness, which constitute essential ingredients of democracy. In short, Indonesian democracy is rooted in the country's culture and sense of brotherhood.

This motto is also applied to industrial relations and advocates the concept that workers, employers and government should adopt a sense of co-ownership, a sense of joint responsibility and a sense of continuous introspection. Management and labour are "social partners" in the process of our industrialisation and form a pillar for our national development. Every dispute between management and labour should be settled by the peaceful means of consultation and not by the antagonistic means of confrontation.

In the process of substantiating Indonesian democracy based on *pancasila* and in observing our basic human rights, a number of laws have been promulgated; to mention but a few, there are those governing equality of treatment for national and foreign workers, workmen's compensation for accidents, the right to organise and collective bargaining, equal wages for men and women for work of the same value, etc.

With regard to tripartism, Indonesia established its National Tripartite Council in 1983, followed by provincial tripartite as well as district tripartite councils. Any decision made by these councils is considered as having a decisive influence not only on industrial relations, but also on national industry and the economy.

In the past few years, our Government has taken positive steps in respect of structural economic adjustment and human resources development which are of major interest to the Indonesian development endeavour. A series of step-by-step deregulation and debureaucratisation measures have been taken to make the Indonesian economy more efficient, improve the competitiveness of our products on the world market and attract more foreign investment into the country. As a result of such policies and measures, the Indonesian economy has expanded quickly in recent years, with an annual average economic growth of around 7 per cent.

However, due to basic infrastructural problems, particularly electricity and telecommunications, the Indonesian economy has been progressing at a slower pace in the past two years. These phenomena have forced the Government to take the necessary steps to prevent the "overheating" of the economy. While in the long term this policy is expected to lead to healthy growth, in the short term it has adversely affected the role of enterprises in the creation of employment opportunities. The situation has been further worsened by the world economic recession and the policy of protectionism undertaken by the industrialised countries.

Now we come to a basic question; namely, what do we expect from the ILO in the coming years ? We, the employers of Indonesia, consider that the ILO should be able to organise itself in such a way so as to enable it to meet growing and more complicated challenges resulting from unprecedented economic and political structural changes at the national, regional and global levels.

Now, I think the time is right for the ILO to determine its priorities to make it more responsive to its member countries' aspirations. While recognising the importance of ILO programmes with respect to standard-setting and monitoring, my delegation would like to emphasise that the ILO in its future efforts should give more attention to technical assistance programmes, particularly as regards education and training programmes. Human investment will be of paramount importance for the employers as well as workers, especially in the developing countries, and to making their respective contribution to the country development efforts more effective.

I wish the 79th Session of the International Labour Conference all the best and sincerely hope that it will bear fruitful and concrete results.

Mr. MARAKKAR *(Workers' delegate, India)* – On behalf of my delegation from India and on my own behalf, I extend our hearty congratulations and felicitations to the President of this 79th Session of the International Labour Conference on his election to his prestigious position. I am sure that under his able and efficient stewardship the 79th Session will attain its objectives with utmost satisfaction.

I am happy to note that it is quite appropriate and timely that the Director-General in his Report to this session has chosen democratisation as its theme. Coming from India, I and my delegation are happy to endorse the sentiments expressed by the Director-General with regard to democracy. India is the largest democracy in the World where more than 850 million people are governed by a Government of their free and willing choice, according to the principles and precedents of parliamentary democracy. So far as India is concerned, the concept of democracy is not a new idea. It is a part of the great tradition and the cultural ethos of our ancient country with a history of thousands of years. It was because of this traditional background that after achieving independence from foreign yoke, the great leader of our freedom struggle lost no time in passing on the newly achieved political power to the millions of people at grass - root level. Within three years of assuming political authority in August 1947, India was transformed into a democratic republic. Overcoming various trials and tribulations, Indian democracy continues with its vigour and vitality without abatement. Hence India will be second to none in acknowledging and apllauding democracy as it extends and spreads to new areas of the globe.

But democracy is not an end in itself. It cannot survive long unless it is strongly supported by economic measures. In a country where substantial sections of the citizens find it difficult to make both ends meet, the foundation of democracy might become vulnerable. To the starving millions rhetorics about democracy will sound simply ridiculous. It is in the interest of democracy itself that poverty and inequality should be eradicated and ameliorative measures adopted for alleviating the miseries of the teeming millions. The ILO declared far back as in 1949 that "poverty anywhere is a threat to prosperity everywhere". It is heartening to note that the Director-General has this aspect in mind when he states in the concluding portion of his Report that : "Most of the Office's major technical and regional programmes will focus on the war against poverty. Among the crucial issues in this area are employment promotion, the fight against unemployment, all the measures designed to support structural adjustment policies, special attention being given to measures tending to soften the adverse social impact which some of these policies might produce on the most deprived population groups in the States concerned. Our purpose in this respect is not to impede structural adjustment policies needed for restoring overall economic equilibrium and for creating the conditions for renewed growth, but to assist member States in fitting social objectives into these policies and in designing mechanisms of social protection that will make the economic restructuring acceptable and help to achieve sustainable growth." Democracy without prosperity is dangerous. Hence the principles and application of democracy must be blended with economic and social justice. It is with this end in view that India has declared "democratic socialism" as its national objective. Socialism is nothing but an extension of democratic practice into the realm of economics. The socialism which we propagate in India is not one which is imported or imposed.

In the prevailing world situation characterised by political turmoil and economic tribulations, developed countries have a significant role to play. With the end of the Cold War the world is witnessing the process of the formation and formulation of a new world economic order. The substantial resources that the superpowers were spending on defensive and offensive operations are now available for constructive activities. Economic prosperity being the essential prerequisite for the sustenance of a democratic political structure, it has become imperative that developed countries interested in the survival of democracy strengthen the economic infrastructure of developing and less developed countries.

Democracy shall not be allowed to degenerate into a system where citizens are provided with an opportunity to cast their secret ballots once every four or five years. Democracy should be a living concept permeating all aspects of social, national and international behaviour. While in a national context democracy involves equality of opportunity, in the international context it means respect for the sovereignty of nations and non-interference in the internal affairs of one country by another – economic or political. But such a spirit of equality and non-interference is rarely evident in the realm of interaction among nations at the global level. What we still see is distinction and discrimination between the haves and have-nots among nations. Developed countries continue to create roadblocks in the economic progress of developing countries. Protectionist barriers are raised and punitive measures are adopted against developing countries by developed countries. Arm-twisting methods are used to impose on poorer countries conditions which are more favourable to the richer countries. Such practices on the international level will only help to undermine the principles of democracy the world over. Democracy can flourish only in a political situation where there is no hegemonism.

The working class has a vital stake in the establishment and endurance of democracy. It is only in a democratic system that fundamental human rights are recognised. The right to organise and the right to protest are the cornerstones of the free trade union movement. The working class of the former Soviet Union and East European countries started voicing its grievances only after the collapse of the totalitarian regimes under which these countries were toiling. In this context, I wish to congratulate the workers of the erstwhile Soviet Union and of the East European countries for achieving independence and the right to organise freely. I also take this opportunity to felicitate the delegates of Estonia, Latvia, Lithuania, the Republic of Korea, Azerbaijan, Kyrgyzstan and Slovenia on this auspicious occasion of their joining the International Labour Organisation.

The subjects which the Director-General has included in the agenda of this 79th Session of the International Labour Conference, namely the protection of workers' claims in the event of the insolvency of their employer, structural adjustment and human resources development, the prevention of industrial disasters are of immense importance to the developing and less developed countries of the world. These subjects are currently being debated in my country with much vigour and enthusiasm. In this era of rapid technological innovations and economic upheavals, the incidence of industrial sickness is on the increase. The closure of industrial undertakings consequent upon the economic incapability of the employer is not an uncommon phenomenon in India. In such circumstances the innocent worker who is thrown outof his job on the street shall not be penalised by denying him his well-earned wages. The workers' wages constitute the first claim over the assets of the establishment under liquidation.

Structural change and human resources development are also subjects engaging serious attention in our country. We are aware that no country can isolate itself from and insulate itself against the wind of change sweeping across the world. Change is an essential ingredient of progress, but such changes should be in conformity with the socio-economic conditions prevailing in the respective countries and must not be imposed by external forces. Quite naturally, when structural changes are introduced manpower utilisation may also have to be modified accordingly. Such adjustments may entail redundancies and necessitate retraining and redeployment, which is a costly affair. It is imperative that financial institutions, like the IMF, should come forward with a helping hand to the developing countries to face this new challenge without imposing conditions injurious to the interest of the recipient countries.

Another important item on the agenda of this Session, namely the prevention of industrial disasters, is of particular significance to our country especially in view of the Bhopal disaster, the memory of which still haunts our minds.

I hope the deliberations of this august assembly will culminate in appropriate instruments which will be of historic importance to the working people of the world.

Original – French: Mr. JOUEN *(representative of the International Federation of Free Teachers' Unions)* – On behalf of the International Federation of Free Teachers' Union (IFFTU) I would like to congratulate the President of this Session of the International Labour Conference on his election.

We congratulate the Director-General for the relevance and the excellence of his Report, *Democratisation and the ILO*. The theme is particularly timely because we have all witnessed over the last few years profound changes in the political, economic and social structures in many regions of the world. These changes, which often spring from the free trade union movement and from the teachers in its midst, are rich in hope and must be consolidated.

This consolidation of the democratic ideal involves a number of efforts and we would like briefly to address some of them. Firstly, we believe there is the great effort towards education in democracy, a process already begun and developed in many countries with a democratic tradition but which is virtually nonexistent in the majority of countries who have only recently democratised their structures. In more general terms, however, the consolidation of democracy involves above all a general effort to raise the standard of education of the people, because we all know that democratic ideals will not truly take root among illiterate peoples or those who are under-educated. On this point much remains to be done; indeed, UNESCO statistics show that almost 30 per cent of adults and young people over 15 years of age, are illiterate.

The consolidation of democracy also involves efforts to improve the quality of life of peoples, particularly in those countries which have recently turned to democracy. We are all aware that democracy is a necessary but insufficient condition for economic and social development. We are also aware that the advantages of the democratic process emerge in the medium and long term rather than in the short term. But we must also bear in mind the fact that the transition from an authoritarian regime to democracy often at first leads to deteriorating conditions of life, particularly for workers and young people. There are more redundancies, wages are cut, go unpaid or are paid in arrears, the prices of staples rise sharply – these are but a few examples which workers find very negative although this is also part of the change to democracy. If it is truly to take root in minds as well as in practice, democracy must speedily demonstrate that it does provide the population as a whole with a better life than the previous authoritarian regimes.

Finally, the consolidation of democracy requires that it be truly experienced in daily life, particularly in labour relations. There are major weaknesses here even in countries with a long-standing democratic tradition. Tripartism as advocated by the ILO over many years as a means of approaching and regulating labour relations – accepted and experienced by governments, employers and workers at the international level, as demonstrated by this Conference – is far from being accepted and experienced at home, whether at the sectoral or enterprise level. The unions are all too often only tolerated by too many governments and employers, and rarely are they truly consulted or invited to negotiate. Complaints submitted to the Committee on Freedom of Association by a number of international teachers' trade union organisations against the governments of the Republic of Korea, Sierra Leone and Turkey, to mention but a few, are an unfortunate illustration of this. The democratic ideal involves not just political freedom and the regular holding of free elections, but also involves the democratic practice of labour relations.

This Conference also has on its agenda a report entitled Adjustment and human resources development. Allow me to emphasise its excellence and to associate myself with a number of its points, particularly the effects of structural adjustment policies on education and training. Very objectively, and indeed courageously, with precise examples to support its claims, the report shows how in the first place, wages and working conditions of teachers have been affected by these policies, often discouraging teachers and leading them to leave the profession. The report also shows that funding restrictions on education and training has an impact on the quality of education, and ultimately on the human resources which are necessary for economic and social development.

At this stage we should bear in mind the fact that those countries which today are most successful in economic terms are precisely those which have made great efforts to improve human resources, not simply in order to create an elite, but so as to raise the general level of education and of training of all of their working population. We should also bear in mind that workers' success in the field of occupational reconversion is essentially a function of the general level of education and training. The ILO certainly must review all of these issues which, we believe, are the major challenge of this decade.

Since the last Session of the Conference, a joint meeting was held in November on the conditions of work of teachers. The most recent meeting of the Governing Body of the ILO approved its conclusions and resolutions. We would like to stress our satisfaction with these conclusions, which were approved unanimously by the meeting's participants. Our joint meeting stressed the importance of the negative impact of structural adjustment programmes in many countries on education, teachers, social relations and human rights. We hope that the impact of structural adjustment policies on our profession will be included on the agenda of the first standing technical committee for the teaching profession, which may be held in 1995.

By way of conclusion, I would like to announce to the Conference that this is probably the last time that the International Federation of Free Teachers' Unions, as such, will address this forum. On the 26 January next our International, together with the World Confederation of the Organisations of the Teaching Profession, will be setting up a new international secretariat associated to the ICFTU, with a membership of 20 million, which will be known as Education International. This will doubtless be a major event within the international trade union movement. One of the reasons for the establishment of this new organisation is to be found in the fact that we hope to focus on and improve our human and financial resources, the better to tackle the challenge of the major changes which are certain to affect the areas of education and training.

(The Conference adjourned at 1 p.m.)

Nineteenth sitting

Monday, 15 June 1992, 3.15 p.m.

President: Mr. Solórzano Martinez

Reports of the Governing Body and of the Director-General: Discussion *(cont.)*

Original – Spanish: The PRESIDENT (Mr. Solórzano Martinez) – We will continue this afternoon the discussion of the Reports of the Governing Body and the Director-General.

Original – Spanish: Mr. ETCHEVERRY ESPÍNOLA *(Workers' delegate, Paraguay)* – On behalf of the Paraguayan workers and their mother organisation, the Paraguayan Confederation of Workers (CPT), I would like to greet the President and all the delegates. I would like to congratulate the President on his election and wish him the greatest success in the leadership of this session of the Conference. The workers of the world are pinning their hopes on the positive conclusions of this session of the Conference being translated into better social, economic, cultural and professional conditions for them.

The Paraguayan workers in general, and the CPT in particular, have studied Part II of the Report of the Director-General on the activities of the ILO in 1991 very carefully. I can state with satisfaction that these documents clearly indicate the outstanding efforts made to achieve the objectives of social justice and greater dignity for people at work and in society. Great efforts have been made to achieve the observation and effective implementation of international labour standards, to achieve complete respect for freedom of association, increased employment and development possibilities, and more humane structural adjustment procedures and industrial redeployment in the countries in areas of economic integration. The Report discusses the promotion of employment in rural areas, the development of enterprises and cooperatives, training and further training, the problems of migration especially of workers for employment reasons, labour relations and labour administration, the work of the ILO concerning multinational and transnational enterprises, working conditions and environment, social security and health at work and the important regional activities of the ILO throughout the world.

In its attention to and fulfilment of all these programmes the ILO in 1991 once again demonstrated its abilities and devotion to the full satisfaction of the Paraguayan workers.

I would now like to speak of my own country, Paraguay, a nation which, as you all know, only three years ago managed to free itself of one of the bloodthirstiest tyrannies ever, which for 35 years harassed human dignity, annihilated freedom, destroyed democracy and subjected the people and the workers to a regime of oppression and exploitation from which we are now emerging with the firm will to live once and for all in a responsible, democratic and pluralistic society. We want a society where all organised workers, overcoming a thousand and one difficulties, but reaffirming their unity and their objectives of social justice, will build, and are already building, a new Paraguay where justice rules, where the supreme will of the people will triumph, where corruption will be a thing of the past and the people's just desire for "bread, peace and freedom" will prevail. The International Confederation of Free Trade Unions (ICFTU) and the Inter-American Regional Organisation of Workers (ORIT) have proclaimed this message on their banners for almost half a century now in their struggle for free and democratic trade unions in America and thoughout the world.

At this very moment something extremely important is happening in my country – the Constituent National Assembly is being finalised, and a new national Constitution is being promulgated. Immediately after this momentous event Parliament (the House of Deputies and the Senate) will study and then promulgate the new Labour Code and the Act concerning the social security system and retirement and other pensions. From then on Paraguay will begin its quest for well-being, work and happiness.

We Paraguayans are resolved to leave behind us, once and for all, our long, dark history of dictatorships, that, for more than 145 of the colony's 179 years of independence, have mortgaged freedom, have fettered our national progress and have imposed a system of exploitation upon the working population.

For all these reasons, the Paraguayan workers, represented today democratically by three workers' confederations (the CPT, the CUT and the CNT), have decided to take upon ourselves fully the commitment to defend democratic principles, the standards of civilised existence, on the basis of fraternity, respect and a sense of trade union unity, in order to avoid our country ever again falling into the ignominy of tyranny and exploitation. Therefore we are fighting, and we will continue to fight, for a new institutional structure in our country, inspired by solidarity and the absolute respect for human dignity.

In Paraguay we, the workers, think that the tripartite principles in industrial relations which are defended by the ILO are valid if the parties concerned (employers, the State and workers) sit down together at the same table in good faith and with open ears.

A dialogue on that level must be carried out for the benefit of sound and constructive relations between employers and workers. In Paraguay this practice does not always result in reaching agreements and solving problems because in certain employers' sectors there is still a retrograde attitude that despises trade union and labour rights.

In this connection I cannot fail to bring to your attention, as an example of anti-democratic and anti-social attitudes, what is happening to Paraguayan workers in textile, pottery and other enterprises. The main trade union leaders and the leaders of the CPT are being badly treated and dismissed simply because of their legitimate trade union activities.

Another matter which we would raise again here is that of Case No. 1546 of the Freedom of Association Committee, concerning the unjustified dismissal of the leaders of the association of airline attendants of Línea Aereas Paraguayas (LAP), brothers Antonio García, Ralt Gehre, René Salomón and Francisco Montanaro. Their union has been registered and recognised, but nevertheless these four leaders have been dismissed from their employment by an arbitrary decision of the above-mentioned company.

In the light of the new situation created by the constitutional recognition of the right of free association for employees in the public sector, from which of course employees of LAP benefit, we request the ILO and, through the intermediary of the ILO, the Ministry of Justice and Labour and the Supreme Court of Justice of Paraguay, to revise this case and to reinstate immediately these leaders who have been unjustly dismissed.

Finally, from this rostrum of the International Labour Organisation, which is a guiding light and a hope for just solutions in the labour world, on behalf of our Confederation, I would like to address another request to the ILO, that it should, by the most appropriate means, urge the Supreme Court of Justice of Paraguay, through the Ministry of Labour and Justice, to review and seek a satisfactory solution to the cases brought against the chief leader of the construction industry union of the Alto Parana y Canindeyú C. Efigenio Lisboa, affiliated to the CGT, who for the last four weeks has been held in the prison of Tacumbú, Asunción, facing accusations and charges which basically have trade union implications and for this reason can and must be examined and solved within the context and the spirit of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). We do not wish to interfere with legitimate judicial action, but we consider it appropriate for the Ministry of Justice and Labour of our country to find a fitting solution to this case since it is within its field of competence.

Finally, I should like to thank you for your kind attention to my complaints and express my best wishes for the continuing progress of the ILO in its essential role of orienting the understanding of social problems within the context of an effective implementation of freedom and social justice.

Mr. KARA *(Workers' delegate, Israel)* – May I, first of all, join the former speakers in congratulating the President and his deputies on their election and wishing all of us a good and fruitful session.

I come from a country today facing great challenges and seeking ways to solve the problems that these challenges present. The first challenge is existential – the challenge of finding a way to live in peace with our neighbours. The State of Israel was born in a stormy war for existence. Thirty-two years passed before we managed to sign the first peace agreement with our largest neighbour – and strongest adversary – Egypt.

This peace, albeit still a cool one, is certainly preferable to a state of war. And now, ten years later, we stand again at the gate of a new promise : Israel, its Arab neighbours and the Palestinians have embarked on the long and complicated road to peace. I have no illusions concerning the difficulties involved in this process. The road we have taken will not be short, neither will it be painless or free of frustrations.

The peace we shall hopefully achieve will not be one between winners and losers ; there is no such peace. It will be a peace reached by compromise – peace which will put an end to bloodshed and hostility. No more will either side have to suffer the pain of widowhood and orphanage ; a new promise of stability and prosperity will come to the people of our tortured region.

On 1 January 1993, Europe will become a single internal market. We in Israel, I must admit, are somewhat jealous of the problems facing the Europeans : problems of integration as against problems of identity and national sovereignty. I keenly hope that the day will come when all the nations of the Middle East will be faced with similar problems stemming from a thriving Middle East community. In the meantime, however, we in Israel – the working people in particular – are facing the challenge of structural adjustment towards the new reality of an integrated Europe. Workers in other European countries, outside the Community, are faced with the same challenge, particularly as regards everything concerning human resources development, and it was a timely and wise decision on the part of the ILO Governing Body to place this important issue on the Conference agenda.

The European Community Charter on the Fundamental Social Rights of Workers provides a framework of basic norms of protection for EEC workers. But alongside this Charter, the Community is duty-bound to remember that one of its main sources of manpower is the Mediterranean basin countries. ILO has already determined a framework of norms for migrant workers to a national State. It must now face the challenge of setting norms for migrant workers in the face of a rigid multinational reality. Workers' organisations are already facing well-organised multinational employer frameworks ; the time has come for the workers to organise similar bodies for themselves.

The challenge of a united Europe which Israel faces is indeed a big economic challenge, but if peace is the major challenge then the second major challenge facing us is the challenge of absorbing the large masses of immigrants who have flocked to Israel over the last two years, bringing a 10 per cent increase in the country's population. This is not only a national challenge of providing housing, employment and schooling. It is also a challenge for the working public faced with the necessity of retraining hundreds of thousands of new immigrants to trades and professions in which they can find employment in their new country. There is also the necessity to adapt the technically qualified immigrants to our more advanced technological methods as well as to acquaint them with new working norms prevailing in an economy which does not ensure automatic employment. Then there is the question of acquainting them with the activities of a free, independent trade union organisation, which is not at all the kind of government organ they had in their former country. This wide range of challenges, in addition to culture shock inherent in the uprooting process, is part and parcel of the topic of structural adjustment and human resources development which this Conference has placed on its agenda, and which we will be following with the greatest interest.

The International Labour Organisation was established, among other reasons, to reconcile the differences between the social partners in a free-market economy.

Today we are constantly witnessing insolvency to one degree or another of employers in the free market system. Clearly, legal obligations have priority over obligations under terms of agreement or contract, but the objective of international labour standards is to induce governments to pass laws, in this case laws which will determine that, in the event of employer insolvency, the first obligation is payment of the money due to the worker who has lost his source of livelihood, rather than towards the State, whose duty it is to protect its citizens. Histadrut – the organisation representing Israel's workers – initiated and succeeded in passing a law in our Parliament – the Knesset – that in the event of insolvency, in addition to whatever is due from the court ruling, the worker is entitled to receive from the National Insurance a sum of up to as much as ten times the average wage in the economy.

For several years now, society has become aware of the importance of environment protection for the quality of life. The ILO has, in many cases, been a pioneer in setting safety standards at the workplace. Safety at the workplace has far-reaching implications for environmental protection, as we have seen in the Bhopal and Chernobyl disasters, which have led to a revolution in the approach to ecology. It is our duty here, in the ILO, to find means of preventing industrial disasters, and determine supervisory machinery which will make our world a safer and better place to live in. Here again, let me say how important it is that we are addressing these issues at the present session.

I opened my remarks with a hope for peace. Let me end them by reiterating this hope. To our Arab neighbours and the Palestinians living in our midst, I say: the time for recrimination and blame is past. These have brought only violence and terror. Now is the time to turn from violence to dialogue, to travel jointly to a new destination.

Thousands of human lives have been lost tragically and billions of dollars spent to no avail. We are unable to change the past – yet we can design a better future. Our choice is between hatred and dialogue; between suspicion and hope. Our choice is between an endless arms race and investment in the well-being of our people. Our choice is between extremism and moderation; between fundamentalism and reason. It is our choice to prevent the next war; the choice between those resigned to the fatalism of belligerency and those determined to alter this fate. For the future of our children, for a better tomorrow, let us make the right choice; let us choose moderation, dialogue and peace. Let us together design a future where our region can develop into a testing ground for mobilising science and technology, to offer a new source of growth. A future where peace attracts economic investment; a future where resources spared by arms reductions are invested in basic and higher education; a future of regional stability and economic co-operation.

In the two Hebrew and Arabic words that sum it all up, I say again, SHALOM, SALAAM.

Mr. BOGGS *(representative of the International Federation of Chemical, Energy and General Workers' Unions)* – The work of the ILO is more important today than perhaps at any other point in its history, for a number of reasons. As the Director-General's Report points out this year, the most important theme is the process of democratisation in member States and the role of the ILO in this process. We in the international labour movement emphatically agree. There is indeed a trend towards democracy in the assertion of civil liberties, but what the Report blithely cales "short-term social costs" in the "liberalisation of markets" is a medium and long-term disaster for many workers in many industries around the world.

That tragedy in a very real sense is embraced by the term free-market economy.

Unfortunately, in many political environments of the world, free-market economy means free of trade unions. In fact, one of the basic tenets of many of the so-called market philosophers and technocrats is the diminution of the role of the trade union in all of its aspects which are of great value to industry. These include occupational safety and health training, training in general, skill upgrading and all the other very specific contributions of trade unions to the industries in which they work through the work they carry out to ensure stability and safety or provide training. In many countries where free-market structures are being introduced or reintroduced, labour codes are being fine-tuned, resulting in the weakening of trade union movements.

In the United States of America, where in the 1980s the groundwork was laid for the failure of the U.S. economy, such fine-tuning was based in large part on the use of replacement workers in times of industrial strife. Workers legitimately striking when collective bargaining processes broke down were and are permanently replaced by non-union workers at much lower cost and at much higher profit margins for the companies involved. This widespread practice has taken on monstrous proportions in the United States, to the point where it is now a major battle for the labour movement to seek legislation to stop this onerous practice. Of course, in many societies there are no laws to be twisted in this fashion. In such cases striking workers know they have no chance, because they will be replaced by unemployed workers, whose numbers in many economic and social environments are staggering. There is thus a positive role played by the ILO in ensuring freedom of association, by hearing complaints concerning the violation of trade union rights and freedoms in many parts of the world.

Many of us in the international labour movement are working very hard to foster responsive trade union development and training programmes where no such activity existed before. This is particularly true in Eastern Europe, where private capital has tried frequently in the very recent past to take advantage of workforces accustomed neither to collective bargaining, nor to dealing with non-government industry. Although there is a sophisticated electronic network extending across Eastern Europe, which our international developed to gather and disseminate information, my own international is still beleaguered with requests for information from our newest affiliated organisations in the East. They ask how to deal with Western capital interests as they move in quickly to take advantage of advantageous potential. The ILO has been working in the East European reaches, and I am sure it will do more in the future to help develop responsive trade union institutions that can deal effectively with the evolution of economies in this very difficult context.

Another equally troubling and highly dangerous practice occurring from North to South and from East to West is the widespread use of contract labour to perform tasks previously carried out by trained and organised trade union workers. The clear and present danger of using unskilled maintenance and cleaning personnel contributed to the accidents in Bhopal, in oil refineries in Texas and in countless other major industrial accidents in recent years. While the advantages of hiring non-union workers who are unskilled or underqualified to perform tasks previously carried out by long-term trade union employees may be attractive to employers, it can be deadly in terms of the environment, plant and community safety and, in a very direct sense, the safeguarding of the workers themselves in refineries, energy, nuclear energy plants, chemical plants and other relatively high-risk industrial sites.

This is a point that will be brought to bear strongly in the discussions now going on in the first discussion of the Committee on the Prevention of Industrial Disasters. It will be important in the context of the major hazard control system. We are working very hard to develop an ILO Convention on this very important matter for next year.

The "rites of privatisation", another phase of the free market approach to social and economic organisation in many countries, has sent shock waves among the workers of what heretofore has been public industry. Privatisation often entails job cutbacks, higher costs to the consumer and generally undervalued sellouts of industrial plants and equipment to private investors. This too is an area of considerable concern to us, in particular in the energy and utilities sector. We hope that the ILO's venerable forum for discussion and research will help us bring the extremely important elements of this new challenge of privatisation clearly into focus.

The Report of the Director-General entitled *Democratisation and the ILO* forcefully underlines the importance of the ILO not only to employer and trade union organisations that have traditionally subscribed to the Conventions and Recommendations of this great institution, but in a very real sense to newly-emerging economic and political structures in Eastern Europe. In fact, the Director-General's Report is a primer for trade union rights and freedoms throughout the world.

The Director-General echoes the posit of the former Secretary-General of the United Nations, Mr. Pérez de Cuellar, stating that "genuine political democracy has little chance to survive... without social justice". The ILO is based on that premise, and our Director-General has rightly seized this historic moment to put this thoughtful document before us. He underlines the 1952 International Labour Conference resolution which stated that "the fundamental and permanent mission of the trade union movement is the economic and social advancement of the workers". The 1952 Session of the Conference further resolved that "to these ends it is essential for the trade union movement in each country to preserve its freedom and independence so as to be in a position to carry forward its economic and social mission irrespective of political changes". That, I submit, is the challenge before us today in the established democracies and in the newly-emerging ones as well.

The ILO machinery for triparite consultation for freedom of association, for the establishment of mediation, arbitration and conciliation services, must be implanted effectively in all societies. My organisation will continue to cooperate and work with the ILO in its many manifestations to implant the democratic structures so clearly outlined in our Director-General's Report to this 79th Session of the International Labour Conference.

I am delighted to note the progress towards the ratification and application of ILO Conventions in Turkey, and I congratulate the Turkish Government for its long-awaited efforts in this important regard. These actions serve to illustrate the practical value of the ILO and its instruments, as it corresponds to the main thrust of the Director-General's Report to this Conference.

Original - French : Mr. CHOTARD *(Government delegate, France)* — Allow me in my turn to congratulate the President and the Officers of the Conference on their election to these very prestigious posts. I am all the happier, as the President's country is at present presiding the European Community.

The subject which the Director-General has chosen to deal with this year in his Report to this session of the Conference is an essential one for our Organisation. It is a question of knowing how, under what circumstances and at what cost the ILO can respond rapidly to the tremendous needs which have resulted from the current rush towards democratisation throughout the world. The ILO must play its role in this worldwide event, just as it has greatly contributed in its own way to the fall of the dictatorial and totalitarian regimes.

Let us remember, some years ago, when Central and Eastern Europe, part of Southern Europe, Latin America, were all dominated by dictatorships. All these countries have now chosen, one after the other, to go back to constitutional government and to a State based on the rule of law. And yet, many people at that time said it was all just par for the course, the wind of change which has, so often blown throughout history. But there are not only ill winds and the dominoes of the famous theory have fallen in the opposite direction. Once again, I would like to pay tribute to the ILO and to its leaders for the action they have taken during these dark years.

The Governing Body, in particular in its Committee on Freedom of Association, the Conference, in particular in its Committee on the Application of Standards, together with the constitutional complaints (remember the complaint submitted ten years ago today against the Government of Poland) have all quietly and continuously recalled the value of human rights. The small obstinate voice of our Organisation has counted, for something, with others of course. It has helped to undermine propaganda, dismantle the walls and the totalitarian apparatus. The democratic movement has spread throughout the world : in Africa and in Asia, we find that small steps are being taken, sometimes huge strides. We have to go further. It is democratic peace that we have to attain. Time is short. Let us not disappoint the people who expect so much from freedom and justice.

The Report submitted by Mr. Michel Hansenne is remarkable. It is clear, well thought-out, well written. We fully approve the tack it takes. It comes at just the right time to relay the deliberations carried out in the Governing Body as regards the budgetary choices for the next biennium.

As is the case in other international institutions, a unique opportunity is before us to think about the role, priorities and adjustments to be carried out within the ILO including in its structures, following the example of the United Nations secretariat.

The problem that arises is simple to state: how can we meet, with the resources of our zero growth budget, the demands from an ever-growing number of member States? The reply is also very simple. In each of our countries, as we well know, there is room to redeploy the use to which funds are put and to make savings. The Working Party on Improvements in the Functioning of the International Labour Conference, which has been made responsible for improving its efficiency at as low a cost as possible, has a very necessary task to carry out.

When we meet each year here in June, between these walls, sometimes fleeting, we are both struck by the perfection of the machinery, and also sometimes a bit overwhelmed because of the importance and the value of the Conference.

I therefore welcome the work which has already been done by the working party. Similar research in my opinion will have to be undertaken as regards other types of meetings. In the interest of all concerned, a great effort at rationalisation has to be made.

The same calm deliberation carried out without haste but with intellectual boldness will have be used to review all the main meetings such as the maritime conferences, industrial committees, regional conferences, and the same questions will have to be put as to their real use, their structures and their periodicity.

Concertation is, of course, indispensable. However, very often it could be a little bit more sober and less expensive.

The Report of the Director-General is, I would like to repeat, very well written. It is also very complete, so I am not going to go through all the interesting points made. I will merely make a few comments which apply to special original aspects of the ILO, namely the standard-setting system and tripartism.

The Conventions and Recommendations, that is, the "International Labour Code", are a coherent and dense package of instruments by which the new democratic governments can be guided.

In this connection, I would like first of all to see greater account taken of the concept of fundamental standards, that is, those which concern human rights. It is important that these standards be given priority. This is already coming true in the more regular submission of application reports. It should also be true with regard to collective pressure exerted on member States so that they will firstly ratify and then of course apply all these instruments. That is the essential part of the social aspect of democracy.

Secondly, special attention should be given to the drafting of standards. The force of our great Conventions, for instance the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Discrimination (Employment and Occupation) Convention 1958 (No. 111), lies in the fact that they are drafted in clear sentences and in general terms. For some time now we have found that there is a tendency to draw up standards in which the provisions are too specific, complicated and at times even ambiguous. This perfectionist tendency is unfortunate. Technocracy is at times the enemy of democracy. Conventions which keep to the usual practice of setting general rules are easier to ratify, easier to apply and easier to supervise.

And finally, now that the cold war is fortunately over and the same concepts are now accepted more or less throughout the world, the time has come to think about the interpretation of Conventions. Certain clauses give rise to problems for governments that are of good faith. The International Court of Justice, the supreme authority, has been applied to only once since the foundation of the ILO. The ILO's Constitution provides for the possibility of setting up an ad hoc tribunal which would deal with any questions or difficulty related to the interpretation of a Convention. I would like to encourage the Girector-General to explore the possibilities in this connection.

As regards tripartism, I would like to recommend to the delegations of this Session of Conference to read very carefully the conclusions of the symposium on the new prospects for tripartism in Europe which took place in Brussels and which I attended. These conclusions are full of lessons for the fledgling democracies throughout the world.

It is not here, in this Organisation which more than 70 years ago invented tripartism, that I am going to speak about the merits of elasticity, flexibility and efficiency.

The Report emphasises very properly the main difficulty in this field for countries moving over to democracy the question of defining the role of the employers and workers in a liberal economy. It is up to one group to invest and decide and the others to respond to the proposed adjustments within the framework of negotiation techniques, which have been tied and tested, and which suit the particular conditions of the countries in which they are used.

The ILO has the privilege of being able to contribute directly to the emergence of freely chosen, representative and responsible organisations, but also that of continuing to facilitate closer relations between the international and national organisations which already exist. It is an urgent and fundamental task.

I would have liked, but I see that I am exceeding my time, to have made two further comments on tripartism. I will sum them up in a few words. Let us be careful that we realise that in order to achieve democracy, people need certain conditions – certain minimum living conditions. Secondly, there are not two categories of people in the world: those whose vocation it is to enjoy democratic rights and the others. I am convinced that there is only one category of people. And I am convinced, and my country has proved this through its history, that the desire for freedom and justice is deeply rooted in the hearts of all the men and women on this planet who we are representing here.

Original - Spanish: Mr. LUKOVIC *(Workers' adviser, Yugoslavia)* - First and foremost may I, on behalf of the Independent Trade Union Confederation of Yugoslavia, congratulate the President and the Vice-Presidents on their election at this 79th Session of the International Labour Conference and wish them every success in the exercise of their important functions.

I would also like congratulate the Director-General on the excellent Report he has submitted and on the very wise and timely choice of the theme: *Democratisation and the ILO*. The Report gives us an opportunity to discuss some of the most crucial issues with which we have all been confronted in recent years.

All the documents for this session have been well prepared and give us an opportunity of engaging in a highly fruitful exchange of experience.

The Independent Trade Union Confederation of Yugoslavia lends its support to the political and economic reforms under way in our country. I would like to emphasise that we need to incorporate into them a social dimension and constantly improve the living and working conditions of all workers. We believe that these are the foundations needed if reform and democratisation are to succeed. However, with the advent of the crisis and the armed conflict which are besetting Yugoslavia, the progress of social democratisation and reform has been violently and abruptly stopped.

From the beginning of this crisis, the Independent Trade Union Confederation of Yugoslavia has been calling for a peaceful and democratic solution to the problems, based upon an agreement all parties and the respect of the interests of all people living in the region. We were amongst the first to stand up against violence and destruction wrought by the nationalist forces.

In this terrible conflict which has now being going on for almost a year, it is the workers and young people and other innocent citizens who have suffered most. The tragic war in Bosnia-Herzegovina is an example of this.

Over the past year our trade union confederation has carried out a number of campaigns in favour of peace, and together with other democratic forces, we organised a peace movement. This campaign, unfortunately, was not very successful, because we ran into a large number of obstacles which were put in our way as a result of nationalist unilateralism, which is the source of this conflict.

However, we continue to pursue our activities in favour of a lasting, peaceful and democratic solution to all conflicts and problems. We wish and hope that it will be possible to continue to pursue economic, political and social reform and to make headway towards democratisation on the basis of an effective multi-party system which fully respects human rights and trade union freedoms.

We lend our support to the economic changes and reforms for the introduction of a market economy. If we have a more effective, more rational economic structures, we are confident that it will be possible to improve the social conditions of workers and, in the process, guarantee their basic rights. It is absolutely vital that tripartism is promoted. It is vital that collective bargaining be conducted on a broad scale, and in this context the ILO and many trade union organisations throughout the world can lend us a helping hand.

The situation in my country is going from bad to worse. Some 700,000 people are without work and the real value of wages is on a steady decline. Inflation has exceeded 50 per cent per month. Social benefits are no longer adequate. There are hundreds of thousands of refugees and all these difficulties have been caused a large extent by the armed conflict besetting my country, the destruction of economic relations and links which existed between these united republics in the past, as well as outside pressure. Let us not forget that our economic system in the past was one economic entity and now that it is breaking up we are afflicted with economic chaos and our workers are confronted with uncertainty.

For all these reasons the Independent Trade Unions Confederation of Yugoslavia calls for peace and will spare no effort in trying to bring about peace as soon as possible. We are certain that we can rely upon the support of trade unions in Europe and all over the world.

In spite of very difficult circumstances, we continue to struggle for full employment, the increase of wages, better living standards for our workers, more humane working conditions, a healthy living and working environment, the respect of trade union rights and freedoms, the right to collective bargaining, the right to information and the consultation and involvement of workers in the decision-making process at the plant level. In other words, we are striving for the dignity of work and of the life our workers, for a society which is open to Europe and the rest of the world in the hope that this development will be carried out in full compliance with international labour standards.

To this end, we rely on the support, assistance and cooperation of all trade union organisations, as well as on the technical assistance of the International Labour Organisation.

Original – Spanish: Mr. FERNÁNDEZ *(Workers' delegate, Uruguay)* – First of all, please allow me to congratulate the President and the other officers on their election, which is a matter of prestige for all delegates to this session of the Conference.

I would like to share with you our thoughts on the Report of the Director-General.

We agree with almost all the statements made in this document. The PIT-CNT, the only trade union confederation in Uruguay, believes in genuine democracy which guarantees individual and collective freedoms and is based on fundamental rights and social protection. We also believe in the dynamic concept of democracy which, starting with the recognition of political freedom, extends to economic and social relations.

The Director-General has rightly said that "democracy . . . demands that everyone should share in political power and in economic responsibilities". This is a major point since there can be no doubt concerning the legitimate expectations of the workers to participate in some way in economic and social decisions. The Report itself promotes tripartite action by stating that "social dialogue is possible only if the State . . . does not decide everything in advance."

Here we have a difference of view with our Government. We reject the Government's unilateral decision to grant to the public sector workers a 5 per cent wage increase for the last quarter when inflation was over 80 per cent last year and is estimated at 50 per cent this year, according to a report prepared by the Government for the International Monetary Fund. We believe inflation will be even higher than that. Workers in this sectors of the central administration no doubt receive the lowest wages and are therefore sentenced to an unacceptable sacrifice.

There is also a mistake in the wage policy for workers in the private sector. Wage increases are on the order of 35 per cent annually, in spite of the much higher rate of inflation. The Government, moreover, has said that it will not validate collective agreements which exceed these limits.

Consequently, a large part of private sector workers are sentenced to underconsumption. In response to this unjust wage policy, the Senate, on 29 May, stated that the Executive Branch's wage policy greatly affects the purchasing power of public and private sector workers and of pensioners, by reducing real wages which already are insufficient for most of these persons. In this light, the Senate demanded that the Executive Branch correct this policy, and for this purpose, instructed its Finance, Labour Affairs and Social Security Committees to discuss and implement this correction with the corresponding government ministries.

The Government's reaction to the legitimate protest of public sector workers against the deterioration of their wages and their conditions of life, is in open violation of Conventions Nos. 87 and 98; indeed, it has curtailed the right to strike more severly than has ever been the case in Uruguay under democratic regimes. A "directive" issued to the senior officials of the Administration, who are requested to identify striker workers on a specific form authorises them to qualify strikes as legal or illegal, and to undertake summary proceedings which may lead to dismissal. The directive also grants exorbitant powers in the definition of essential services. It establishes a restrictive and unconstitutional concept of the right to strike, limited to occupational demands ; moreover, it introduces other arbitrary measures in saying that go-slow strikes, work to rule and the suspension of work by a group of workers constitute illegal and abusive strikes leading to the severest sanctions.

We would like to recall that the Committee on Freedom of Association has said that "regarding various types of strike action denied to workers (tools-down, go-slow, work-to-rule, and sitdown strikes), the Committee considers that these restrictions may be justified only if the strike ceases to be peaceful."

At the same time the Government has denounced a collective agreement of the workers of the National Port Administration, eliminating certain benefits and creating a climate of confrontation.

This wage dispute brings to mind a comment of the Director-General on the policies advocated by the International Monetary Fund. He recalls that the Managing Director of the Fund "spoke of possible ways of making democratisation and economic development proceed hand in hand" These concerns have been reiterated time and time again by the Managing Director of the IMF. However, it appears that no adequate answer to this question has been found because the fact is that the Fund continues to leave greater poverty in its wake.

We hope that cooperation between the ILO and the IMF, announced at last year's session of the Conference, will bear fruit by leading to the creation of a social space or dimension in a world dominated by neoliberal thinking. Under this banner, the State has indiscriminately privatised its services, selling its strategic sectors to the highest bidders, reducing its expenses and increasing social hardship and thus, at the same time, creating a larger marginal population and obliging the workers to turn to the informal sector where their lot will be underconsumption and the lack of social protection.

Following this neoliberal thinking, our Government presented a Bill for the reform of our social security system. It calls for a clear-cut decrease in benefits, which will force workers to postpone retirement and then provide them with pensions that are lower than the current pittance they receive. Parliament again defeated this neoliberal incursion ; by majority vote it decided to reject the Bill in order to open a calm discussion to all sectors of the population, given the importance of this subject.

Let us now proceed to this fascinating question of what the ILO can contribute to the process of democratisation. There is no doubt as to the efforts that must be made to apply fundamental rights, in the understanding, of course, that these include political, social, economic and cultural rights.

We believe that, together with the adoption of new standards by the ILO (unfortunately standards adopted during the last few years have been very weak due to the intransigence and intolerance of the employers), the ILO must continue intensifying the implementation of technical cooperation. Along these lines, we would like to express our deep gratitude to the ILO for the valuable support it has given and continues to give to the Uruguayan workers through its technical support in training, seminars and other events.

We hope that this effort of the ILO will continue in connection with the problems created for us by MERCOSUR. This is the most important process of integration in Latin America, in terms of the territorial extension of the countries which are Members and their respective populations. We reiterate the request already formulated in the past that MERCOSUR should have a unit which is exclusively devoted to its requirements.

Let us, moreover, recall that Uruguay, as one of the smallest countries of the MERCOSUR common market, runs a greater risk of suffering the negative effects which the integration is expected to engender. This is why we want to participate fully in this process, which is of great interest to the workers. And we would like to say, finally, that we firmly object to the requirements imposed by the international financing organisations like the Monetary Fund, the World Bank and the Inter-American Development Bank, because these requirements are contrary to the interest of workers.

Finally, we demand the unrestricted respect for trade union rights and the self-determination of people, and we condemn the assassinations and persecutions of trade union militants and trade union leaders in Colombia. These crimes are not compatible with democracy, nor with the wish of men and women around the world to live in peace, in freedom and with social justice.

Mr. QUIGLEY *(representative of the World Confederation of Organisations of the Teaching Profession)* – For 40 years the World Confederation of Organisations of the Teaching Profession has attended the International Labour Conference, but this will be the last time.

As my colleague from the International Federation of Free Teachers' Unions said this morning, on 26 January next a new teachers' international organisation and an organisation also of education employees will come into being. The Education International will be founded in Stockholm as a result of a historic agreement between our two organisations.

International teacher unity has been a long-time goal for the WCOTP, enshrined in our Constitution. The new Education International will not only consolidate the position of teachers in the international labour movement, it will also be the international trade secretariat for the entire education sector.

Representing over 20 million teachers and other education employees initially, but with a potential for considerable growth in the very near future, the new organisation will be the largest ITS associated with the ICFTU.

The achievement of international unity comes at an important moment for teachers worldwide. During the last decade, the number of cases of violations of teachers' trade union rights has increased dramatically. The ILO's Governing Body itself has commented on the increase of cases before the Committee on Freedom of Association, particularly as regards teachers.

The WCOTP currently has complaints before the Committee on Freedom of Association involving serious violations of basic trade union rights: in the Republic of Korea, where 1,500 teachers have now been out of work for over two years because of their trade union activities; in the Philippines, where nearly 3,000 teachers in Manila were suspended or dismissed for going on strike and are only now being reinstated; in Morocco and Peru, where striking teachers were also intimidated. We still have ongoing cases in Sierra Leone, Ecuador, Nepal, Guatemala, Haiti, El Salvador and Iceland. As the Committee on Freedom of Association and the Governing Body will proceed with these cases in the usual way, and as we have great confidence in ILO procedures, I will not comment further on any of these cases at the present time.

However, I would like to make a general comment based on my experience in the trade union movement of my own country and in Europe, including past experience as President of our National Trade Union Centre. My comment is this : it is in a government's own interest to seek partnership with teachers' unions and to recognise their legitimate role as negotiating partners on educational policy and on the conditions of their members. Such recognition is in the public interest and it will bear fruit for the benefit of the society as a whole.

The erosion of teachers' trade union rights represented by this increase in cases, has been closely linked with a significant decline in working conditions. Last November, the ILO organised the Second Joint Meeting on Conditions of Work of Teachers. The excellent ILO working document prepared for that meeting entitled *Teachers: Challenges of the 1990s*, provides irrefutable evidence of the decline of real salaries and working conditions since the mid-1970s. The conclusions of that meeting, resulting from a successful negotiation between the teacher union representatives and the Government and Employers' representatives are of the utmost importance.

The Governing Body's decision to establish this meeting as a Standing Committee for Education Personnel is timely. It provides recognition for the importance of education, not only for the members on whose behalf I speak today, but also for all the components of the International Labour Organisation – the trade union movement, the employers and the public authorities.

We strongly support the recommendation that the next meeting of the Standing Committee be held as early as possible, preferably during the forthcoming biennium.

One month before the Joint Meeting held at ILO headquarters last year, another event highlighted the same issues. In October, a special ceremony in Paris, addressed by the Deputy Director-General of the ILO, marked the 25th anniversary of the ILO/UNESCO recommendation concerning the status of teachers, which was adopted at an intergovernmental conference in 1966. That recommendation, which has been described as "a work of justice and progress", is fundamental to all education systems, but it is still overlooked or even ignored by too many policy-makers in too many countries. We strongly support the work of the ILO in promoting information about the recommendation as well as international labour standards which affect teachers and the education sector generally.

Let us note that, like the ILO document to which I referred earlier, the reports of the Committee of Experts on the application of this recommendation, prepared at five – yearly intervals, provide more irrefutable evidence of the decline of teachers' salaries and working conditions over the last decade and a half.

Let us also note that in a changing world, teachers a more important role than ever to play. Their salaries and working conditions are important not only for our members, but also for the quality of the education they provide.

If a teacher has to "moonlight" by taking an extra job in order to feed his or her family, the quality of education suffers.

It goes without saying that low teachers' salaries will affect teacher recruitment. Their salaries must be able to compete with those of other qualified groups on the labour market.

One of the important conclusions of the Joint Meeting last November was that the teachers' unions cannot be excluded from the protection of international labour standards, including the right to organise, to negotiate and to bargain collectively. Arguments presented by a minority of governments that teachers should be denied basic trade union rights because they are, in the main, public employees were rightly rejected by the joint meeting. As the Committee on Freedom of Association and the Governing Body have asserted in the past, there is no reason or justification to deny teachers the application of basic international labour standards.

The presence of private school employers for the first time at last November's meeting highlighted the issue of privatisation of education which has been debated in many countries. There are important educational considerations to be taken into account. We need to guarantee equality of opportunity and to provide guarantees against discrimination. Moreover, if the teachers' unions in the future have to negotiate with a multiplicity of different employers, there is an obvious risk that salaries and working conditions will be very different from one school to another. The result will inevitably be that some schools will provide excellent working conditions and a high quality of education, while others will have exceedingly poor conditions. Is this really the wish of parents and of society as a whole?

Last November's meeting pointed to the need for the development of in-service training which must be the responsibility of the school system as a whole.

Education is by definition a people-intensive industry. Investment in education means investment in people, and such investments are profitable not so much in the short-term but in the long-term. Short-term structural adjustment policies which cut budget allocations to education and which reduce the funds needed to pay the people who work in education, therefore run in opposition to the longer-term interest of each national society. By cutting education expenditure, they cut the very investment which counts most for future development.

We strongly endorse the view expressed by the Organisation for African Trade Union Unity on the importance of removing the debt burden afflicting Third World countries. Unless this burden is removed there is no realistic prospect of improving the conditions of teachers and thereby improving the quality of education.

Our new Education International, to which I referred at the outset, will work closely with the ILO as a responsible partner. Together with our colleagues in the trade union movement in general, we in the education sector have to confront new challenges affecting the fate of communities throughout the world. Although the Cold War is over, we live at a time of increased civil conflict and risk based on ethnic, religious or national intolerance.

It has always been true that education has a central role to play in the search for understanding and peace so that people can live together harmoniously and work together productively.

Our new Education International, will work for dialogue and understanding. It will continue to promote the view which has underpinned the philosophy of WCOTP during the last 40 years, that quality education for all is fundamental to the attainment of peace among nations, respect between communities and justice for men and women, girls and boys throughout the world.

Original – French: Mr. KUBWIMANA *(representative of the Organisation of Workers of Central Africa)* – First please permit me to join those who have spoken before me in extending my sincere congratulations to the President of this session and to the other officers on the unanimous vote of confidence they received from the Conference participants when they entrusted the guidance of this Conference to them.

I would also like, on behalf of all the trade unions which are members of the Organisation of Workers of Central Africa which I have the honour of representing as President, to congratulate and thank the Director-General of the ILO, Mr. Michel Hansenne, for the exceptionally high standard of the documents which have been presented to us. I would like to single out in particular the first part of his Report, which deals with democratisation and the ILO.

It is this extremely topical subject which I propose to address in my modest contribution to the discussion on the Director-General's Report. I would like to inform the distinguished delegates to the Conference of the overall experiences of Central African trade unions with democratisation in their respective countries. I would also like to express our fervent hope that the ILO will contribute effectively to strengthening the impact of the trade unions' participation along the long and winding road leading to democratisation in our region.

As the Director-Director of the ILO himself says in the above-mentioned Report, the socio-political reforms under way in most countries of the Third World and Eastern Europe have always been called for by the ILO in the past. Some of these ideas may even be found in ILO Conventions, which unfortunately were not always ratified or observed by the member States.

In the democratisation of social and economic relations the ILO has always been at the forefront. This economic and social democratisation is now giving rise to political democratisation. The ILO has indubitably played a decisive role in the rising awareness of democratic professional associations, and in particular trade unions, and in the shaping of the strategies and tactics they used to get rid of outdated regimes. Indeed, it is the ILO that always has emphasised the concepts of participation and negotiation. It was because these ideas were taken to heart and implemented by the social partners in industrial relations that several political leaders of the developing world eventually adopted new approaches to national issues, such as the use of dialogues, concertation, transparency and consultation of the people whenever their interests of future were at stake.

It would not be an exaggeration to say that since its inception the ILO has been a genuine school of democracy for many governments and professional associations. Within their countries, they in turn have been a breeding ground of democratic learning, sometimes becoming no less than a paradigm for all progressive national forces, and especially for young people and women.

In nearly all the countries of the Central African subregion it was trade unions or social and professional organisations akin to them which lit and held high the torch of democracy. They first demanded the right to organise and function independently, thus freeing themselves of the stultifying and stifling grip of the party state, and subsequently proclaimed their ideological independence from the parties in power.

It was this activity that led to the emergence of previously banned free and independent trade unions, the establishment of human rights associations and opposition parties and the creation of cultural or professional associations free of all tutelage.

The formal return to political democracy and the liberalisation of the economy cannot, however, suffice in these countries to ensure proper protection of workers' rights.

Indeed, as the Director-General emphasises quite relevantly in the first part of his Report, "the newly constituted trade unions are coming up against all manner of constraints, their difficulties are aggravated by an excessive fragmention which is scarcely conducive to that unity of expression and participation so indispensible to these organisations if they aspire to play an effective part in the consolidation of trade union structures and policies and in a genuine participation in their country's economic and social life." On page 55 of the Director-General's Report he also says: "A basic question is which type and level of trade union will predominate in the longer term: national general unions, industrial or craft unions, company unions, or some new form?"

In my country – Burundi – the former union, the Union of Workers of Burundi (UTB), was restructured as a central trade union organisation grouping 18 federations and free and independent trade union organisations. This helped us to avoid many of the pitfalls and setbacks plaguing freedom of association, which the Director-General so aptly identified in his Report.

Even before the referendum on 9 March 1992 approving the new Constitution of the Republic of Burundi, which enshrined the principles of multipartism and freedom of association, the national trade union congress, held from 29 to 30 December 1991, asserted the autonomy and independence of the trade unions and the crucial need for their unity faced with partners who, for their part, also favour the use of a common line of defence.

The trade unions of Burundi, which previously used to hold separate national congresses and conferences, freely and democratically created a joint coordination stucture for national representation to permit them to defend the interests of the whole working class of Burundi.

The Confederation of Free Trade Unions of Burundi is indeed a democratic organisation defending the common interests of all workers of Burundi, and as such it is recognised by its traditional counterparts, the Government and the Association of Employers of Burundi. Such is the case, whether a certain pseudo-independent press manipulated by the anti-democratic lobby likes it or not. Those behind this press are simply afraid of being washed away by the democratic current, which is primarily fueled by the new style of trade unionism in Burundi. If the workers' organisations in my country are to be steadfast in the face of the various constraints and adversity of our current trade union struggle, they will be looking to the ILO for support. As the Director-General says in his Report, this support has always been extended to the trade unions, in particular in assisting them to develop workers' education programmes.

One cannot sufficiently emphasise the vital need for trade union and vocational training programmes for efforts to teach workers how to handle the new responsibilities that are arising in the international context, both at the economic level.

The ILO should provide its workers' education department with greater human, financial and logistic resources in order that the ILO's assistance to trade union organisations may truly meet their many and urgent needs.

The trade unions in the Central African subregion are already grateful to the ILO for all the efforts it has made in the area. We will never cease to turn to the ILO for advice, technical and financial support, and with many other request which are bound to be generated by the circumstances of the trade union struggle over the next few years.

I will close in saying on behalf of the trade union organisations of Central Africa represented at the Conference, that I wish the conference every success.

Original – Arabic: Mr. KHOURY *(Government delegate, Lebanon)* – I would like to start by expressing my sincerest congratulations to Mr. Nascimento Rodrigues on his election as President of the 79th session of the International Labour Conference. He deserves our confidence and I hope that he will succeed in leading our Conference so that it adopts resolutions and recommendations which will be respected and implemented.

I would like now to tell you that the Lebanese Minister of Labour, Mr. Abdulla El-Amine has entrusted me to express his best regards to you and his best wishes for your success, and I will read his speech in this respect:

"The Director-General of the International Labour Conference did not raise in vain the question of democracy under a new international order. Had he not proposed this as a principle of the International Labour Organisation, Lebanon would have raised this question because it is the secret of its existence, the essence of its being, the spring of life for its hopes and the cause of vitality for future generations.

"Why do I say this? Because democracy is the dream of all people; but is also a nightmare for the whole world. You may enjoy freedom and justice, work and wages, if controls are placed on the democracy you exercise. You may also lose everything, even your dignity as a human being, if you go to extremes in your exercise of democracy; if you throw democracy to the wild animals, or you carry them to democracy. And I would confess that we in Lebanon went to extremes in our love for democracy, in such a way that our enemies were tempted, and therefore we fell victims to our illusions and were an easy prey before these enemies.

"On the basis of this premise, I would like to explain to you why the delegation of the Lebanese Republic is participating in this Conference, but the Minister is not participating. I did not come to Geneva because a dictatorship carrying the mask of democracy is occupying our land, is burning our harvests, demolishing our houses, killing the old people, women and children in our country, and imposing homelessness on them, obliging me, and many colleagues of mine in the Government, to remain in the country beside those workers whose factories have been destroyed by the Israeli war machine, and therefore become unemployed. I also wanted to remain beside the peasants who are trying in vain to graze their cattle and to harvest their crops; but they can harvest only shattered hopes. I have already told you why I did not come to your Conference, and in this way I think I have presented my apologies to you. I should like to pay respects to the Report of the Director-General, which demonstrates once again how great the International Labour Organisation is, because it always adapts to whatever new developments occur and to the century's achievements.

It thus bears witness to the fact that an organisation which adopts the logic of science and is guided by faith never grows old, because it draws upon the experience of its experts and through the wisdom and knowledge of its member States, gathers the best of what they can offer; and even if they go away or grow older; it remains young and strong.

"I was pleased to see that the Report deals with ways of democratising society in the new world order. Why was I pleased? Because we in my country Lebanon – and particularly now after the wars, feuds and conspiracies we had to face – find that we are enjoying absolute support from the Syrian Arab Republic; a support offered to us on the basis of fraternity and friendship and the common struggle between the two people of Syria and Lebanon on behalf of safety and peace of the Lebanon and the whole area; under the Taef agreement which the Servant of the Two Holy Shrines welcomed in his beloved country.

"I am happy because we are now charting a single path consistent with the goals of the International Labour Organisation.

"It is true what I told you at the outset that, because of our love for democracy in Lebanon, we fell prey to democracy. But, despite the fact that Israel is obstructing, with unprecedented savagery, our attempts to mobilise all our efforts to work after ourselves, we still believe that setbacks of democracy may only be remedied by more democracy.

"A week ago, thousands of employers met and elected in a purely democratic way their representatives to Chambers of Commerce in Beirut, Mount Lebanon, Northern and Southern Lebanon. A month earlier, thousands of industrialists met and, in the same purely democratic way, elected their representatives to Chambers of Industries. Not a single bullet was shot; no stick was used. But all that happened was the free people met and elected free people.

"Did you know that the General Confederation of Lebanese Workers closed all workplaces in the country for one day, in defence of its conception of how the performance of the State could be redressed? Nobody was interrogated; no one was harassed; not a single worker was imprisoned. But we started a democratic debate with the representatives of this Confederation, which is exactly what should happen when courageous people meet and discuss.

"I was pleased to read in the Report of the Director-General the way in which our Organisation is fighting class and racial discrimination; because the new generation in Lebanon is contributing to the destruction of the last traces of financial, tribal and political feudalism, looking forward for a future in which ideals of democracy, justice, freedom, social and political equality will prevail.

"As I do not want to go beyond the ten minutes allotted each speaker, I would like to say briefly that we need your support to reorganise the Ministry of Labour, to reform social security to broaden the scope of vocational training programmes, to improve working conditions and levels of work to develop skills among State officials and to reorganise employers' associations and trade unions, because we need better work in a better country.

"But, before anything else, we need security. You know very well that when we were invited to the International Peace Conference on the Middle East, we responded immediately in the affirmative, because we hold customs which forbid us to pass in front of anybody, even our enemy, without saying "peace be with you". And our religion punishes us for violating this custom. If anybody greets us, we have to greet them in a better way or at least in the same way. And we have opened our arms to peace. Israel, unfortunately, is still striking both militarily and politically. Israel does not open its arms to peace but, striking with its two fists, tries to possess the sea, land and air, the trees, the stones and the people; after that, it would like to give us the peace of the graveyard.

"I thank you very much for listening, but I hope that you realise why it was impossible for me to participate personally at your Conference. There is another duty which obliges me to remain in my country to negotiate for peace and to fight for freedom. I should like, in concluding, to recall the words of the first Director-General of the International Labour Office, Mr. Albert Thomas, who said if you want peace, you should cultivate justice (Si vis pacem, cole justiciam). Albert Thomas, after your death, we are still waiting for the fulfilment of the wish of your life."

Original – Arabic: Mr. DAJANI *(Employers' adviser, Jordan)* – In the name of God, the Compassionate, the Merciful! It is a pleasure for me to address this great assembly on behalf of the Chamber of Industries of Amman, the representative body of the employers in Jordan. I would like to congratulate the President on his election and I would like to associate myself with other participants in expressing our confidence in his wisdom and his ability to bring our work to a successful conclusion so that we can attain the objectives which we have all set ourselves. I would also like to congratulate the Vice-Presidents on their election.

I would like to congratulate the Director-General on his excellent Report this year which is worthy of admiration and which is adapted to the spirit of the age. It gives democracy and its development their proper place on the road to a new era where we will have stability, prosperity and peace, and where every people will enjoy its right to live freely and to enjoy social and economic progress, and where work will play a constructive role and contribute to the respect of human dignity and well-being.

I would also like to welcome the new Members who have adhered to the International Labour Organisation and I am sure we will have the occasion to meet and cooperate with the employers of these countries in the work of our Organisation.

As regards the promotion and practice of tripartism, a question examined by the Director-General in his Report, we would like to see a tripartite charter drawn up by the Conference and, if necessary, incorporated into the Labour Code. As one of the social partners, we the Jordanian employers are endeavouring to apply the principle of tripartism in all areas of work (legislation, social security, vocational training, occupational safety and health, employment, crisis management, etc.) Of our recent achievements in this sphere mention may be made of the preparation of a project for modernising our labour legislation, which goes back to 1960, to make it clearer, as regards reciprocal rights and obligations, the settlement of disputes, the employment of women, the employment of disabled persons, vocational training, trade union rights and many other matters.

In Jordan, employers' and workers' organisations have become democratic institutions. They are now free to act in accordance with their statutes and within the framework of the general democratic policy established by His Majesty King Hussein at the time of the parliamentary elections in 1989, when democracy became an integrated part of the life of the nation.

We have not forgotten that democracy, if it is to be authentic and strong, must be accompanied by economic and social development. This is why the Government of Jordan, in collaboration with the private sector, has prepared a social and economic development plan for 1993-97. The objective of this plan is to promote development and, above all, to address the problem of unemployment which has become even more complex since the return to Jordan of 300,000 persons who worked in the countries of the Gulf and who account for some 10 per cent of the population of Jordan. A great number of these people need a job to meet their daily needs, in addition to housing, health services, education and other social benefits. Another objective of this plan is convert the present negative economic growth rate, which is between -2 per cent and -3 per cent, into a positive rate in order to increase the GDP and compensate for the losses incurred in 1990 and 1991 following the Gulf War.

Jordan relies above all on its human resources and for this reasons appreciates the efforts made by the ILO in the sphere of vocational training and the retraining of workers who return to their countries, thus enabling them to find work more easily in industry or the service sector.

The efforts made by the Government of Jordan and by the employers and workers have the same objective, namely to resolve the major problems which have taken a large part of our population to the threshold of poverty. We hope that these clouds brought by the crisis of the Gulf war will disappear and that peace will return to the Middle East and this region can play an active role in the new world order.

The establishment of a new world order of peace and stability cannot be achieved as long as the country which claims to be democratic in the Middle East continues to violate human and trade union rights and freedoms. This is not a subject which are examining today since it will be analysed tomorrow during the course of a special sitting. I would, however, like to take this opportunity to thank the Governing Body and the Director-General for their comprehension of the special situation posed by the violation of human and trade union rights in the occupied Arab territories. They have courageously decided to devote a special sitting to the examination of the Director-General's Report on this subject.

We note with satisfaction the interest of the Director-General and the Governing Body in convening a number of special seminars on labour problems and workers in a number of Arab and Asian countries. I should like, in particular, to mention the seminar on the employment of disabled persons which was held in Cairo in 1991 and we hope to organise a similar event in Jordan. We would also like to applaud the holding of a special seminar on ways to promote small businesses organised jointly by the ILO, the Queen Alia Fund for Voluntary and Social Work and the Chamber of Industry of Amman. This seminar brought together for the first time a large number of persons working in the informal sector. These persons who had never heard of the ILO were thus able to see the interest which the Organisation has in them. As a result of their awareness, they expressed a wish for further assistance in improving their working conditions.

During the seminar I expressed a special wish that the working conditions of workers in the informal sector might be improved. This is, of course, within the framework of the strategy of the Government of Jordan, which is oriented towards the preparation of a national plan for the protection of the environment. The Chamber of Industry of Amman made a contribution to this project by setting up an environmental service to combat environmental pollution.

We have also participated in the seminar held in Colombo (Sri Lanka) on the protection of workers' claims in the event of insolvency by their employers. This seminar was very successful because of the efforts made by its organisers and the support given by the Government of Japan. We hope that the recommendations adopted by the seminar will enrich the discussions on this subject at the present session of the Conference.

The seminar was attended by representatives of the countries of East and West Asia as well as representatives of advanced countries such as Japan, Australia and New Zealand, thus enabling us to learn of the experiences of the advanced countries. We thank the Government of Japan for its support of this seminar and we hope that future meetings will be attended by representatives of the advanced countries and countries of the Third World.

As employers in Jordan, we accompanied the mission of inquiry which was sent to this country to report on the violation of trade union rights, a subject to which we will return.

We hope that the ILO will continue to combat ideologies which have been detrimental to man and peace, such as apartheid in South Africa. We are convinced that these efforts will result in the total elimination of these ideologies which are contrary to human dignity and which stir up racism and hate between men. In saying this, I am referring essentially to international Zionism. This kind of retrograde ideology is out of place in a world in which men reject egoism and racism.

We would like to see greater cooperation between the ILO and the Arab Labour Organisation, which indudes around 12 per cent of the Members of this Organisation and is concerned with the interests of a large number of workers in need of training, in particular advanced training in the industrial sector. We hope that the ILO will organise seminars such as those that were held in Tunis and Amman to promote cooperation and democratic dialogue between the social partners with a view to promoting the principle of tripartism which, in the view of us all, will help improve output. Finally, the ILO should examine on a permanent basis the questions of productivity and output.

Original – Arabic: Mr. **ABUZEID** ***(Workers' adviser, Libyan Arab Jamahiriya)*** – In the Name of

God, the Merciful, the Compassionate. On behalf of the General Federation of Artisans and Production Workers in the Libyan Arab Jamahiriya, I would like to extend my sincere congratulations to the President of the 79th Session of the International Labour Conference. His election, in addition to being a great honour for Portugal, a country with which we have friendly relations in Libya, will enable this session of the Conference to reach its objectives. I would like to seize this opportunity to extend my congratulations to the other officers of this session of the Conference, as well.

I would like also to congratulate Mr. Michel Hansenne, the Director-General of the ILO, for his comprehensive and remarkable Report to this session. We would like also to express our great satisfaction for his choice of democratisation as the topic of his Report, given the importance of this issue at a time when our world is experiencing so many changes, evidence of mankind's yearning to find the right approach to solve the problem of democracy. The struggle of peoples over the centuries, and indeed since the very inception of mankind, centres on finding solutions to the problem of democracy. In spite of the repeated efforts and the great sacrifices made by peoples in this respect, mankind was not able to find the right formula for democracy until the advent of this era and the glorious revolution of Al-Fattah, which gave rise to the history of the people's masses, which offers a final and unique solutions to the problem of democracy. This solution is based on the right of the people as a whole to practice direct democracy by enabling the masses everywhere to exercise power through popular conferences, popular committees and occupational organisations.

The theory of the masses is based on one important foundation, and that is that very human being in society is free and the master of his own destiny. It is every individual's right not only to express his opinion but to participate in decision-making in all issues which concern him as an individual and as part of society, without any deputisation or representation by another individual. The theory of the masses, which was engendered by the Third World theory and is expounded in the Green Book, emphasises the right of every individual to possess power, fortune and arms, and the need to break every monopoly, because power, wealth and arms are the source of force and should not be monopolised by any third party.

Therefore, democracy, in its vast and precise meaning, is the enjoyment of all rights and of all sources of power. Everyone has the right to draw up internal and external policies and to select delegates to executive organs, to practise popular supervision, to introduce legislation that will govern the exercise of this popular authority. Thus, the theory of the masses is the result of the struggle of the peoples for democracy.

Thanks to the implementation of direct democracy and the publication of the great Green Agreement on human rights in the era of Jamahiriya, and thanks especially to the accomplishments of the Revolution, human freedoms were consolidated on Libyan soil; and basic human rights were realised and democracy fulfilled. We could give many examples. I would merely like to mention here that right to organise, the right to defend all employees, the right to choose work freely and democratic dialogue are all guaranteed in the theory of the masses. Moreover, the workers, after the 1978 Revolution, were able to eliminate all causes and instruments of exploitation and moved from the category of paid slaves to the category of partners. Our workers have obtained great advantages, unavailable to any other workers. They are able to take decisions at the workplace; they select their own management and executive bodies; and they have become partners in factories and companies. They have even become shareholders in all the enterprises in which they work.

Since we are discussing the issue of democracy and how to bolster and defend human rights throughout the world, it is imperative here that we mention the desire of the Libyan Arab people to defend human rights and freedoms everywhere: this prompted Libyan people to contribute effectively to the liberation of a large number of States which were under the yoke of colonialism and exploitation. The Libyan Arab Jamahiriya supports the struggles of peoples for liberation and sets out to consolidate democracy and human rights. It provides assistance to those liberation movements, be they Arab, African or international, which conduct a legitimate compaign to obtain freedom and independence. For instance, I may mention the support provided by the Jamahiriya to the Palestinian and Lebanese Arab peoples to assist them against the occupation of the Zionist entity, and to the South African people to assist in their struggle against racial discrimination. As a consequence of this stance, the Jamahiriya has fallen prey to a neo-Colonialist orchestrated campaign of false and unfair accusations made by certain western States which, under the leadership of the United States of America, are attempting to pin responsibility for the Pan Am airplane incident on some Libyan citizens. This campaign grew to the point where the pressure brought to bear on our country infringed on the sovereignty and independence of our people. Our federation cannot possibly accept such a state of affairs.

We condemn terrorism in all its forms, just as we condemn all violations of human rights. We support all initiatives and sincere attempts to find a solution to problems with the States concerned. However, we are resolved to demanding respect for our sovereignty and independence along with observance of human rights and international practices and instruments.

Consequently, we believe that this question should be dealt with giving due consideration to human rights instruments, with respect for the eternal values of sacred religions, the law of nature, the instruments of the United Nations and international conventions. In our view, this is a legal question concerning two people who have been accused and who must be guaranteed their basic rights. It is thus appropriate to cite the Universal Declaration of Human Rights, and particularly Article 10 of the Declaration, which reads as follows: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

Furthermore, we would like to stress the importance of Article 11 (1) of the Declaration which says that "everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence".

This is why the accused are innocent until proven otherwise and international and Libyan law do not authorise handing them over to the States requesting them, since that would undermine Libyan sovereignty. Both logic and law preclude the possibility of the aggressor being both judge and judged.

Despite that, the Libyan Arab Jamahiriya has declared its readiness to collaborate to find an equitable and honourable solution to this affair and has requested that the inquiry be held in a neutral country, although that is contrary to Libyan penal legislation and the rules of sovereignty. We believe that the solution to this problem should not be found at the expense of respect for human rights, and individuals should not be made victims of political conflict between States.

Security Council resolution 748 imposing arbitrary sanctions on the people of Libya is a blatant violation of human rights and the result of pressure coming from certain powers, under the rule of the United States of America, on certain members of the Security Council. The imposition of these sanctions including the ban on civilian flights has had serious and negative consequences for the situation of all workers in our country, Libyan, Arab or foreign. This embargo has limited workers' freedom of movement and hindered the movement of migrant workers, as well as production processes.

The Libyan Arab Jamahiriya has more than two million workers of over 46 nationalities, mostly Arabs and Africans. We also have many Asian and European workers. The majority of them live in Libya with their families and this resolution has hindered their freedom of movement.

(The speaker is interrupted by the President.)

Mr. ABUZEID: I have not been able to finish my speech…

Original – Spanish: The PRESIDENT (Mr. SOLÓRZANO MARTÍNEZ) – I would remind you that the statutary time limit that has been fixed for speeches is ten minutes.

Original – Spanish: Mr. ARBELOA *(Employers' delegate, Venezuela)* – First of all, my sincerest congratulations go to the President as well as to all the Vice-Presidents on their well-deserved elections to their posts at this session of the Conference. Their success will be ours.

I feel extremely pleased to be able to express my special gratitude to the Director-General, Mr. Michel Hansenne, for the excellent and refreshing Report he presented to us entitled *Democratisation and the ILO.* In this Report, he shows a very deep understanding of the situation of the developing countries which, like Venezuela, are still fighting to consolidate their democracy. This document also is a commitment by the ILO to make the necessary investments to achieve these aims and of the decisive determination of the Director-General to support energetically structural readjustment and the very difficult but essential changes required in the traditional attitudes of the social partners. We trust that the various components of the ILO will also commit themselves to the objectives and the philosophy of the Director-General's Report. For this purpose we suggest that the Director-General do everything in his power to guarantee the multiplying effect of his Report.

As advocated by the ILO, the guarantee of liberal democracy requires political, economic and civil freedoms. The employers' federation of my country, FEDECAMARAS, claims that the guarantee of an organic democracy requires in addition positive economic results, as can be inferred from the Director-General's Report.

There is no doubt that in order to achieve reasonable economic results, it is essential to produce wealth which must be subsequently distributed in keeping with the efforts and contributions of each. In most developing countries, as is the case in Venezuela, it is obvious that we must give much greater attention to this aspect. Today, in view of the need for sustained competitivity, it is essential to have before us as a national objective a clear strategy which will achieve balance between the various sectors which have contributed to development.

In the first place, the strategy for this purpose must create the bases for generating wealth with honest labour, so that both employers and workers will be more autonomous and may depend only upon the fruit of our comparative advantages, the counterpart of which is rational development with renewable resources. All this must be pursued within the framework of appropriate laws in the commercial, labour and taxation spheres which will promote greater flexibility on minimum, realistic and internationally acceptable bases.

In the second place, it is essential to consider the growing interdependency of economies at the world level, which demands the development of an effective commercial diplomacy able to negotiate and bring about suitable agreements for the developing countries, such as Venezuela. There is no doubt that this requires not only negotiating skills, but more important, a certain leeway to actually exercise those skills.

On the other hand, to distribute wealth, the product of labour, as the Director-General's Report points out, requires the establishment of social justice, through the furthering of tripartism and the application of duly conceived international labour standards.

We must remember that wealth is not distributed better if the State transfers to the enterprises its responsibility for the quality of life of the workers. The only thing that this would achieve in practice would be to exhaust the capacity of response of the enterprise, endangering the stability and promotion of the small and medium-sized undertakings which are such a good source of employment.

FEDECAMARAS furthermore maintains that there is an urgent need for a profound renewal of ethical concepts in all activities in the battle against corruption in all sectors and to act differently rather than bogging ourselves down in an economic system of unearned income, which will bring with it a social model of consumerism likely to result in corruption and inefficiency which will debilitate democracy. We fully share this concern with Mr. Hansenne.

FEDECAMARAS accepts that the Venezuelan Government should try to correct various decades of economic and political mistakes by applying a policy to overhaul the economy with the support of all Venezuelans. But we must say that this requires more comprehensive and enthusiastic support from the International Monetary Fund, the World Bank and other international organisations in every sense.

The results of this sensitive, although insufficient and somewhat uncoordinated policy in our case, so far have been to provide only a partial and temporary palliative, since there is a need for a macroeconomic readjustment which must coincide with structural change, the symbiosis of which is a demanding and integrated process. In Venezuela we should have by now moved on from a paternalistic economy which has been falsified by subsidies and controls, of demogogy and populist practices to a freer economy, based on productive work and shared risks. We support this policy in Venezuela in a free, pluralistic process based on a respect of political minorities. But FEDECAMARAS believes that good democratic government is to be judged by its achievements and daily work in preventing the deterioration of living standards and fighting against poverty.

Indeed, the failed and unjustified attempt at a *coup d'état* of 4 February last was for us Venezuelans, and perhaps for all of Latin America, proof that changes must not be delayed and that they cannot be imposed without the concerted commitment of all the social sectors. However, these reforms must be made within a framework of exemplary honesty and transparency by the political sector, guaranteeing the promotion and protection of private enterprise and of property, equality of opportunities, moralisation, an appropriate judicial system, the elimination of monopolies and oligopolies, the decentralisation of the State, as proposed by the Director-General in his Report.

Latin American democracies are fragile. The peoples who have made them possible through arduous struggle need to be persuaded of the concrete benefits and qualities of the system and that the sacrifices which are made are on their own behalf and not for the benefit of the small privileged minorities which have always existed. The responsibility in countries such as Venezuela, whether good or bad, must be shared internationally and by those who have the tools in their hands to change the destiny of Latin America and who fear the commitment required by change.

For some deterministic reason, humanity at the end of every century has its collective conscience stimulated and its faculties for introducing changes are awakened, the changes which are the great protagonist of our contemporary history. We thus welcome the disappearance of degrading and oppressive totalitarianism of all kinds, German reunification, the acceptance by the European Economic Community of the challenge of GATT, the internal reform for which the United States seems to be preparing in the medium-term after the events at Los Angeles. Change cannot be improvised nor can it remain in the hands of the adventurers of power. Latin America must cross the threshold of the twenty-first century with a positive diagnosis in its hands which will include its potential progress, facts and figures with the supreme objective of bringing about its integrated transformation through its commitment towards improving its capacity to become an integral part of the global economy and to consolidate its democracy and its development.

History will not wait for Latin America.

I cannot close this statement without congratulating all those who participated in this Session of the Conference for having unanimously adopted at the Resolutions Committee, with the tripartite support of the delegation of Venezuela, the enthusiastically co-sponsored resolution of the employers of my country concerning the role of enterprises in the growth of employment and the creation of full productive and freely chosen employment. This resolution will now become the catalyser of structural readjustment, particularly in developing countries.

In concluding, I should like to remind you that we are expecting you in Caracas for the forthcoming session of the Conference of American States, where we will have a chance to discuss and give more thought to these subjects of such great importance to our continent.

Original – Russian: Mr. BAASANHUU *(Employers' delegate, Mongolia)* – Thank you for giving me the opportunity to take the floor. I would like to take this opportunity to congratulate the President on his election at this 79th Session of the International Labour Conference and I would also like to wish him every success in carrying out this responsible task.

I would like to associate myself with previous speakers who have praised the topicality and experience of the subject selected for his Report.

I would like briefly to inform you about the current social and economic situation in our country, and about the activities of the Mongolian Employers' Association. An improvement of the material welfare of the nation is quite clearly impossible without changing the economic model and making a decisive move towards a market economy. Thanks to the process of democratisation which has been initiated in our country, the social and economic life of the country is changing completely. We can say that the emergence of employers in Mongolia is the result of democratisation. Fairly intensive privatisation is underway in services, trade, light industry, food production, construction, and agriculture. Whilst moving over to market relations, we are coming face to face with problems, as in other countries, such as prices going through the roof, inflation, and unemployment. In connection with the economic difficulties in our country, for the first time ever, this year, we have been holding tripartite consultations in the field of labour relations. A number of laws have recently been adopted, including a law on the activities of economic units; a law on investment, and a law on joint ventures, etc. All these measures on the part of the Government are providing support during the move to a market economy. But, they are still not enough to develop a new economic system. Young entrepreneurs are still very vulnerable and their situation easily jeopardised. Suffice it to say that our tax legislation and custom barriers do not satisfy today's requirements.

Our employers are interested in obtaining guarantees regarding freedom to carry out their commercial and industrial activities and protection of material welfare. Success in developing a market economy will, to a great extent, depend on how possible it is to increase the number of enterprises able to produce high-quality goods, be competitive and which would be in a position to generate employment in industry. It must be said that enterpreneurial activity with regard to creating small and medium-sized enterprises is being held up by a lack of investment. In this connection it is pleasing to be able to point out that the ILO in its Programme and Budget 1992-93 provides for the allocation of resources to enterpreneurship and small enterprise development. The appearance of small private economic units and companies in services and trade, and the privatisation of industry are still relatively slow-moving. The Mongolian Employers' Association is giving particular attention to the setting up of small and medium-sized enterprises including joint ventures. We are relying on domestic and foreign credit to establish these enterprises.

Our employers are making contribution to the development of democratisation, and are raising hopes that there is no turning back along the path we have chosen – the development of a market economy. In order to increase the role of our employers we must act effectively and receive resources so that we can competently carry out our functions. We have no institutes or machinery to attenuate the difficulties caused by unemployment and the drop in income. We are vividly aware of the shortage of managerial staff and skilled workers able to adapt to other types of production. We understand that in order successfully to pass through the transitional phase towards a market economy we will have to make considerable efforts. Above all, our entrepreneurs have a lot to learn.

I leave this rostrum with the hope that our problems are those of the transitional phase towards a market economy and that they will be borne in mind by the ILO and that it will contribute to the development of entrepreneurship in Mongolia.

Mr. LARSEN *(representative of the International Confederation of Executive Staff)* – On behalf of the International Confederation of Executive Staff I would like to offer my sincere congratulations to Mr. Nascimento Rodrigues on his election as President. Also I wish to congratulate the Director-General on his excellent Report, the contents of which will certainly inspire and initiate further developments on the very important theme of democratisation.

The recent developments in Central and Eastern Europe and other parts of the world have, as never before, reinforced the need to evaluate and discuss and implement all the ingredients involved in the process of democratisation at all levels of society. The breakdown of barriers and the removal of borders, and the building up of new democratic structures gives an added responsibility to all parties involved – governments, employers and trade unions.

The International Confederation of Executive Staff, who represent the employees who carry out tasks requiring a specific high level of responsibility, competence and professionalism in the management of the companies in which they act as representatives of the owners – but who are certainly at the same time employees – is ready to take part in the process of democratisation; it has already been involved in setting up a number of union structures in the former Eastern European countries, specifically dealing with managerial staff. At the same time, to obtain a true democratic representation it is important to underline the fact and to recognise the need for a pluralistic representation in order not to have a monopoly of interests. If we have that we go directly against the theme of democracy.

If that pluralistic approach is not established, there will be no true social dialogue which is crucial for the development and progress of democratic institutions and procedures of the labour market.

In the coming years we will also see more flexibility and mobility in our countries. Mobility is essential to the success of a market economy, and can only be obtained, as it is pointed out in the Report of the Director-General, in connection with a social dimension where the parties of the labour market through a social dialogue will be able to establish rules of labour law that create a visible network of rules and agreements to enable employees to work in different countries without losing already obtained rights.

Part of the democratisation process is also to establish bodies of information and consultation, especially now where we see more and more companies with a multi-national dimension. And employees will need to meet at regular intervals and at all levels, to be informed and consulted about the financial, technological and other plans of the multi-national companies.

A final theme of major concern to the International Confederation of Executive Staff, which is fundamental to the success of a market economy and the flexibility which this implies, is the establishment of training programmes. We fully support the Report in addressing this very important topic. However, we would like to point our that training is still oriented to a large degree to the requirements of national markets. But in order for it to be adapted to the new world business environment, we believe that it is not enough to recognise qualifications; it is necessary to gear training to the requirements of a large world market which will need employees and managerial staff trained to work in several countries. Only in emphasising training at all levels will a market economy succeed.

To conclude, the International Confederation of Executive Staff fully supports the Report of the Director-General. We would like to add, however, that in order to attain its objectives, the active and dynamic cooperation of all parties of the labour market and government is need.

Original – Italian: Mr. CHIARUZZI *(Workers' delegate, San Marino)* – I would like to congratulate Mr. Nascimento Rodrigues on his election to the presidency of this 79th Session of the International Labour Conference.

As the Workers' delegate of San Marino, it is a great honour and pleasure for me to comment on the Report of the Director-General.

The question of democratisation has become extremely topical over the past few years because of the profound and sudden changes which have occurred in many different countries. The Director-General's Report presents us with a lucid and accurate analysis of the meaning of democratisation.

The foundations upon which the democratic process is based are social justice, peace and economic development. The International Labour Organisation is the principal organisation called upon to ensure that the process of democratisation unfolds as it should, especially through reliance on tripartism.

The protection of workers and adequate social security, must interact with the struggle against poverty and the process of industrial conversion, in a context of profound and constructive debate between the two sides of industry in order to reach the "balance" that is the crucial prerequisite for economic and social democracy.

After a period of confrontation between trade union organisations and employers in the Republic of San Marino, we now have a system of dialogue which at the end of last year led to the conclusion of an agreement which sets out various objectives and means for achieving a new system of industrial relations between the social partners.

The main principles of this new system of industrial relations are the active and responsible participation and information concerning all problems relating to the enterprise and the workers. In this context, we have reached an agreement on a joint statement by the trade union organisation and the private employers' organisation concerning a proposal for institutional reform in San Marino.

For the first time, we have been able to renew the collective agreement on the basis of collective bargaining alone, with excellent results both as regards pay and as regards standards. In particular, this agreement provides for instruments and means which will promote health and safety at work.

The objective of the trade unions of San Marino is to extend this new process of industrial relations, hoping that it will help us to overcome the traditional confrontation of social and political factions, and replace it with a system of active and responsible debate.

Still thanks to the new system of industrial relations, we have reached agreement on a new system of wages to replace the old sliding scale; it provides a guarantee of full compensation for loss of purchasing power as a result of inflation.

This novelty, introduces with the agreement of San Marino industry, has been extended to other sectors, including the public sector and pensions.

In concluding, I would like to reiterate and highlight the importance of the information provided in the Director-General's Report. The trade unions of Sans Marino believe that this information is vital for the social partners in countries experiencing complex and deep changes.

The programme of action and intervention of the International Labour Organisation is a vital benchmark in this context for all countries, and an important instrument for proclaiming the fundamental principles of democracy, peace and social justice.

Mr. JOEL *(Government delegate, Papua New Guinea)* – It is with great pleasure that I, as the leader of the Papua New Guinea delegation, join the previous distinguished speakers in conveying to the President, on behalf of the people and the Government of Papua New Guinea, our sincere congratulations on his election to the highest post of this Conference.

This year's 79th Session of the International Labour Conference is once again charged with a weighty agenda. However, I am confident that with the wealth of his experience and able leadership the Conference will achieve its objectives with ease.

Before proceeding any further, may I take this opportunity to extend our warmest greetings to the delegations of our fellow member States who have come to participate in the discussions of this Conference.

The Director-General of the ILO and the Office must also be applauded for the excellent Report which is very timely in the light of major political and economic developments of recent years around the globe, principally as far as the collapse of authoritarian regimes around the world is concerned. These events also serve as a timely warning to other governments around the globe to be reminded at all times of the basic human rights of their people.

Democratisation and democratic values have been and are being experienced and enjoyed in my country. In fact, I must warn here that too much democracy, as that experienced and enjoyed in my country, can also be disruptive and counter-productive so that what we should be searching for are systems of democracy which are controlled and restrained through full tripartism and participation.

To this effect, it is pleasing to note that the ILO, together with other international institutions, is willing to provide assistance to new brother democracies of our world. What our brothers and sisters in new democracies need today is enough democracy – not too much and not too little either.

Papua New Guinea is a relatively young democracy of the South Pacific. It has a population of just over 3.7 million people, scattered over about 500,000 square kilometres of plains, mountains and valleys, as well as hundreds of islands. With diverse cultures and over 700 different languages, Papua New Guinea has a unique system of democracy which is highly participatory through a system of decentralisation, involving 19 provincial governments, thus enabling our people to participate both directly and indirectly in governing their affairs.

Papua New Guinea, since political independence, has followed a democratic and participatory path to development. Multi-party elections every five years have ensured the freedom of our people to exercise their rights to choose each successive government.

The Government of Papua New Guinea is a staunch supporter and believer of the principle of democracy. Its ratification of several ILO Conventions concerning basic human rights bears witness to this fact.

Its ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and its incorporation of this standard into its industrial legislation legitimises the existence of industrial organisations, whether of employers or workers.

In Papua New Guinea, with its capitalistic economic structure, the employers' objectives are principally to maximise profits, while the unions' interests are basically to maximise their shares of benefits derived from the sweat of their labour. Obviously, based on this, there exists a natural state of conflict between employers and workers. At the same time the Government also wants to develop the country as much as possible, given the resources at its disposal.

Our Government believes that Papua New Guinea, being a developing nation, cannot afford to allow conflict situations to threaten or continue to disrupt the peace and stability of our national development.

To reduce and restrain this tendency for conflict situations to arise, the Government has established a national tripartite consultative council which is charged with the responsibility of reviewing and improving existing labour policies and legislations. It also provides a venue whereby the three social partners gather in round-table consultations to settle major and prolonged disputes.

In practice, the development policies and practices of the Government are formulated bearing in mind the objectives of promoting and fostering the growth of the labour movement. The emphasis on integral human and rural development ensures that the majority of our people in the rural areas, as well as disadvantaged groups, are not left out. The promotion of a market economy in a stable industrial environment is generally intended to attract foreign assistance to develop our vast national resources.

It is not my wish to lead the Conference to believe that Papua New Guinea does not have any social and economic problems.

Like many other Third World nations, my country has its share of problems – unemployment, shortage of skilled manpower and law and order, to mention a few. The rapid increase in the discovery and development of our mineral resources – gold, copper and petroleum – are changing our social, economic and political lifestyles very rapidly. Our mineral boom in the last decade has resulted in the rapid introduction of modern technology into the most backward parts of our economy. This has prompted our Government to review existing policies or formulate new ones to cope with new situations and problems.

I now return to the themes of our discussion at this Conference. While we continue to look for solutions to the problems confronting our new brother democracies, we should never lose sight of the plights of Third World nations which are also struggling to find solutions to their own problems.

I now return to the themes of our discussion at this Conference. While we continue to look for solutions to the problems confronting our new brother democracies, we should never lose sight of the plights of Third World nations which are also struggling to find solutions to their own problems. The assistance intended for our new brother democracies, as mentioned in the Director-General's Report, are also most needed indeed in our Third World countries today.

Third World nations constitute the bulk of the member States of the ILO. This is in no small part due to the fact that international labour standards adopted by the ILO have proved to contribute positively to developments in all our countries.

The task of restoring normalcy at minimum social and economic costs to our new brother democracies is not an easy task. However, it is my Government's conviction and firm belief that through our international collaboration and cooperation, and by the invisible hands of God the Almighty, these countries will be able to pull through.

In this respect, therefore, the ILO together with other international agencies must continue to play a leading and continuing role in assisting our new brother democracies, including the rest of the Third World countries, in their every endeavour towards political and social stability as well as economic recovery and growth.

On our own economic restructuring, as insisted upon by the IMF and other international lending agencies, the Government in recent years adopted a national training policy established our National Training Council which, in turn, is aimed at coordinating all our training and retraining needs. I am, however, unable to share any lessons from our attempts to deal with the problems and needs of our own economic restructuring, as far as our human resource development needs are concerned, as the programme is still being established.

Finally, I again extend warm greetings to the Conference and to the ILO from my people and the Government of Papua New Guinea.

Mr. MAUNG *(representative of the International Union of Food and Allied Workers' Associations)* – It gives me pleasure to join other speakers in congratulating the President and the Vice-Presidents on their election at the 79th Session of the International Labour Conference.

First of all, on behalf of the trade union members and the democratic movement, I would like to thank the IUF for giving the Federation of Trade Unions of Burma, the honour to attend this Conference as an observer on their delegation and giving me the mandate to speak, the Norwegian Confederation of Trade Unions (LO), the FES, the AFL-CIO, all the brothers of the ITS and the ICFTU for doing their utmost to get the Burma issue in the proper legitimate perspective.

As the only United Nations agency with a tripartite character comprising governments, employers and workers, who together cover all the population of a nation, this is the best meeting through which to send messages to all the 157 member nations. I will be speaking about Burma, hoping that this message will reach your peoples and your governments.

The theme for the 79th Session of the International Labour Conference is *Democratisation and the ILO*. It underscores the importance the Director-General attaches to democracy and the ILO's commitment to the processes of change that are taking place in many parts of the world today. Also in his Report, the Director-General has called on the international community to respond positively to recent political, economic and social changes in the world.

We would like to emphasise that democracy does not stop with political and civil rights but has also to be achieved in social rights, such as the right to freedom of association, the right to freedom of religion, trade unionism and equal opportunity in the distribution of wealth.

In Burma there is an elected Government. This Government won 92 per cent of the seats during the general election in May 1990 but has been denied the right to enter office by the junta which is using its troops as an effective anti-democratic machine. The military has imprisoned over 2,000 political activists, dismissed over 10,000 civil service personnel and has refused to release Daw Aung San Suu Kyi, the General Secretary of the National League for Democracy – the biggest opposition party – who nevertheless during her detention was awarded the 1990 Sakharov Prize for Freedom of Thought and the 1991 Nobel Peace Prize.

The junta, in violation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No 98), has abolished all free trade unions and has warned the public services sector that anybody who tries to associate or make any move favourable to a free trade union is to be considered a traitor to the country.

Not stopping there, in violation of the right to freedom of religion and from oppression based on racism and culture, the junta has launched genocidal campaigns against ethnic minorities who live in the border areas. In their campaign, they have driven out no less than 200,000 of our Muslim brothers to Bangladesh, 20,000 of the Kachins to China, and more than 300,000 Karens, Mons and Burmese to Thailand.

Despotism has caused Burma, which used to hold 28 per cent of the world market in rice, to become a least developed country. Sad to say, during the years the junta has been in power, international agencies have reported that the production of opium has grown so much that Burma is now recognised as the world's largest exporter.

Although the GNP of the country has declined very badly, the strength of the military has grown to 280,000 from 180,000 in 1964. According to the *Asian Week* magazine, it has the 16th largest world population. And one important fact that can be seen regarding the growth of the military is that it is in direct proportion to the increase in the production of opium.

Nevertheless, in December 1990, in order to establish a democratic government in Burma, with respect to the wishes of the people who voted for them, some elected members of Parliament formed the National Coalition Government of the Union of Burma with the help and support of ethnic brothers who had been waging a fight against the junta for their rights and equality.

The union members, who were dismissed for their activities but were able to move away before the military jailed them, formed the Federation of Trades Unions of Burma (FTUB), and are seeking moral and physical help from the international brother unions and trade secretariats. As no rights whatsoever can be asked for before a democratic Government is governing the country, the FTUB is supporting and working in coordination with the true elected Government to establish a democratic system in Burma.

In the *Report of the Committee of Experts on the Application of Conventions and Recommendations*, it is stated that the junta has not sent in reports on seven cases that the Committee has asked for. On behalf of the union members of Burma, in accordance with the procedures for other international and regional instruments, I would like to urge the International Labour Office to communicate to the Secretary-General of the United Nations, for transmission to the Committee on Economic, Social and Cultural Rights, the violations in Burma in respect of freedom of association and of religious and cultural rights so that the United Nations General Assembly can take appropriate action.

In Chapter 6, reports on ratified Conventions, under practical applications, paragraph 135, page 44 – the Committee of Experts has noted that "provisions concerning sanctions to secure observance of measures taken under the provisions of Conventions taken to ensure their application are often inadequate because the sanctions laid down do not have a sufficiently dissuasive effect, particularly where violations of basic human rights are concerned." The Committee "once again draws attention to the importance of establishing effective sanctions and of adopting monetary penalties, particularly in countries with high rates of inflation, in order to ensure that they exert an effective preventive influence against acts contrary to the guarantees laid down by international labour Conventions."

Allow me to mention the International Commission of Jurists (ICJ) which reported in a speech at the 48th Session of the United Nations Commission on Human Rights in their report to the Chairman, that "neither under the international law nor the constitutional law of Myanmar has the State Law and Order Restoration Council (SLORC) any right to hold power after the people has expressed their wishes in favour of a National League for Democracy (NLD) Government".

With regard to the situations that I have described and the reports on Burma by the Committee of Experts, their insistence for effective sanctions, and the report of the ICJ, and in order to help build a democratic government that will uphold the rights of its people, we would like to appeal to the Director-General to urge all member States to:

1. As reported by the International Commission of Jurists, no longer recognise the junta and instead to recognise the "Legitimate Elected Government".

2. As indicated by the Committee of Experts, to impose effective trade sanctions and monetary penalties on the junta until they transfer power to the Government elected by the people which will uphold the Conventions and ratifications.

Before I conclude I would like to appeal to the delegates attending this session of the Conference to take the Burma issue back to your respective governments, employers' associations and unions and to help the democratic movement in Burma as much as you can.

Original – Spanish: The PRESIDENT (Mr. Solorzano Martinez) – I give the floor to Mr. Elgar, Government adviser, Israel, to exercise his right of reply to Mr. Khoury, Government delegate, Lebanon, and Mr. Dajani, Employers' delegate, Jordan.

You know that the right of reply can refer only to the point under discussion; that it should be brief, not exceeding two minutes, and not give rise to further remarks. It should be worded in correct and parliamentary language. I would also like to say that in order to avoid endless debates, it has been a practice of Presidents not to allow replies to a reply.

Mr. ELGAR *(Government adviser, Israel)* – I refrained from making points of order while the Government delegate of Lebanon and the Employers' delegate from Jordan were making a mockery of this debate in order not to interrupt the conduct of this Conference.

The accusations, however, cannot remain unanswered. I understand the dilemma of the Lebanese delegate and commiserate with a country that is under virtual occupation by its Arab neighbour. However, as long as the Lebanese authorities are unable or unwilling to keep terrorist activities from their territories aimed at Israel and other Lebanese people, Israel will reluctantly but decisively have to take the necessary steps to curb that activity.

The Lebanese delegates has turned this Conference into a United Nations General Assembly political debate and he should have been reminded by the Chair that this is a debate on the Director-General's Report, nothing else.

The gentleman from Jordan was spewing hatred on quite a few counts and was referring specifically to Zionism – the liberation movement of the Jewish people – as backward and racist. This is not even fashionable any more as even the United Nations General Assembly has rescinded by a vast majority its infamous "Zionism equals racism" resolution of 1975. I do not understand why the delegate was not censored after referring time and again to the Director-General's Report on the situation of workers in Judea, Samaria and Gaza. This contravenes the Selection Committee's ruling and I quote: "The Selection Committee decided to convene a special sitting… it being understood that speakers would have to confine their remarks… to this Appendix", in other words the Director-General's Report on the situation of those workers.

(The Conference adjourned at 6 p.m.)

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Twentieth sitting

Tuesday, 16 June 1992, 10.15 a.m.

President: Mr. Decosterd

RATIFICATION OF CONVENTIONS BY AUSTRALIA

Original – French: The PRESIDENT (Mr. DECOSTERD) – Before we start this morning's work, I should like to ask the Clerk of the Conference to inform you of the ratification of a number of international labour Conventions.

Original – French: The CLERK OF THE CONFERENCE – I have pleasure in informing the Conference that the Director-General of the ILO has registered the ratification by Australia of the following international labour Conventions: the Minimum Age (Sea) Convention (Revised), 1936 (No. 58); the Accommodation of Crews Convention (Revised), 1949 (No. 92); and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133). The total number of ratifications of the International Conventions now comes to 5,691.

COMMUNICATION TO THE CONFERENCE

Original – French: The CLERK OF THE CONFERENCE – I should like to inform the Conference that the Workers' delegate of Belgium, Mr. Peirens, and the Workers' delegate of Guatemala, Mr. Pinzón Salazar, have officially lodged a complaint against the Government of Côte d'Ivoire in accordance with article 26, paragraph 4, of the Constitution, alleging that Côte d'Ivoire has not respected the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In accordance with the provisions of the Constitution, this complaint will be submitted to the Governing Body for its consideration.

NINTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original – French: The PRESIDENT (Mr. DECOSTERD) – The first item on the agenda today is the Ninth Report of the Selection Committee which is found in *Provisional Record* No. 6H. This report has been given us by the Chairman of the Selection Committee and includes only some changes in the composition of the Committees. I put it to you for adoption.

(The report is adopted.)

SECOND REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

Original – French: The PRESIDENT (Mr. DECOSTERD) – The second item on the agenda is the Second Report of the Credentials Committee which appears in *Provisional Record* No. 16. I give the floor to Mr. Pérez del Castillo, Government delegate, Uruguay, Chairman of the Credentials Committee, to submit the Second Report of his Committee.

Original – Spanish: Mr. PEREZ DEL CASTILLO *(Government delegate, Uruguay; Chairman of the Credentials Committee)* – I have the honour to submit to the Conference the Second Report of the Credentials Committee which, in addition to bringing up to date the information contained in the First Report on the composition of the Conference, contains the decisions of the Committee on objections to the nomination of the Workers' delegation of El Salvador, on the objection concerning the nomination of one of the Workers' advisers of Malaysia, and on an objection concerning the nomination of the Workers' delegate of Nicaragua.

This Second Report also refers to certain communications. The first relates to the delegation of the Federal Republic of Yugoslavia; the second to the Government delegation of Haiti; a third communication has been sent by the *Conseil national du patronat tchadien (*the Chadian Employers' National Council) which is also dealt with in this report.

Since the report was adopted unanimously by the Credentials Committee, in accordance with Article 26, paragraph 5(b) of the Standing Orders, the Conference is called upon only to take note of it. It is published, as has been stated, in *Provisional Record* No. 16, starting on page 42 in the English version.

The Third Report will probably be adopted this afternoon, and will be submitted to the Conference shortly. There have been a considerable number of complaints but the Committee has been working hard and we hope to complete our work in the next few days.

Original — French: The PRESIDENT (Mr. DECOSTERD) — The Report of the Credentials Committee has been adopted unanimously by the Committeee and the Conference is simply called upon to take note of it.

(The report is noted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original – French: The PRESIDENT (Mr. DECOSTERED) – We now take up the discussion on the reports of the Governing Body and the Director-General.

Mr. TAPIOLA *(Workers' delegate, Finland)* – I wish to congratulate the President and the Vice-Chairman on their election. I also wish to congratulate the Director-General on the choice of the theme of his Report, but I am less enthusiastic about its content. At this point in time, the case for ILO action must be based on solid and balanced arguments. This concerns particularly the role of the workers' and employers' organisations, their mutual relations and their relationship with the State.

In the first chapter of the Report, in the section entitled "Democracy", it is said that in the opinion of the countries in transition, "the free operation of supply and demand in markets open to international competition is alone capable of ensuring efficiently the production and distribution of goods and services".

Is this really the only way, without any qualifications? I have always thought that more is needed for the economy to work, and for it to work for the good of the people.

The Report goes on to talk about the function of the State as a regulator of economic activity. But it does not introduce here the importance of action by all components of a democratic society when they work together. It would be appropriate to make a strong statement on the need to have the policy approach and the institutions – tripartite, when necessary – which ensure a market economy with social justice, protection of the weak and respect of the obligation to achieve full employment.

The Report quite rightly focuses on fundamental human and trade union rights. There has been a large wave of democratisation, shaking and refreshing all continents. But there are still notable exceptions which we have on several occasions identified in the ILO – countries such as Malawi and Malaysia, which either resist democracy or interpret it in a distorted way.

According to the section "Transition towards the market economy", in Chapter 2 of the Report, the ILO's assistance will focus on the development of a network of mainly small and medium-sized enterprises. I sincerely hope that this will be read and fully understood in the context of a resolution on the role of enterprises in employment creation, which this Conference will be asked to adopt next week. We have to note that there is more to transition than enterprise creation, management training and redeployment programmes.

There is the whole issue of a social and legal infrastructure, investment and industrial policies, and the problem of ensuring that people do have confidence in a better, not bleaker, future in a foreseeable time-frame.

The section entitled "Enterprise creation" leads me into asking: should the ILO really see small business as the spearhead of democracy? I can agree with the importance of encouraging the creation and expansion of small and medium-sized enterprises. Almost all over the world, the stimulation of larg firms creates, relatively speaking, fewer new jobs directly, and we have come to limits beyond which it i difficult for any State physically to create new rea jobs.

But could we please focus our discussion a bi more on how the entrepreneurial approach and skill for enterprise development could be linked to innovation, involvement and joint efforts by managemen and workers – respecting international labour standards and making full use of collective bargaining There is more to success than only the entrepreneu and encouraging her or his activities and state o mind.

My problem with the section on tripartism is tha if we reduce its message to the bare essentials, it say something like this: firstly, employers' organisatio play a prominent role, are the driving force, stimulate individual initiative, improve managemen competence and provide vocational training; and secondly, trade unions continue to have problems even outright collision with the State, their reconstitution is on the agenda, they suffer extensive fragmentation, and they should find the way to us wisely their newly acquired liberties so that they d not upset stability.

Much of this is certainly true. Employers' organisations have to be promoted, and trade unions ar restructuring themselves. At the same time, this is patronising message which is not altogether helpful It leaves the State almost as omnipotent as before

In speaking on the role of the State, the Repor does say that it should take counsel with the socia partners, understand them, convince them, an hence negotiate with them. For countries which ar emerging from totalitarian systems, and where th attitudes formed by these systems have by no mean disappeared, one message could have been clearer the State must also respect the independence of th other actors, help them to become organised an stronger, and accept the limits to its power.

Speaking about collective bargaining, the Repor appears to take a straightforward position, endorsin almost full scale a particularly complicated concept the decentralisation of negotiations. When structure have been overcentralised, there is an understandable need to find a balance between all levels of bargaining: the central, the industry-wide and the loca levels, including the enterprise level. Decentralisation will be necessary, but we cannot say that it alon provides for successful adjustment. Other element and a right mix of policies will be needed for that Besides, the Report itself notes that in many countries the parties have as of yet no real experience o collective bargaining.

In conclusion, I wish to acknowledge the Repor as a significant input in the discussion on democratisation, but I am somewhat disappointed that its arguments rely so much on the automatic functioning o the markets. For instance, I would welcome mor discussion on something which is important for th success of the ILO's future activities: the relationshi between encouraging enterprise development an the development of employers' organisations. Th Report seems to take for granted that they go han in hand. I should think so, but I am not convince that this will automatically be the case if there is n corresponding development of tripartite and bipartite institutions and arrangements.

I have made these remarks in this general debate with the sincere hope that they can, for their part, contribute to the further discussions in this Organisation on the problems of democratisation, tripartism, the role of the social partners and structural adjustment.

Mr. BATUBARA *(Minister of Manpower, Indonesia)* – The choice of democratisation as the main topic of our deliberations is considered very timely in view of the unprecedented changes in the global political and economic environment. In the past few years the world witnessed blocs and bloc politics yielding to multipolarism and a growing trend towards democratisation and political pluralism, both within and among nations. In this regard, my delegation fully appreciates the Director-General's comprehensive Report, *Democratisation and the ILO.*

Such changes are giving an unprecedented impetus to the promotion of democratic societies all over the world, and are creating a more conducive environment for the community of nations to minimise international conflicts and to promote better cooperation among nations, although regretfully this has not always been the case in the past.

Democracy is not just about giving people the right to vote. Democracy is an interrelated political, economic and socio-cultural concept. In order to build strong democratic political institutions, we cannot ignore the need to strengthen the economic and socio-cultural infrastructures which are their foundation. Although, as an idea, democracy is cherished by all – men and women alike – its existence cannot be taken for granted. There should be a continuous and systematic effort to build and develop it and to make it a way of life. While it is widely recognised that democracy encompasses principles which are of a universal nature we shall not lose sight of the fact that the expression of democracy will vary from country to country in accordance with their respective political, socio-economic, cultural and historical backgrounds. It is also widely recognised that freedom constitutes one of the elements of democracy. However, we should not overemphasise its importance, because we believe that freedom without legitimate public order will bring about chaotic situations, and this eventually works against the promotion of democracy.

In that light we fully concur with the view expressed by the Secretary-General of the United Nations that if there is no development without democracy, there can also be no democracy without development. Democracy is an empty slogan if the people are hungry. The ability of a society to satisfy the basic needs of its population is important for the development of the democratic political process. Development is therefore a key to successful democratisation. In fact, development in its fullest sense incudes development of adequate political infrastructures and democratic institutions, in addition to economic, social and cultural aspects.

It is in the sense of this multidimensional development that we in Indonesia affirm the responsability of our nation to pursue democracy while also affirming its right to pursue development. Within this framework, we have been striving for this ideal for the past 25 years, through a succession of five-year development plans. While the emphasis is on economic growth, political development, however – including the development of democratic institutions – is indeed given serious attention. As in the case of many developing countries, the challenge we are facing is how to combine democracy with continued stability and economic growth. So far, the overall results are encouraging.

Only last week, over 117 million Indonesian voters exercised their right to vote in a periodical and free general election. What was seen by foreign observers as a peaceful, orderly and generally good-natured election in a country as large and diverse as Indonesia actually resulted from a long process and regular practice over the past 25 years. The holding of general elections is a part of our conscious effort to build a democratic culture, which is an essential element for the functioning of all democratic governments.

Based on our experience, there is a growing awareness that democracy can only be nurtured and function effectively if it is supported by an adequate information system. Its is therefore imperative that efforts should be made to establish a more equitable global information and communication order, so as to give access to information to the developing countries.

Human resources development as a vehicle to improve the capabilities of human resources is equally important for the promotion of democratisation. Our priority in the forthcoming people-centred development plans is to further expand human resources development programmes, together with the increased provision of facilities for public services in the areas of health, education, clean water and the basic needs of society, and these activities combined will eventually improve the quality of human beings.

The ideal proclaimed in the Declaration of Philadelphia that all human beings should have "the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity" remains the concern of all peoples, in the developed and developing countries. In fact, this resembles what is currently known as the right to development. It is really hard to imagine how a nation could counter the destructive forces impeding the promotion of democracy and the observance of human rights if a portion of humanity cannot free itself from the misery of poverty and underdevelopment.

The emphasis given by developing countries to the right to development reflects the priority of development to be pursued in order to implement basic human rights and fundamental freedoms, encompassing both civil and political rights, as well as economic, social and cultural rights, as embodied in the Universal Declaration of Human Rights and other relevant international instruments. Although those rights are increasingly recognised as indivisible, we have, however, noted a persistent side-tracking of the economic, social and cultural aspects, while civil and political aspects of human rights were invoked as a conditionality for extending economic and social development assistance. These practices not only undermine the need for a balanced approach to human rights, but also weaken the positive correlation which exists between the various efforts towards democratisation, the promotion of human rights and development.

In an interdependent world such as we have today, the strenuous effort towards the promotion of democracy, the full observance of human rights and the promotion of development at the national level could not be isolated, and should event be supported by the process of establishing democratisation at the international level. Efforts should be galvanised in order to establish fairer and more equitable labour relations. New global partnerships between governments, employers and workers at international level should also be forged – a partnership in which rights and obligations are equitably shared by all, a global partnership based on a renewed and improved division of labour between governments, employers and workers and an equally improved sharing of benefits as well as efforts between them.

The promotion of democratisation at the international level also requires a more conducive global environment. We are seriously concerned at the increasingly difficult international external economic environment, mainly as the consequence of the negative economic policies and practices of some industrialised countries, obstructing economic development in the developing countries at a time when economic reforms and adjustments are being pursued. The developing countries are continuously crippled by debt burdens, strapped for development finance, denied access to developed countries' markets due to increased protectionism and impeded by the persistent decline of primary commodity prices. A more conducive global environment could only be created if the international community were able to reverse the above-mentioned trends. This will eventually assist the international community in promoting democratisation at the international level, and at the same time help member countries in realising their respective democratisation at the national level.

Original – Spanish: Mr. MARTINEZ NOVAL *(Minister of Labour and Social Security, Spain)* – Please allow me first of all to congratulate the President for his election and for his excellent leadership of our deliberations, and to express the satisfaction of my Government over the fact that the presidency should be held by a citizen of Portugal, a country with which we have special ties of friendship.

The Director-General in his Report proposes that we should give some thought to the process of democratisation which is taking place in many countries of the world, and on the role of the ILO in this process.

This context is defined by the opening of new democratic spaces on all the continents, restoring the ideals of freedom, justice and law in many countries.

The dismantling of physical and ideological walls, the redrawing of borders, the change of the political and economic regimes and the transformation of military structures and alliances are signs which encourage the hope for greater openness.

Though the world has never before been so deeply convinced of the need to implement these principles, there are still numerous obstacles to obtain their consolidation and preservation.

Ethnic tensions, economic crises, the resurgence of racism, the emergence of new forms of marginalisation or social exclusion are negative factors which make it necessary for us to give further thought to the means of attaining new balances which will match the advance of democracy, economic development and social progress.

This ambivalence is of course present in that part of Europe which has witnessed the rebirth of democracy, but which unfortunately is also experiencing fragmentation due to the reappearance of nationalistic excesses, accompanied by a violence which we thought had gone forever.

But at the same time and within our continent, the process of consolidation of the European Community which advances, not without some difficulties, and the recent creation of the European Economic Area are positive facts, complemented by the Maastricht Treaty and, in particular, its Protocol on social policy. The Spanish government firmly supports both of these instruments.

In the Ibero-American area, in a year which is so significant for us, we see that the process of democratisation is being consolidated, and that the countries of Latin America have not only recovered their democratic practices during the last few years but have started important processes of stabilisation and economic reform.

The same trend is also evident in Africa, where apartheid is being dismantled, and in Asia, where peace agreements have been concluded and where new horizons are opening up for democracy in the newly industrialised countries.

Hence the importance of the Report of the Director-General on the role of States and the role of the ILO on three main questions: basic social rights, the social dimension of the market economy and tripartism.

Please allow me to share with you a few thoughts on these three questions in the light of the experience of Spain.

As regards fundamental social rights, many of you know that my government has sent to the Spanish Parliament a Bill to regulate the right to strike and collective disputes, complementing the provisions of the Constitution of 1978 in the field of labour and development which promote freedom of association and collective bargaining.

While framing regulations on the exercise of the right to strike, we kept in mind the decisions of the ILO Committee on Freedom of Association. Thus, the Bill includes broad concepts and not a purely contractual approach to the right to strike, linking it with the safeguarding of the interests of workers. It recognises the right to strike of public servants, lays down administrative and judicial measures to protect its exercise, and promotes the establishment of self-regulation machinery for fixing limits to the right to strike, which ensure the maintenance of the essential services of the community.

In this connection I would like to point out that the powers which the Bill grants to the governing authorities in the field of minimum services are intended to provide a means of monitoring the suitability of what has been agreed by the parties or of rectifying the absence of such agreement. Therefore responsible exercise by the social partners of their negotiating powers regarding strikes in essential services will make it possible to decrease significantly the role which has been played in Spain so far by the government in this field.

I would also like to point out that this Bill incorporates the provisions of the Voluntary Conciliation and Arbitration Recommendation, 1951 (No 92). Along these lines the new text submitted to the Spanish Parliament with a view to contributing to rationalising labour disputes by giving greater powers to collective autonomy is not limited to regulating the time of the strike but makes available to the parties voluntary and non-jurisdictional channels for solutions based upon negotiations and the intervention of third parties.

The Report of the Director-General also deals with the role of social protection in the democratisation process, raising in other words the need to endow the market economy with the social dimension.

My understanding is that to achieve this aim it is not enough to have a firm political will or energetic social pressure. It is essential to have an efficient production system and a solid economy as well as a society which is sufficiently prepared to provide the necessary effort and solidarity, coupled with the need for a considerable capacity for political administrative management of the elements making up the social fabric.

My Government recently restructured the measures to promote employment and protection against unemployment by increasing the minimum duration of temporary contracts and steering public aid towards the promotion of contracts of indefinite duration.

The reform of the unemployment protection system, which will not effect the level of coverage and which is designed to achieve the financial balance of the system, modifies the amount of benefits and their duration, in order to ensure that such benefits do not discourage the search for employment.

The third question raised by the Director-General in his Report is the strengthening of tripartism and collective bargaining.

Those of us who in the recent past have had to go through processes of democratic transition, and at the same time economic reforms, know the importance of the social dialogue and tripartism in the success of this multiple and difficult exercise. Even though we know ourselves how impossible it is to transplant political institution experiences from one country to another, we still venture to assert the existence of close links between social tripartism and democratic consolidation.

The establishment of these links can also prove fruitful for the countries which have freely decided to transform their previous systems of planned economies and move towards new market-oriented structures. This, of course, is a radical challenge, which will certainly require new social structures as a consequence of freedom of association and of the existence of other fundamental social rights which are the unmistakable signs of a democratic identity.

In this connection it is up to the ILO to heed the requests for technical assistance by the new democracies and to coordinate the bilateral initiatives agreed upon by the Member countries in this field.

For tripartism to develop fully its role as a moderator and agent of reform it has to be assumed without any reservation by the social partners. Social consensus, which is the most complete expression of tripartism, is a firm support for democracy and an effective instrument to balance the functioning of the economy; its success, however, depends upon the existence in each of the parties participating in this process of a reciprocal spirit of mutual concession and preliminary consensus on the final objectives, which are those of an advanced democracy.

These criteria, applicable to a greater or lesser extent to all countries, will have to be especially taken into account by a European country such as Spain, which is facing the challenge of economic convergence and social cohesion, and whose Government wants this important and difficult task to be accomplished with a maximum degree of social consensus.

Finally, the analysis of the processes of democratisation proposed to us by the Director-General of the ILO is one further opportunity to think about the ways in which all nations can move towards sustained economic growth and the generalised improvement of the conditions of life and work of their citizens.

Mr. JONATHAN *(Workers' delegate, Lesotho)* – It gives me great pleasure to address the 79th Session of the International Labour Conference on behalf of the workers of Lesotho. Please allow me to congratulate the President, together with other Officers leading this session of the Conference, on the very mature manner which they have shown so far.

I would like to thank and congratulate the Director-General on his thought-provoking Report, *Democratisation and the ILO*. I am particularly happy when he admits that unions have often channelled the discontent of populations deprived of representative political parties. Trade unions are the social conscience of the State, even where there are political parties operating. I am pleased to inform you that after the military takeover in 1986, we are now promised fair and free general elections in November this year. The ILO and other organisations have a particularly vital role in the struggle for democracy.

I appreciate the Director-General's advice to the social partners that if they wish for democracy, the workers' organisations should be in a position to promote their members' interests vigorously; their action will be directed to employment-related interests of their members. The choice of policy, especially of an economic policy, affects the life of the workers. The trade unions, like employers, should therefore have a chance to express their opinions on their country's economic and social policy.

At this point, I should like to refer to international labour standards. Despite many warnings made by the ILO Committee of Experts, Lesotho has not repealed or amended those laws that run contrary to the ILO Conventions and Recommendations. For instance, as regards freedom of association, Lesotho has not reviewed the laws that hedge on the freedom of association, e.g. the Essential Services Arbitration Act, the Internal Security General Act as amended. With respect to equality of rights, the labour movement of Lesotho has participated in the regional workshops, seminars, etc., dealing with the question of discrimination. Furthermore, the draft Labour Code which was drawn up in conjunction with ILO experts in 1988 has not been enacted as a law, despite many promises made by the Lesotho Government. Finally, concerning employment and development, we are not in a position to report informatively on employment and development policies pursued by our Government, in the absence of information shared amongst the social partners.

Turning to structural adjustment and employment, we are aware that the Government has adopted the Economic Structural Adjustment Programme, but we know nothing about the nature of this package as no information was communicated to us during the adoption and implementation of the ESAP. The workers and other disadvantaged groups have witnessed the erosion of their wages, brought about by inflation through increasing prices of consumer goods.

As far as promotion in the rural and informal sectors is concerned, we are not aware of any policies and programmes intended to raise employment and incomes in these sectors. What we have witnessed are exorbitant fees levied on the informal sector.

What is more, due to the economic recession experienced by the mining industry of the Republic of South Africa, many Basotho mineworkers have been retrenched and repatriated to Lesotho. They have joined the ranks of the unemployed and the informal sector is growing at an alarming rate.

We recommend that the ILO migrant labour project should be reviewed. This exercise will be easier as we have one national labour centre at the moment.

As regards enterprises and cooperative development, Lesotho has inherited the outdated and outmoded cooperative laws from the former colonial power. The cooperatives are run more or less as departments of government ministries. We think it is high time that the laws dealing with cooperatives were revised. ILO could provide technical assistance in this regard.

My next subject is vocational training. The labour centre conducted an in-service training programme with the help of the Lerotholi Polytechnic up to last year, when the Technical and Vocational Division was formed within the Ministry of Education. The management board of the Technical and Vocational Division is tripartite in composition.

With respect to vocational rehabilitation, a number of non-governmental organisations have rehabilitation centres at which the disabled persons are trained in various skills.

We have also participated in various training programmes conducted by the International Training Centre of the ILO, Turin.

As regards industrial relations and labour administration, we participated last year in the regional tripartite seminar dealing with tripartism. We are still expecting ARLAC to hold a national seminar on tripartism in Lesotho, as promised last year.

As far as multinational enterprises are concerned, no progress has been made in the adoption of the ILO Declaration on Multinational Enterprises.

With respect to occupational safety and health, an ILO expert on occupational health and safety has been attached, as from last year, to the Department of Labour. A workshop has been held this year, and we hope to embark on a training programme later this year.

As far as hotels and tourism are concerned, Lesotho has not ratified the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172), and its accompanying Recommendation No. 179. We hope that the technical advisory missions engaged in training surveys, and so on, will be sent to Lesotho.

Finally, as regards the protection of workers' claims in the event of the insolvency of the employer, we have experienced situations in which enterprises have simply vanished, leaving behind them numerous creditors, including employees whose claims have never been paid.

We therefore recommend that a Convention should be adopted to protect workers in the event of enterprises being declared bankrupt.

Mrs. OHRSVIK *(representative of the Nordic Council)* – As the representative of the Nordic Council, which is the parliamentary body of cooperation between the Parliaments and Governments of Denmark, Finland, Iceland, Norway and Sweden, as well as the autonomous territories of Greenland, the Faroe Islands and the Ahvenmaa Islands, I wish to congratulate the Director-General on his excellent Report.

The board view the Report gives of the issues confronting us is a reminder of our international interdependence. The challenges have certainly not become easier since last year. Education and training policies related to employment and general development policies are promoted by many governments in order to maintain productivity and competitiveness.

The Report mentions a number of ILO activities aiming at vocational training for new technologies, as well as vocational rehabilitation, issues which have become even more important given the present situation on the labour market.

We are very pleased to read about the activities of the Eastern and Central European countries engaged in the transition to a market economy, and that their efforts to organise new labour markets and to implement an overall employment policy are guided by ILO standards on the social protection of workers and supported by technical cooperation, especially in the drafting of employment legislation and the organisation of employment services, in consultation with employers' and workers' organisations. This is a new area of cooperation for all of us.

In the Nordic Council, which consists of 87 members from the Nordic Parliaments, elected by the Parliaments in proportion to the strength of the party groups, we focus our interest on the areas closest to us.

At this year's session, the Council adopted a comprehensive Recommendation on "The Nordic region in the new Europe", based on a number of proposals from both the Governments and party groups to the Nordic Council of Ministers and the Governments.

As regards the Baltic Sea and the Baltic States, the Council urges the Governments to develop cooperation mainly relating to environmental issues, sustainable development and industrial policy, and to form part of a broader north European region.

The main body of the Recommendation concerns how cooperation within Norden as a region can best be adapted to take account of the current integration process in Europe, and thus to secure opportunities for the more vigorous and more ambitious development of regional Nordic cooperation.

The Council thus recommends the Governments to make a commitment to a Nordic industrial policy action plan, aimed at improving the economy and employment, including measures to coordinate and strengthen industrial policy, infrastructure, information and communications in our region.

A major part of our Recommendation deals with the same issues as the Director-General's Report. Thus, the Council urges the Governments to work towards the high-level harmonisation of European rules. We also recommend them to seek to develop and create understanding for and endorsement of what we call "the Nordic social model" in a broader European context, including important areas such as labour market policies aimed at full employment, equality between sexes, environmental standards, working environment regulations and social welfare arrangements.

This concept, "the Nordic social model", refers to both social policy and labour market policy and bears a resemblance to the tripartite structure of the ILO. It is also a strong support for the ILO principles relating to freedom of association and collective bargaining.

This year, the Council recommended an extension of the Nordic Working Environment Convention to include the right to training for skills and qualifications and workers participation.

It should also be pointed out that this "Nordic model", which includes social welfare in the broadest sense – in contrast to the European model which ties social benefits to association with the labour market – should be seen as an essential part of our comparative advantage compared to the rest of the world. This is so because the general system of social security and the well-developed and publically financed care for infants and the elderly make it possible for almost everybody to seek employment. It also creates stability on the labour market and makes any necessary structural adjustments easier to accomplish, as the labour force can move geographically or between professions without risking a loss of social security. A key element in the effectiveness of the "the Nordic model" is the high percentage of participation by the labour force in trade unions, and the national importance of collective bargaining. Our social traditions and our legislation support the binding force of centrally negotiated agreements between unions and management.

It is interesting that similar models are being discussed within the European Community, using arguments much like those in the Nordic debate. But our aims in the Nordic countries are set higher. Most important is our political will to maintain full employment.

Next week the Social Committee, of which I am the Chairman, will receive reports on the labour market situation and policies in the Nordic countries. We thus monitor the Governments' activities closely, especially as regards young people.

In conclusion, I wish to express my gratitude for this opportunity to present some Nordic views on some of the items before the Conference and wish the ILO continued success in its important work.

Mr. CAPELO *(Deputy Minister of Labour, Canada)* – My delegation would like to congratulate the Director-General for the very timely theme he has chosen for his Report to this Session of the Conference. We are living through an extraordinary moment in history characterised by a powerful worldwide movement towards democracy. We have watched in amazement as the ideas of freedom, individual rights and private enterprise have penetrated areas of the globe once thought to be impervious to such notions.

As the Director-General eloquently outlines in his Report, democracy is a dynamic and multifaceted process. It is based on the recognition that legitimate power is rooted in the will of people and the rule of law.

The ballot box is the most important symbol of democracy, but as a political philosopher, John Stuart Mill, warned more than a century ago, a political act to be done only once in a few years, and for which nothing in the daily habits of the citizen has prepared him, is not enough to create a real democratic culture.

Democracy means, not only freely-elected political institutions, but also widespread and effective participation in the economic and social life of the community. Democracy involves pluralism and the establishment of free institutions, such as a free press, free trade unions and employers' associations.

(The speaker continues in French.)

Democracy necessarily implies respect for human rights. This is a principle to which the Canadian government unreservedly subscribes.

In 1990 the Government of Canada set up the International Centre for Human rights and Democratic Development which has, as its function, the support of democracy and respect for human rights. This Centre sponsors research and conferences and has as its essential task to offer technical and financial assistance for democratisation.

(The speaker continues in English.)

The Government of Canada has also set up a task force on Eastern and Central Europe. Within the last two years the task force has undertaken over 80 projects worth some $8 million in support of democracy, of good government and respect for human rights. One of the projects sponsored by the task force has been the organisation by the ILO, last February, of a managerial training study tour for employers for a number of Central and Eastern European countries.

In his Report, the Director-General is seeking the views of the Conference on what the ILO can and should do to assist its member States which are engaged on the road towards democratisation. He also raises the question of how the ILO can adapt to current realities so as to ensure its continuing relevance.

These are important questions and my delegation welcomes the opportunity to participate in this debate.

We agree with the Director-General that to meet this new challenge, the ILO must reassess its means of action. In this regard we fully support the Director-General's proposal to use more integrated, multidisciplinary approaches and to decentralise ILO activities. This will increase the ability of the Organisation to respond more quickly and more effectively to the numerous requests for assistance from the new democracies.

(The speaker continues in French.)

We also point out that at this stage in its development the ILO should concentrate less on the enactment of new detailed international labour standards and focus more on promoting the implementation of the basic principles within existing Conventions.

(The speaker continues in English.)

Thanks to its unique tripartite structure, the ILO is a concrete example of pluralism and democracy in action. The ILO is thus in a position to make a very significant contribution to the process of democratisation. It can assist in the drafting of labour legislation, in the establishment of free trade unions and employers' organisations, in the implementation of systems of collective bargaining, in the design and delivery of management training programmes, and in the development of labour market policies.

In many of the countries involved, the transition to market economies will require major structural adjustment measures. As noted by the Director-General such measures can, at least in the beginning, increase poverty and create tension and this can threaten the process of democracy. We therefore welcome the intention of the ILO of increasing its collaboration with the International Monetary Fund and the World Bank to seek ways of mitigating the negative effects of adjustment policies.

(The speaker continues in French.)

The ILO's efforts to promote tripartism can also assist in the development of the social cohesion which is needed to foster broad-based support for policies of economic and social development. The ILO should also encourage workers and employers to engage in national bipartite collaboration in the search for solutions to common problems.

(The speaker continues in English.)

In my country the government has for several years encouraged and facilitated the establishment of joint labour-management bodies to address issues of training, structural adjustment and technological change on an industry-wide basis. This has led to very active and effective bipartite structures in such diverse industries as steel, electronics, wood products, construction and maritime shipping. We would be prepared to share our experience.

One essential aspect of economic and social development is the effective utilisation of a nation's human resources. This presupposes workplaces which are free of discrimination. We strongly support the ILO's intention to promote implementation of the Convention on discrimination in employment and to put special emphasis on equality of opportunity and treatment between men and women workers. The promotion of women's equality is a prerequisite to the development of democratic societies. A society cannot be said to protect human rights if it does not respect fully the rights of half of its population.

The process of democratisation is complex, difficult and at times fragile. The ILO has done much in the past to promote and defend democratic values. The challenges it faces today are enormous, but I am confident that the ILO will continue to be equal to the task.

Mr. MUSA *(Minister of Labour and Productivity, Nigeria)* – I wish, on behalf of my delegation and the Government of the Federal Republic of Nigeria, to join earlier speakers in congratulating the President and his Officers on their election to direct the deliberation of the 79th Session of the International Labour Conference.

There have been phenomenal socio-economic and political changes in all parts of the world since we gathered here for the 78th Session of this Conference in 1991. Many of these changes have had a great impact on the lives of peoples in different societies of the world. African countries in particular have continued to experience difficult economic conditions, with resultant adverse effects on working lives and the work environment on the continent. This grim situation notwithstanding, the leaders of Africa are showing greater determination in finding lasting solutions to the myriad socio-economic problems that presently bedevil our continent.

Allow me to comment on an aspect of the Director-General's Report which deals with the role of the ILO in the process of democratisation. It is noteworthy that the focus of the ILO is being expanded to include the promotion of democratic principles and ideals in member States. I recall that, since its founding, the ILO has doggedly taken upon itself the task of fighting unemployment, poverty, and unsatisfactory working conditions. Although I believe that significant achievements have been recorded in these areas, a great proportion of mankind continues to eye out an existence in the most pathetic conditions of material deprivation. In my view, the direction of resources to democratisation places the ILO in an eminent position to promote social concertation and a pluralistic environment for all segments of our various societies, so as to find solutions to the social and economic problems facing our various countries.

This focus is also welcomed in view of the close relationship between political instability (which thrives when democratic principles are not allowed to grow and develop naturally) and social inequalities. I hasten to add that this expansion of the ILO's work is complementary to the principles of tripartism which is characteristic of our Organisation. It is equally complementary to our longstanding promotion of democratic principles in trade unions and labour-management relations. Consequently, I have no doubt whatsoever that the pursuit of democratisation by the ILO will serve to further entrench the culture of consultation, dialogue and popular participation not only in industrial relations but also in society as a whole.

In Nigeria, we have drawn up a comprehensive transition programme aimed at achieving democratically elected government. This programme is currently being pursued vigorously by the present military administration and it is at its last lap, as we barely have six months before the hand-over of power to a democratically elected government. Our commitment to democratisation is predicated on the belief that the human rights of every citizen should be not only acknowledged but respected as well. This would seem inevitable if our collective energies, which are vital for promoting rapid economic recovery and sustained growth, are not to be dissipated on anti-government campaigns. In essence, the programme of transition to civilian rule embarked upon by my Government was largely informed by this experience. Some aspects of this transition programme might appear justifiably unique to Nigeria. This is so because our evolving democratic system has taken due account of the history, diverse culture and pluralistic political beliefs of our population. In addition, it is being pursued of our own volition without any external pressure.

At this juncture, permit me to highlight some aspects of Nigeria's programme of transition to civil rule. Based on our past experience, we have designed the transition programme to be gradual, purposeful and effective in order to lay a good foundation for a new set of values and for a political attitude and culture capable of enabling us to usher in a new social order. Consistent with this determination, the transition programme took off with the inauguration of a Political Bureau, which was charged with the task of monitoring debates on the problems of past attempts at democratic government in the country. Based on the report submitted by the Bureau, the Government set in motion the machinery for the implementation of the transition programme.

The democratisation process also involved a review of the country's Constitution, which becomes fully effective at the end of this year. It has provisions for the creation of new institutions that would lead us to the society of our dreams, where social justice and peace prevail. One of these institutions is the Directorate of Mass Mobilisation for Self-reliance, Social Justice and Economic Recovery, which aims at undertaking a planned and sustained campaign that will inculcate positive and desirable social and political values in our people. The campaign will also reduce, if not eliminate, destabilising factors in the nation's politics. Furthermore, my Government has also established a National Electoral Commission to organise, conduct and supervise the election of candidates of the two recognised political parties.

The structural organisation of the two-party system is based on grass-roots support for the emergence of political parties that will give equal rights and opportunities to participate in the political process without any hindrance to all Nigerians. It is gratifying to note that the National Electoral Commission, acting under its mandate, has recently and successfully conducted elections at the local and state government levels. Elections to the National Assembly and for the President are scheduled to be held before the end of this year.

My Government has also taken decisive steps in the field of political education. It has set up a Centre for Democratic Studies (CDS) to nurture a new political culture and new attitudes through sustained and regular training, workshops, seminars and conferences that will expose the political elite to the values and demands of democratic governance. Since the establishment of the Centre in 1989, it has made enormous contributions to the transition programme by organising workshops and seminars for political parties at various levels, as well as for local government chairmen and councillors, and the newly elected state governors and legislators. The training programme of the CDS is focused on the powers, functions and obligations of elected officials as well as the relationship between the three branches of government.

Nigeria is irrevocably committed to the survival of democratic norms and values. This commitment explains why various guidelines, laws and ideas have been adopted in order to start a new socio-political course that will enhance our development process. We realise the magnitude of the task we have set for ourselves, and we are encouraged by the support of the majority of Nigerians, who have demonstrated keen interest in all efforts to entrench democracy in the country.

As the ILO now intends to focus attention on the advancement of democracy in member States, it is my belief and hope that its programme of activities in this direction will be worked out cautiously to eliminate fear of undue interference in the internal affairs of member States. Nigeria, for its part, would welcome technical assistance provided through the Centre for Democratic Studies in the areas of manpower development for the newly elected legislators and political party officials. We also welcome logistic and material support for the electoral supervision body, as well as the strengthening of workers' education with the aim of sustaining the democratisation process.

Finally, I enjoin you to give full support to the bright initiative of the Director-General in making the advancement of democracy one of the ILO's future activities. It is a positive response to the dramatic democratic changes that our world is currently undergoing, and I hope that member States will give adequate support to the Organisation in this important area of concern.

Original – Arabic: Mr. RASHED *(Workers' delegate, Egypt)* – In the name of God, the Merciful, the Compassionate! I should like, on behalf of the workers of Egypt and on my own behalf, to congratulate Mr. Nascimento Rodrigues on his election to the presidency of the 79th Session of the International Labour Conference, as well as the other Officers of the Conference. I hope that the work of the Conference will be crowned with success and that we shall achieve positive results, thus allowing us to realise the noble aims of the International Labour Organisation and build a world in which democracy, social justice and peace prevail.

I am extremely honoured, as President of the Egyptian Trade Union Federation – the largest trade union in my country – to be addressing this Conference for the first time. I was privileged to hold this position several months after the beginning of a new four-year period following trade union elections. These elections bear witness to the democratic nature of the trade union movement in Egypt and have proven that trade unions are capable of installing democracy in a Third World country. The State and social forces as a whole are attempting to apply democracy because they believe that freedom and democracy are prerequisites for human dignity and the social and economic development of the country. It is for this reason that we studied with great interest and respect the Director-General's Report, *Democratisation and the ILO.*

I should like first of all to congratulate the Director-General because his Report is most timely. First, the subject of the Report is one of the main concerns of the international community, at a time when many countries, both in the North and the South, are undergoing profound upheavals and opting for democracy after long periods during which their peoples had no true democratic rights.

Second, democracy has always been one of the ILO's major concerns. Indeed, the Organisation has always called upon its member States to establish democracy in their countries and encouraged the various parties to play the democratic game" – without which man cannot aspire to a decent life. The ILO, which has a tripartite structure based on dialogue – one of the cornerstones of democracy – is therefore the international organisation the most apt to play an important role in this respect.

We agree with the Director-General when he says in his Report: "I can perceive three broad areas in which the action of the Organisation could alter the situation in a country in the throes of transformation and in pursuit of stability: (1) respect for fundamental human rights, especially in employment...; (2) energetic action to encourage a market economy with a social dimension; (3) the strengthening of tripartism and collective bargaining", with all that this implies as support for organisations and institutions concerned by labour and the labour force.

The Report is indeed very ambitious because it tells member States how to take up the challenge of democracy. Moreover, we noted that the notion of democracy within the ILO itself was scarcely dealt with in the Report. It does not refer to the extension of the decision-making process or to any structural changes which should occur to allow countries in the Third World – who represent the majority of the member States of the Organisation – to play a greater role in making decisions directly concerning them. In this context, we should like to know what the situation is as regards the ratification of amendments to the Constitution concerning the structure of the ILO – and we hope that rapid progress will be made.

A number of geographical regions, especially in Europe, have undergone profound political changes resulting in the emergence of new independent countries. We believe that the problems linked to this development should be settled in the regions concerned so that they do not delay changes to the ILO structure and allow the Organisation to contribute towards strengthening democracy in the world.

In the context of economic reforms which were recently launched in Egypt, we have noted structural changes in this area – especially an opening up towards the market economy. This was necessary to bring about immediate economic and social development, it is in line with the political, economic and social changes occurring throughout the world today.

By means of a constructive dialogue, the trade union movement and the Government tried to involve the population in the drafting of policies and economic reforms, ensuring that these did not undermine social justice, the economic situation and attempts to combat unemployment.

It is relevant to point out that the new law on enterprises in the public sector, which is attempting to liberalise and modernise enterprises in line with new economic guidelines, has allowed trade unions to participate, together with the administration, in drawing up workers' regulations, especially in areas concerning wages, promotions and leave. This law meets the demands of the Egyptian trade unions and will allow them to play a much greater role in collective bargaining in the future. We therefore hope that the ILO will provide us with assistance in this field.

I should like to take this opportunity to express our gratitude to the Organisation for approving in principle a project to provide the parties concerned in Egypt with technical assistance to help them harmonise and modernise labour legislation, so as to facilitate its application and adjustment to our country's economic and social development.

We firmly agree with the ideas expressed by the Director-General in his Report, to the effect that: "the present climate of international détente should enable many countries to reduce their military expenditure, allowing public spending to be channelled towards measures designed to alleviate poverty and ease its intolerable effects on populations."

On behalf of Egyptian workers, I should like to express our satisfaction at the positive political developments in South Africa; indeed, this country is moving towards constitutional reform, which will allow the black majority to exercise its rights within a democratic system without racial discrimination. We sincerely hope that, in the near future, we shall witness the triumph of freedom and democracy in the South of the black continent and the consolidation of the principles of freedom, justice and peace.

In concluding, allow me to say – at a time when the world is particularly concerned by democracy and human rights – that the principles of human rights extend to all individuals and all peoples and that they should apply to each and every one without distinction of race or religion. These principles, which have been upheld in international charters and conventions, are intrinsic to man; and consequently they extend to the whole of mankind.

On behalf of the Egyptian workers, I urge the International Labour Organisation to ask its member States to guarantee equality of treatment – both economic and social – between national workers and migrant workers, especially with respect to wages, working time, social security and freedom of association.

And since we are speaking of the protection of migrant workers, I note that workers of various nationalities who were affected as a result of the Gulf War – including nearly half a million Egyptian workers – have still not received compensation for the damages they suffered because they were forced to return to their own countries. We therefore hope that the ILO will make the necessary contacts with the compensation fund of the Security Council, so that these workers might obtain the funds due to them which have been frozen by a number of States involved in the conflict.

Mr. MUKASA *(Workers' delegate, Uganda)* – Permit me on behalf of the National Organisation of Trade Unions of Uganda to congratulate the President and his deputies heartily on their election to the most high office of this year's Session of the International Labour Conference and on the excellent manner in which you have conducted the Conference's business up to now. I have no reason to doubt your ability to continue sucessfully in this way.

The Director-General was right to guide the Conference's attention to the importance of linking the growth of democracy to the use of tripartite institutions such as are embodied in the ILO system.

He was also correct to say that the essential link between the market economy and the tripartite system is social dialogue based on the state allowing workers and employers ample latitude and not deciding everything in advance.

May I add that, for tripartite bodies to work, they must consist of three equal partners, not one master and two subordinates.

The Director-General has often stressed the universal nature of international labour Conventions and Recommendations but, to our disappointment, we have heard from too many countries that the rules and values of the ILO are not relevant in their particular cases and are in conflict with the provision of their countries' constitutions.

Unfortunately, the majority of those which take the lead in denouncing important Conventions are highly developed countries and members of the EEC family.

One important Convention denounced by some countries is the Night Work (Women) Convention (Revised), 1948 (No. 89) which concerns not only the recognition of women's social status but, most significantly, the protection of mother and child from the hazards of night work. That mother, who might have been the mother of one of us present in this great building in the past or before the ILO adopted Convention No. 89 which is now being denounced, might abandon that child which, again, could be any one of us present here, to go to the factory and attend night work until morning, when that child could then resume breast feeding. If those babies could talk and walk, they would be demonstrating today, around this building, against such denunciations, but unfortunately they cannot and they will not. Instead, those babies will tonight be left to babysitters until the following morning in those countries which have denounced this Convention.

One thing is certain, developments taking place in developed countries are bound to influence events in developing countries.

I do welcome internal investment. As Africa opens her heart and her mind to the democratisation process, so Africa must open her borders to foreign investment.

But let this take place on terms that respect the needs of local communities and people and, consequently, that respect fundamental human and trade union rights.

The right way to achieve this is to promote the right of workers to form trade unions and to understand that ILO values are universal and include these vital rights.

That is why I am so saddened to read in reports we are discussing at this Session of the Conference of the constant violation of international labour standards, unfortunately by respectable countries like Malaysia.

It is not only in this year's Conference reports but in those going back to the 1970s that serious statements have been made against the non-observance of international labour standards by this great country for not permitting electronics industry workers to form a trade union.

The right to form a trade union is a vital part of the democratisation process for developing and the already developed countries.

We prefer to seek and uphold ILO values because we agree with the Director-General that this is the best way forward. I appeal to all those concerned to observe and respect the ILO standards.

I hope that this question of Malaysia's electronics workers will not arise again and that this respectable country's authorities will have resolved it.

The ILO has constantly called the attention of member countries to the need to ratify the most important Convention, Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), but with no heed on the part of some countries. I invite you to note that this is a fundamental convention in line with all basic human rights and international standards. Therefore only those countries which do not observe and respect human rights should not ratify it.

Finally, I would wish to address you briefly on the issue of an employment standard. It has been observed in ILO reports that several governments have continued to pursue their immediate aims by reducing the supply side at the cost of the objective of full employment. On this, I want to welcome the ILO observation that measures of labour market policy alone do not seem to achieve any lasting reduction in unemployment.

Now, permit me to make a serious statement for which I am alone liable, not my country, although maybe my organisation, which I have the honour to represent. The International Monetary Fund is guilty of having created unemployment everywhere, particularly in the Third World, by imposing its structural adjustments without any social dimension. It should be specifically asked to make reparation.

Yes, the IMF is also liable for the non-observance and non-ratification of the Employment Policy Convention, 1964 (No. 122) by many countries. It should be tried and convicted for those capital offences.

Permit me lastly to extend a word of warm appreciation, on behalf of my organisation, NOTU, and its affiliates, to those friendly organisations which have, for a long time now, helped us in different ways, particularly in terms of training which, in my view, is the best and most meaningful way the democratisation process can be achieved and enhanced. While I cannot exhaustively list such organisations, inevitably the following few have to be mentioned. I will start with the ILO itself, which has helped us a lot in the field of education and training, the ICFTU, the Commonwealth Trade Union Council, the TUC, the Nordic countries, the OATUU, the Trade Union Confederation of China. Then the ITS which have also assisted us, like the International Federation of Commercial, Clerical, Professional and Technical Employees, the International Metalworkers' Federation, the International Federation of Plantation, Agricultural and Allied Workers, the Public Services International, the Miners' International Federation, the International Federation of Building and Woodworkers, the International Federation of Trade Unions of Transport Workers and the International Textile, Garment and Leather Workers Federation.

Original – French: Mgr. TABET *(Apostolic Nuncio, Permanent Observer of the Holy See in Geneva)* – I am very happy to be able to join the distinguished delegates who have preceded me in contratulating the President on his election to this office and to congratulate him on the way in which he is leading this Conference.

At a time when deep changes are reshaping our world, it is significant that the Director-General of the ILO has suggested democratisation as a topic for discussion at this session. For people who aspire to a better life the International Labour Organisation offers a surer way to build solid foundations for economic and social life.

The democratic method is in fact the best guarantee for the protection of human beings. However, it is realistic only if it puts the dignity of the human being at the centre of its concerns, and promotes all human values, particularly freedom. On this point, the social teaching of the Catholic church fully coincides with the ILO's perspective.

The Report of the Director-General stresses that democracy is a dynamic process which enables each man and all men to participate in the building of a more just and solidary society. Democracy recognises the basic equality of all members of society, and makes them responsible for the life and the destiny of the political community. To this end it requires the necessary conditions for the material and spiritual fulfilment of individuals, and especially the provision of education and training to all.

Pope John Paul II, when he recently gave an audience to the Chairman of the governing body of the International Labour Office, congratulated the ILO for putting social dialogue and tripartite cooperation at the forefront of its considerations.

The structures and the instruments that the ILO proposes to countries to organise the world of work are all aimed at enabling all parties involved to come together, in a spirit of mutual respect, in order to work together for the common good. In so far as this philosophy of tripartism is implemented, not only does it build democracy and transform society by making it more participative, but it also educates people by teaching them to defend their individual or group interests in fruitful cooperation with society as a whole.

This is the most appropriate way of ensuring that economic, political and social restructuring, brought about by liberalisation of markets, is accomplished for the good of all.

In this spririt, the delegation of the Holy See wonders whether it would not be more appropriate to put greater emphasis on democratisation at the grass-roots level, or in other words, to focus on an approach which more directly touches the daily life of workers.

Specifically, we consider that the ILO should strive to promote greater democratisation and greater participation at the work place. Human beings who are engaged in work, even and especially in precarious situations, should have a say as regards their own future, so that with the cooperation of political representatives and employers, they are able to achieve decent standards of living.

On the other hand, taking into account not only economic, but also the cultural and racial discrimination which affects numerous groups and individuals, is in our opinion the necessary corollary to this approach. The ideal of social justice which animates the ILO should prompt it to take more effective action to fight against discrimination. Discrimination exists everywhere but special attention should be given to developing countries and to those which are carrying out the unprecedented transition from a centralised system to market economy and, at the same time, to political democracy.

In both cases, human beings must be neither forgotten nor sacrificed. The Holy See is pleased to note that the action undertaken by the ILO in the sphere of structural adjustment policies is beginning to create a general acceptance of the importance of social objectives. Vocational training, which instills a greater sense of work for and with others, remains, to our way of thinking, the most effective way of enabling everyone to participate in the building of a democratic society. We are convinced that the development of the world of work requires education which opens minds to the concept of responsibility. This is what we mean by "democracy in the field."

In the encyclical *Centesimus Annus*, Pope John Paul II stated: "Following the collapse of Communist totalitarianism and of many other totalitarian and "national security" regimes, today we are witnessing a predominance, not without signs of opposition, of the democratic ideal, together with lively attention to and concern for human rights. But for this very reason it is necessary for peoples in the process of reforming their systems to give democracy an authentic and solid foundation through the explicit recognition of those rights."

When the Holy See advocates a grass-roots democratisation and the elimination of discrimination, its wish is that the human rights of each and every man be respected in a very concrete and pragmatic way. The fulfilment of these rights is the aim of ILO action. But is not the first of these rights, for every man and woman, to be, through his or her work, a protagonist in the society to which they contribute and from which they receive in return the necessary means to meet their basic needs, as emphasised so aptly in the Declaration of Philadelphia?

The democratic method is, in this sense, that which provides each individual and each group with the best possibility of working together to identify, recognise, respect, protect and exercise these essential rights and these duties.

Original – Arabic: Mr. JILANI *(Employers' delegate, Tunisia)* In the name of God, the Merciful, the Compassionate! May I first of all congratulate Mr. Nascimento Rodrigues most sincerely on his election as President of this session of the International Labour Conference. I wish him every success in his task of conducting the business of this session of the Conference, which is of the utmost importance to us.

I should also like to thank the Director-General for the excellent choice of topics he prepared for this session. He considered various aspects of these topics which reflect our concerns and our aspirations.

On behalf of Tunisian employers and on my own behalf I would like to repeat how satisfied we are with all the subjects dealt with before this international assembly. This session is being held at a time when democratisation is affecting the major part of the world. The theories and regimes that history has shown to be demagogic and disastrous have now disappeared and have made way for the free-market economy and for personal initiative.

In Tunisia we have always truly believed that global development and economic efficiency cannot be achieved without democracy. Each of us in his own sphere, employers, workers, and the Government, have worked towards consolidating democracy in all aspects of our daily lives in general, and within economic institutions in particular, to allow it to become a living organism where interests complement rather than contradict one another. These efforts have resulted in an improvement in our balance of payments, which is the logical result of the structural reforms that have been applied as part of President Ben Ali's democratic regime.

I cannot fail to mention here the assistance that we have received from the International Labour Organisation and from its Office which is responsible for employers, activities, and also from the International Organisation of Employers which is doing everything possible to further free enterprise and the market economy.

In this connection I should like to thank this Organisation once again for having chosen Tunis for the international meeting on the informal sector, and also for its extensive assistance in helping us to ensure the success of this important meeting. We also thank the ILO for its continuous efforts in organising numerous technical events in other countries, and in particular in Africa which continues to have an urgent need for such events and for assistance of all kinds, to allow its economy to be strengthened so that it is in a position to keep pace with the developed countries and to provide the economic and political equilibrium we all desire.

The tide of democracy that is advancing all over the world, the free-economy system which is spreading day by day, and the enormous changes taking place in the former Soviet block, are certainly in need of reinforcement and guidance. In effect, in spite of the disappearance of socialist regimes in the political sense, their after-effects are still very much present in a large number of social laws in many regions around the world. The market economy and free enterprise, which certainly do not conflict with the social balance or the well-being of workers, are still being negatively influenced by left-over rigid socialist thinking which is completely out of touch with the needs of personal initiative and the abilities of modern enterprises with regards to ensuring production, competitiveness, and rapid adjustment to market forces.

The International Organisation of Employers, the International Labour Office and all employers' organisations and associations throughout the free world are requested to make increasing efforts to clearly define social concepts within the enterprise itself and to do away with the remains of a demogogic socialist way of thinking that proved to be a failure.

The market economy implies great challenges for enterprises in areas such as competition and the quality-price ratio. To take up these challenges on the one hand and to keep up with the latest technological advances on the other make vocational training and the development of human resources the corner-stone of progress, of rather ot the survival of any enterprise.

Whilst it is difficult to achieve this situation in developed countries which have well-established institutions and traditions in this area, developing countries that have just begun the industrialisation process are largely reliant on the efforts of the international organisations and institutions to provide them with the necessary assistance to enable them to draw up training rules and procedures that will meet the real needs of enterprises.

Aware of the importance of training in improving the skills of workers and developing enterprises, we have, within the Tunisian Union of Industry and Trade, endeavoured to ensure that the supervisory structure of this important sector should be coordinated completely and permanently with the economic institutions. The political authorities have realised the importance of this sector and have entrusted the Ministry of Vocational Training and Labour with its organisation and development.

While paying homage to the ILO for the constant efforts which it makes to provide training and retraining programmes in many countries, we hope that it will strengthen its efforts in this sphere.

The world of today, which has seen the collapse of the ideological contradictions which divides it, witnessing the emergence of new groups and areas characterised by the convergence of joint economic interests. Tunisia, by virtue of its determination to remain open to the outside world, its noble traditions as a crossroads of trade and encounter, as well as its specific geographical position, is experiencing these changes in complete harmony with the needs of its Arab, African and Mediterranean environment.

As employers grouped together in the Tunisian Union of Industry and Trade, we are working in all structures and in all spheres towards the achievement of a Maghreb economic area which will enable our enterprises to meet the challenge of fair competition at the world level.

In this same sphere, we have contributed to the creation of many specialised occupational structures in the Maghreb countries and we have organised the first meeting of Maghreb employers with a view to the establishment of free enterprise and a market economy.

We hope that the Pan-African Employers' Confederation will serve the economic interests of Africa and will play its role alongside international institutions and through the intermediary of the International Organisation of Employers in consolidating the free market.

Furthermore, we are working with objectivity and optimism towards strengthening and developing our traditional relations with the European Community, in a spirit of adaptation to the changes being experienced by the Community which accounts for a large part of out trade.

The Tunisian Union of Industry and Trade, through the joint chambers which it has created with a large number of counterpart organisations in friendly and fraternal countries, and through international organisations of which it is a member, is working towards the establishment of world economic equilibrium and a reduction of the differences which continue to broaden the gap between North and South. Security and peace in the world cannot be achieved within a new world order as long as nations continue to suffer from famine and as long as peoples remain deprived of their basic rights to self-determination and freedom.

An encouraging sign is the initiation of peace talks between the various peoples of the Middle East and which, despite some obstacles which have slowed down the pace of progress, have been in our view very positive development and which will help resolve four decades of bloody conflict and give the Palestinian people its rights as a free and independent State.

The same is true concerning the determination of the Government of South Africa to eliminate the remains of racial discrimination which our Black continent has suffered for many years and which we have condemned on so many occasions from this rostrum.

Once again, I should like to thank all the officials and services of this Organisation and all those who have through it contributed to the development of the economy and the peace of the world.

May the peace, pity and grace of the Almighty be with you.

Mr. LEATHER *(representative of Public Services International)* – I add my congratulations to those of other speakers for the President's election to office and that of the Vice-Presidents. I have the pleasure of addressing this 79th Session of the International Labour Conference on behalf of Public Services International (PSI). PSI is the largest international grouping of independent public sector unions, uniting 14 ½ million workers.

I should like to start by congratulating the Director-General on his reports to the Conference, in particular the Report entitled *Democratisation and the ILO*. As the report makes plain, it is one thing to attain democracy and another to keep it alive. Democracy means that the principles of liberty and equality are given practical meaning and that there is freedom from hunger and freedom from fear.

While agreeing with the Director-General's views on the reform of the State, we feel that is is dangerous to talk too vaguely about reducing the public service to "manageable proportions". Such statements offer ammunition to those who globally attack the State without understanding its vital regulatory role in both the economic and social spheres.

In the all too recent past, many governments, with international support, argued that democracy was a developed country luxury. Now, however, encouragement is being given to countries – rightly in our view – to create democratic institutions and processes. Where they have succeeded, it has often been as the result of a long hard struggle by people's organisations, especially trade unions which dared to challenge military and one-party dictatorships. This struggle is still going on in a number of countries, and the international community must continue to give its moral and practical support.

In this process of welcome change, many newly elected democratic governments have little chance of surviving in the current world economic climate. The situation in many countries, especially Africa, considerably worsened in the course of the 1980s – partly because of the unfair terms of world trade and escalating indebtedness, and partly because of the measures imposed by multilateral financial institutions.

The International Monetary Fund and the World Bank are monopolistic decision-makers. In some cases they have undermined the role of United Nations agencies, as the ILO knows only too well.

Both the process and content of these institutions' decisions pose a major threat to emerging democracies. The way in which economic solutions are imposed precludes discussion with representatives of the workforce and the community, although these are the people who are going to be directly affected. Fundamental consultation and collective bargaining rights, recognised by the ILO, are swept away as a result of decision taken by these unelected bodies.

The conditions which are laid down under stabilisation and structural adjustment programmes are driven by ideological free market theories. These theorists do not themselves live with the consequences of the measures they impose on others, nor do they practise these measures at home. The United States is not only the world's greatest debtor nation but it has a highly protected and regulated market. The liberalisation of the world food market is a single measure which could bring enormous benefits to 0the exporters of foodstuffs.

The privatisation mania continues unrestrained in many parts of the world, particularly of course in the countries of Central and Eastern Europe, fuelled by the multinational consultants. In counterbalance to the unilateralism of the consultants, the ILO should step up its support for the establishment of the principles of tripartism, for labour legislation based on freedom of association and for education and training which would help put these principles into practice.

The ILO itself drew attention to the gravity of the economic situation in an article on labour adjustment in the public sector in the *International Labour Review* in 1990. In the public sector in many African and Latin American countries there have been widespread job cuts made without thought or planning for the social and economic consequences. Over the 1980s real wages in the public sector fell by some 30 to 40 per cent in Africa and 20 per cent in Latin America, so a family with two wages in Ghana can now only pay for 30 per cent of its basic nutritional needs.

At the same time, as wages have fallen and unemployment has risen, essential services have been cut. Indicators such as child mortality and maternal deaths show a reversal of gains made previously as health services expanded and improved. The relatively high proportion of women in the public sector workforce, and the fact that women are both important users of or substitutes for community services, means that the burden of debt and structural adjustment is being disproportionately borne by women.

These cuts in health and social services come just at the moment when the extent of the threat from AIDS is a last beginning to be acknowledged. Not only will health services be increasingly overstretched but the depredation of the workforce and the undermining of national capacity-building efforts will be devastating across the world. We urge the ILO to play a prominent part both in joint prevention efforts and in helping to assess and respond to the social and economic consequences of the pandemic.

We are not opposed to structural adjustment or structural change. On the contrary, we recognise that tough choices have to be made. Our concern is with the process by which these choices are made, which excludes trade unions; the analysis of the problem, which persistently puts the blame on the public sector; and the solutions put forward, which inevitably impose huge cuts on public services and public employment.

The cost accountants' view means that the very machinery required to bring about democratic change is no longer able to function. The essential services required to help the mass of the population through a difficult transitional period will not be in place.

However, recent reports from both the World Bank and the OECD have contained substantive statements which analyse and affirm the vital role of the State and the public sector.

According to a 1991 OECD publication on serving the economy better, the effectiveness of the public sector largely conditions economic development and sustains political and social cohesion. It influences national economic efficiency, the rate of technological and organisational innovation, the direction and speed of structural adjustment, and the cost to users of unpriced resources such as the environment.

The document also acknowledges that the public sector cannot be run using narrow economic criteria as the sole determinant of policy.

Note the strong support for the public sector given by the World Bank in its 1991 *World Development Report:* "...Markets cannot operate in a vacuum – they require a legal and regulatory framework that only governments can provide. And, at many other tasks, markets sometimes prove inadequate or fail altogether. That is why governments must, for example, invest in infrastructure and provide essential services to the poor. It is not a question of State or market: each has a large and irreplaceable role."

The World Bank puts its finger on a fundamental problem of the pure market economy. What happens to the victims and the losers? The market can be a very effective means of creating wealth in society but it is neither neutral nor indeed benign. When left unrestrained, the market can be ruthless and destructive.

Democratic structures are necessary checks on the market. Trade unions and the political labour movement have historically been the main instruments for restraint and have in most developed countries achieved important gains for workers and the oppressed. At the same time, the public sector takes overall responsibility for implementing social and economic balance. This is a creative and vital role to play in society.

Unfortunately, the ILO does not seem to have sufficiently taken on board these revised views. Its activities poorly reflect the size of the public sector workforce in many countries or their legitimate concerns. We welcome the assurances of the Director-General that he would like to see this change and call on governments and employers to support him. It is important that a number of departments within the ILO and all its Regional Offices take responsibility for issues relating to the public sector.

When we look at what is happening in the world around us, we come to the conclusion that the ILO and all that it stands for is now needed more than ever before. Our affiliates in the public sector are facing increasing barriers to exercising their basic trade union rights. There are still too many countries which do not recognise the right of public sector workers to form a trade union, in particular Indonesia, Thailand and Turkey. There are numerous others which restrict trade union freedom for all or part of the public sector; these include Japan, much of South-East Asia, Guatemala, Zimbabwe, South Africa, the United Kingdom, much of the Middle East and certain states in the United States.

It is necessary once again to make special mention of the situation in Thailand where the military authorities and their appointed Government do not recognise basic trade union and human rights in state enterprise despite the findings of the ILO Freedom of Association Committee. We also draw your attention to the outstanding case of Brother Thanong who disappeared nearly a year ago.

In Turkey, our affiliate Genel-Is (Municipal Workers' Union) from the Trade Union Centre DISK still has completely unacceptable restrictions on its right to organise and bargain. We welcome the fact that the Republic of Korea is attending the ILO Conference for the first time. It is unfortunate that in practice it subscribes to virtually none of the basic ILO principles and one questions what purpose its membership is supposed to serve.

Finally, we welcome the Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the Republic of South Africa and urge that its recommendations be put into practice.

In conclusion, the struggle to achieve democracy will depend in part on the revitalisation of the State and the positive contribution it can make.

Original – English: Mr. BRETT *(Workers' delegate, United Kingdom)* – I join with earlier speakers in congratulating Mr. Nascimento Rodrigues on his election and on the skilled manner in which he has presided over the Conference in the past two weeks. It has not always been easy, but that was not unexpected, given the nature of the subject of the Report. The Director-General was somewhat courageous in choosing the topic of extending democracy – because democracy means all sorts of different things to different people and it means a lot to nearly everyone here.

In the trade union movement I think we tend to have a wider concept of democracy than the ones most current at present in other circles. Stated simply, I think that we would say that extending democracy means ensuring that all people should have a say in the decision that affect them. At one level, perhaps the most important, all adults should have a vote and a choice in the election of those who should be responsible for national and local government. But almost everywhere such choices are exercised only at intervals of years. Universal suffrage does not in itself guarantee participation on a continuous basis in decision-making. It provides an element of accountability but not a sharing of responsibility essential to human dignity.

The trade unions exist because working people established them to fulfil that need – to make good a democratic deficit. And it is perhaps well for us to be reminded that in my country – and in several others – the mass of people achieve democratic influence through trade unions a good many years before they had a vote and a genuine choice in political elections. The Director-General might have referred in his Report to the outstanding and initiating role which the trade union movement has played in bringing political democracy to regions as diverse as South America, Central Europe and southern Africa.

On the other hand, I would certainly question the equation in the Report of free, democratic development with the opening of free markets. There are regions around the world, even today, where there are no restrictions on market forces but every kind of ban on freedom of association and other democratic rights. People have the right to buy anything they like but they are not allowed to organise in order to raise their wages to provide the means of buying. The ideology of the market and the slavish attitude towards it in some countries are developing the philosophy which treats human beings only as consumers and producers; and in their role as producers in many countries they are treated as mere commodities and denied inherent human dignity.

It is the trade union view that the market and the society in which we live should serve the people and that people should not be servants of the market.

The ILO was founded at a time when the world was acutely aware of the appalling consequences of such an approach. It received a new mandate, after the second great conflagration of this century, which heralded the introduction of key human rights conventions. All delegates should read the appalling accounts of bonded and child labour in the documents before this Conference. They should reflect on the position of millions of people in cities of both developing and industrialised countries, without work or vote, whose human dignity is not recognised in any real sense. I think at this Conference we should reflect on this record and consider whether we are losing sight of the lessons of the past. There are many human needs for which the market does not cater. If those needs are neglected by those in power, then social justice is denied and peace and democratic freedom are at risk. The workers in the Gdansk shipyard in August 1980, Frederick Chiluba for most of the 1980s and the members of COSATU and NACTU in South Africa today were not fighting for the introduction of a free market. As trade unionists they were – and still are – fighting for full human dignity and freedom. That requires that all working people should have their basic need for decent lives for themselves and their families met.

What should the ILO do to assist in these endeavours? It is right that the ILO should in its appeals to the IMF and the World Bank, call for a social dimension in financial policies towards developing countries. It is a matter for the deepest regret that millions have suffered grievously because the international community has failed until recently to heed that call. This illustrates one of the most grievous shortcomings of the free operation of market forces and I do not apologise for saying that public intervention is needed and should be supported to ensure and enable basic needs to be met. The single economic and social objective which should be accepted by all governments is the achievement of high and stable levels of employment.

The ILO has given a lead in the past. The World Employment Programme, launched in the late 1960s, gave a lead which was not followed at the time when the governments of industrialised countries were all committed to full employment. In practice, those countries have since abandoned the objective and in all countries the rate of unemployment is two or three times higher than it was then. In my view, there can be no greater service that the ILO could provide to working people, wherever they are, than to analyse the reasons for this disastrous increase in unemployment with all its attendant social evils, and to bring together ILO constituents in committed efforts to find a way of securing productive, freely chosen jobs for all.

Secondly the ILO has a duty to educate. If people knew how the faces of the poor were being ground into the earth, if they knew about the net outflow of financial resources from the developing world, if they were sensitive to the increased disparities of living conditions between the rich and the poor, they would not tolerate them. They would be committed to the struggle for social justice. The ILO should work to sensitise consciences. If we take that duty seriously in the ILO, we will run into controversy and indeed opposition within our own constituencies, but that, in my view, is what is necessary if the ILO is to fulfil its responsibilities in this unjust and unstable world of today. I hope that the Director-General and the Governing Body will take up these challenges. If they do, they will have the support of the trade union movement and the world will be a better place for that effort.

Original – Russian: Mrs. KASUMOVA *(Government delegate, Azerbaijan)* – On behalf of the delegation of Azerbaijan I would like warmly to congratulate the President on his election, and I wish him every success.

For the first time in this room we are hearing the voice of Azerbaijan, therefore I would like to thank you most sincerely for this. I would also like you for the first time to hear an Azerbaijani speech, and I would like to speak in my own language.

(The speaker continues in Azerbaijani.)

For the first time you are hearing the voice of the sovereign State of the Republic of Azerbaijan. for more than 70 years the Republic was under the yoke of a totalitarian regime. While enjoying unique conditions and, a wealth of resources and industrious citizens, the Azeri people have lived significantly below its capacity. Today we are building a new State, and we must try to overcome the consequences of a totalitarian regime and a command-type administration.

We see the future Azerbaijan as a democratic, peace-loving State, adhering to the principles of human civilisation. In its governmental policies, Azerbaijan will adhere to the idea of an interdependent world and work to achieve the common goals of all mankind.

We would like to express our readiness to build our relations with all countries on the basis of the principles of peaceful co-existence and good neighbourliness.

Our Republic is gaining international recognition. It is becoming integrated into international political and economic structures. More than 100 countries of the world have recognised the independence of Azerbaijan and are establishing diplomatic relations with us.

Our aim is to build a dynamic market economy, open to the outside world, making it possible to exploit the unique natural wealth of Azerbaijan, which possesses enormous fuel resources and other raw materials:

We produce oil, oil-based products, chemicals, iodine, rubber, iron ore, alumina, and aluminium, equipment for the oil industry, electrical equipment, refrigerators, air conditioners. This is not a complete list of what is produced in Azerbaijan. We are engaged in cotton cutivation, wine growing, horticulture, tobacco and silk production – the traditional occupations of rural workers in the Republic.

We have adopted laws providing for the development of and guarantees for private property, favourable fiscal terms to attract and protect foreign investment. In the Republic we have liberalised prices and begun the process of privatisation and destatisation. We are reorganising management systems and adopting them to market conditions. We have already started the process of active cooperation in different areas between Azerbaijan and many other States of the world, with leading companies in Italy, Austria, Turkey, USA, Great Britain, Iran, France, Germany and other countries. We are creating a predictable and secure climate for investment.

We are being guided by the firm conviction that democracy, human rights and the supremacy of the law are the necessary prerequisites for the development of society. We guarantee all citizens of our Republic, equal and effective protection from all forms of discrimination, be it on national or religious grounds.

This is already the fifth year of military aggression perpetrated on my people by the neighbouring Republic of Armenia. Open war is being waged. People are dying and the rights of Azeris are being flouted. There is a daily escalation of violence that has led to many victims amongst the non-combatant population, and infringements of the rights and freedoms of our citizens.

The military aggression by Armenia has led to an enormous number of refugees. The single-minded and large-scale deportation of Azeris in Armenia, and forceable expulsion of the last 200,000 in 1988, created the first refugees in peacetime. They are deprived of the constitutional right to work, or social protection in areas where they have legitimately lived for centuries.

As a result of the relentless military action of the Armenian irregular militia, over the last four months alone more than 60 settlements have been burnt and wiped from the face of the earth, and the tragedies of Khodzhalin and Agdaban took place, in which more than 1,000 civilians, including, women, children and the elderly died.

Not content with what they have done, the Armenian aggressors have begun a singleminded attempt to expel Azeris from the territory of Azerbaijan itself, from the mountainous area of Karabakh, where there is not one Azeri settlement left (there used to be 56), and also from adjacent areas. A hundred thousand people have become refugees in their own homeland.

In flagrant breach of the Universal Declaration of Human Rights, its dignity and honour, freedom and equality, for the first time ever, in 1988, Azerbaijani workers were prevented from going to work in enterprises in the town of Khakend, formarly Stepanakert. For the simple reason they were ethnic Azeris, Armenian extremists drove them out of their jobs, refused to sell bread to them, insulted and threatened them, and prohibited them from using public transport.

All these acts of violence were organised by the Armenian leaders, who as self-proclaimed democrats fighting for the self-determination of the Armenian population of Nagorno-Karabakh have deprived the other part of the population, the Azeris living in their native land, of any and all rights.

As a result of ethnic discrimination, all the Azeris have been dismissed from enterprises located in the mountainous areas of Karabakh. Tens of thousands have been deprived of their right to personal integrity. They have been refused payment of wages; their employment records, passports and savings have been withheld from them and they have even been refused emergency assistance.

In their struggle for self-determination, the Armenian nationalist extremists and those who instigate them ideologically have carried out a world-wide disinformation campaign aimed at portraying Azeri as aggressors. The Azeris are a peace-loving people who have never encroached upon anyone else's land. Unfortunately, however, the voice of the Azeris people has not always able to carry their pain and suffering to the world public, muted as it has been by certain forces.

For us, international legal standards have enormous importance and we are intent on taking concrete steps to bring our national legislation into line with international standards.

Over 1.2 million people live in Azerbaijan, representing 80 nationalities and practising several religions. In our country there is thus a kind of religious mosaic of many colours, each reflecting a host of beliefs which command respect.

We need the ILO's experience now, and we are now expecting assistance and support from each of the ILO's members. The very fact that our delegation has come to this Conference at such a critical time for our Republic bears witness to Azerbaijan's sincere desire to cooperate in all fields.

Mr. MPANGALA *(Workers' delegate, United Republic of Tanzania)* – On behalf of the workers of Tanzania, I take this opportunity to congratulate the President of the 79th Session of the International Labour Conference on his election. His long experience and outstanding contribution in the field of labour will undoubtedly assist the deliberations of this Conference. My delegation want to assure him of its maximum support and cooperation.

I also would like at this juncture to pay profound tribute to the Director-General for his untiring efforts to steer the ILO in its activities and, together with his staff, for the good and well-research papers which have been placed before this Conference and which form the basis of our deliberations at this important Session of the Conference.

The Report of the Director-General this year could not have picked a better topic. Part I of the Report deals thoroughly with the subject of democratisation and the role of the ILO in this field. The word "democracy" has now become household vocabulary in all countries, including those which are not Members of the ILO. Democracy has become a concept which is acceptable to all self-respecting countries. Democracy, as a concept, is now widely acceptable even in those countries which once upon a time did not believe in it. Democracy, as a concept, is now taken seriously in all developing countries including countries in Africa, and Tanzania is one of those countries. This concept has ushered in a climate of understanding among nations and the people of the world and with the ending of the cold war, tolerance and understanding between nations has grown and will continue to grow, thanks to the workers, some employers, some governments and the UN agencies, including the ILO, who have constantly promoted this concept for all to understand and emulate. The dismantling of dictatorship and misguided totalitarism and authoritarian regimes has brought a ray of hope and inspiration.

Continued violence, ethnic and racial tensions, military coups, religious strife and apartheid and other forms of discrimination are but by-products of unfair and unjust societies and these can cause a threat to law and order culminating in complete social disintegration.

Hence the need for the ILO and other United Nations agencies to continue with vigour to press forward with democratic changes and the consolidation wherever these changes have taken place or are taking place.

The workers of Tanzania know only too well the values of democracy. It was the workers of Tanzania who spearheaded reforms in the political system of that country and in the trade union movement. Their idea of democracy was inspired by their desire to participate in the formulation of the economic and social policies to be applied in Tanzania. Their idea of democracy was to give the people the right to participate fully in the formulation and implementation of socio-economic policies. To the workers of Tanzania democracy is not necessarily synonymous with multipartism. For what benefits a people to have 20 or 40 parties if, at the end of the day, they die of hunger and disease? That is why the workers of Tanzania agree with the Director-General when he says in his Report (and I quote): "No economic system can expect to endure unless it is capable of satisfying the basic needs of its population. This is a challenge that faces the democracies also."

The workers in Tanzania believe that the level of democraty must be measured in terms of satisfying the basic needs of the people, an objective ardently upheld by the ILO. To borrow the words of the UNDP, "the basic objective of human development is to enlarge the range of people's choices to make development more democratic and participatory. These choices should include access to income and employment opportunities, education and health, and a clean and safe physical environment. Such individuals should also have an opportunity to participate fully in community decisions and to enjoy human, economic and political freedom."

The Conference, through its committees, is deliberating on a range of very important and vital issues for mankind. The agenda item on human resources and its issues relating to structural adjustment and employment opportunities are key issues for Africa, including my country. Many economies in Africa have been run down, owing to mistakes made by omission or commission, including mismanagement. It is also true to say that remedial measures need not be pleasant, but can be harsh and brutal.

Yet, while Africa prepares herself for the processes of true democracy, together with the deterioration of the fabrics required for meaningful economic recovery we have to swallow the bitter pill of economic recession following recommendations to implement structural adjustment made by the IMF and the World Bank. It is for this reason that we call upon the ILO to work closely with the IMF and the World Bank to cushion the effects which will be felt by our people in terms of massive retrenchment, devaluation of currency, rising prices and, especially, in the provision of essential goods and services, including education and health. This situation is not only unhealthy but also dangerous and is likely to cause chaos and endless conflicts in our societies and thus jeopardise the very essence of democracy.

I would therefore appeal to the ILO to assume its important role to assist in particular the vulnerable and poor countries of the world in training and retraining programmes and in tackling the issues which surround the informal sector. The ILO should also prevail on the developed countries to have a change of heart, and especially to strive to correct the economic imbalances in the world, including the debt issue, so as to allow the poor countries to reap a fair share from their labour.

I would concede that, to achieve any tangible development, governments in poor countries must, as a matter of necessity, involve and consult all the social partners in the spirit of tripartism. This kind of cooperation in Africa is most essential, especially now, to avoid suspicion and mistrust.

I would like to conclude by saying that the ILO has an important role to play in the democratisation process, but its biggest and most formidable task will be in the area of employment promotion, the fight against unemployment, softening the adverse social impact of structural policies, and the many related issues. I am sure the ILO will live up to our expectations.

Original – French: Mr. STETCU *(Workers' delegate, Romania)* – Please allow me to start by congratulating Mr. Nascimento Rodrigues on his election to the Presidency of the 79th Session of the International Labour Conference.

I would also like to congratulate Mr. Michel Hansenne, the Director-General of the ILO, for his excellent Report, as well as all those who took part in the preparation of the present Conference.

Indeed, the work of the Conference starts in a period of serious tensions, during which innocent blood is being shed in many regions of the planet, and when the conscience of the entire world is haunted by the spectre of death which is gnawing away at humanity.

Famine, disease and psychological disorders – the latter being more difficult to detect, such as hatred, nationalism, xenophobia, fundamentalism of all kinds – can generate a chain reaction with unforeseeable consequences.

Romanian unions look with great concern at the evolution of the inter-ethnic conflicts which are emerging from an imaginary Euro-Asian line, all along the chain of the Alps/Carpathians/Balkans and Himalayas.

While I am speaking, the Romanian trade unions are suffering from the full force of the effects of war as a result of the blockade of the Danube. As a matter of fact, thousands of Danube boatmen and workers in the chemical, wood and transport industries are at risk from massive job losses.

The Romanian workers, whom I represent here, consider that the wave of disorder in the countries formerly in the communist sphere of influence is threatening (for reasons beyond our control) the stable and prosperous region of Western Europe.

We believe that this instability can be attenuated through a wise and balanced policy, provided that those who hold responsibility for the destiny of peoples have a strategic and tactical vision which can bring about social stability based upon a dynamic economic equilibrium. For reasons difficult for us, the unions, to accept, such strategy and tactics have been slow to show themselves.

We also consider that these changes must be made rapidly and in keeping with the dynamics of international realities, also within international organisations like the ILO. We are fully aware of the workings of the mechanisms of this Organisation. Therefore, the Romanian trade unions have particular difficulty in accepting that the representative of the Russian Federation still speaks today on behalf of all the Eastern countries, in other words, implicitly in our name. We hope that in future, and bearing in mind the tripartite nature of the ILO, we shall be consulted as an equal partner in arrangements of this kind, which remind us of a period when Europe and the world were divided into zones of influence, which was against the wishes of the Romanian people.

In fact, we consider that the time has come to call upon the objectivity of that immense force represented by the mass media. Since they deal, among other things, with the political health of peoples, it would perhaps be desirable for those who work in this area to pronounce an oath, similar to the Hippocratic oath for doctors. This would be useful because, from our own experience, we have learned that certain serious conflicts have blown up or spread as a result of the presentation or exaggeration by the mass media of certain fundamentalist, chauvinistic, xenophobic, nationalist policies, and this has reached the limits of primary, "animal", instincts.

At present it may be said that in Romania the trade unions are the most progressive organisations in the achievement of reforms and changes, thus proving that the Romanian people have finally understood that what they want above anything else is to break with the past. Our greatest wish remains the establishment of a market economy with a social dimension within a welfare State respecting the rule of law.

In spite of all kinds of obstructions the Romanian trade union movement has matured more rapidly than we had thought, thus avoiding the dangers of distintegration. According to Law No. 54 on the trade unions, for instance, it is sufficient to have 60 members to create a confederation.

To put a stop to the danger of trade union anarchy last October between the Confederation of Independent Unions, "Fratia", a member of the International Confederation of Free Trade Unions, and the Trade Union Cartel "Alpha", a member of the World Confederation of Labour, negotiations took place leading to the creation of the National Advisory Council of Romanian Trade Unions, which is still open to the accession of any other representative confederation.

While maintaining our identity, which is a guarantee of trade union pluralism, we must all negotiate and sign with the employers the first collective labour agreement at the national level in the history of trade unionism in Romania, and avoid the danger of confiscation by the executive of the property authorities of the former communist unions. In this connection, the management of movable and non-movable property is the object of negotiations between unions.

I would like to say a few words about the difficulties raised by the trade union struggle in my country: the ratification of the new international labour Conventions; the drawing up, and the guarantee by free negotiations with the employers, of a system of minimum wages; the establishment of a tripartite system where the unions and the employers are no longer subject to political power; the strict adherence by government officials to the Constitution and the instruments of the ILO; the cessation of attempts at crushing the trade union movement by the executive; the need to make internal legislation concerning unions compatible with ILO instruments, particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the application of the collective labour agreement as a basis of social protection to the extent to which the National Advisory Council took account of the ILO Convention on the subject; constant pressure upon employers' and government organisations for the creation of new jobs, a decrease in unemployment, and the struggle against a market economy of a Mafioso type; and last but not least, special social protection for women, young people and pensioners.

To conclude, we, the Romanian trade unions, launch an appeal from this prestigious tribune, to the ILO, to other international and national organisations and to governments, to come to the aid of the Romanian people during this difficult period of transition. Let us not forget that our planet is a living organism and, that according to the domino principle, while helping us you help yourselves.

Our hope is to allow you to understand that you may no longer confuse the whole Romanian people with a few individuals. We would like to point out that, in spite of numerous difficulties, Romania remains a stable country with a skilled labour force which can also easily acquire new skills.

We need, first and foremost, your assistance, your know-how, your productive investment, your programmes for vocational training and for reintegration, and we have less need of humanitarian aid which always comes when the irreparable has already occurred.

Original – French: The PRESIDENT (Mr. DE COSTERD) – I give the floor to U Myat Tha Tun, Government adviser, Myanmar, to reply to the statement made by Mr. Maung, representative of the International Union of Food and Allied Workers' Associations.

U. TUN *(Government adviser, Myanmar)* – My delegation finds it most regrettable that the so-called representative of the International Union of Food and Allied Workers' Associations was allowed to take the floor and level unfounded and malicious allegations against my Government.

I also wish to state most emphatically that the so-called representative has spoken about a subject which is totally extraneous to the subject under discussion. The State Law and Order Restoration Council is making serious efforts to build a democratic state at a pace and in a manner best suited to the conditions of the country and the aspirations of the people.

The State Law and Order Restoration Council will be meeting the representatives elect of the Pyithu Hluttaw on the 23rd of this month. Together they will coordinate the convening of a national convention to draft a new constitution establishing a multiparty democratic system, based on democratic principles.

Human rights in Myanmar are protected not only by a comprehensive and well-developed legal system, but also by an age-old tradition of the cultural values of the people. Myanmar's culture is known for its gentleness, compassion and tolerance. Fundamental rights are respected in our daily lives.

My delegation categorically rejects the unfounded allegations made against my Government. These allegations mainly emanate from outside sources who are in league with the terrorist groups operating in the remote areas of Myanmar, committing acts of terrorism, atrocities and other crimes against the people of Myanmar.

(The Conference adjourned at 1.15 p.m.)

Credentials

Third Report of the Credentials Committee

Objections concerning the nomination of the Workers' delegate of Cape Verde

1. The Committee had before it objections to the nomination of the Workers' delegate of Cape Verde submitted by the "Uniao Nacional dos Trabalhadores de Cabo Verde Central Sindical" (UNTC-CS), and the International Confederation of Free Trade Unions (ICFTU).

2. According to the UNTC-CS, the Government, without previous consultation and in a unilateral manner, had nominated a body called the Coordinating Council of Free Trade Unions (CCSL), which did not have official existence in accordance with the trade union law to represent the workers of Cape Verde. The Conference should not recognise the Workers' delegate nominated in this way.

3. The ICFTU pointed out that the "Communications and Tourism Workers' Union" represented by the Workers' delegate, Mr. José Silva Ferreira, was not the most representative organisation in Cape Verde. That union only had 907 members whereas the UNTC-CS grouped together 10 affiliated unions and had 14,000 members. The credentials of the Workers' delegate should, therefore, be rejected since he had been nominated in violation of article 3, paragraph 5, of the Constitution of the ILO.

4. In a written communication to the Committee made at its request, Mr. Claudio Henriques Veiga, Secretary of State for Employment and Head of the delegation of Cape Verde to the Conference, stated that there were two groups of trade unions in Cape Verde, one uniting under the UNTC-CS and the other uniting in the CCSL which grouped together 872 and 909 members respectively. Since trade union pluralism in Cape Verde is recent, the question of which organisation was more representative was not clear. The Government had consulted both organisations in search of a compromise in the direction of rotation until the question of representativity had been clarified. The UNTC-CS did not communicate the name of its representative. In these circumstances, the Government nominated as Workers' delegate of Cape Verde, Mr. José Silva Ferreira, President of the Transport, Communications and Tourism Workers' Union, which after the Teachers Trade Union (both of which are affiliated to the CCSL) was the most representative trade union in the country (with 350 members).

5. The reply added that in November 1991, a law on freedom of association had been adopted which was in conformity with the standards of the ILO and it was only as of that date that the two existing trade union organisations, the UNTC-CS and the CCSL, had deposited their registration documents containing the numbers of their members. It was, therefore, unrealistic for the UNTC-CS to claim that its membership had increased from 872 to 14,000 in the space of a few months.

6. The Committee noted the efforts undertaken to arrive at a compromise on the nomination of the Workers' delegate of Cape Verde. In this respect, the Committee recalled that a system of rotation should not be imposed by the Government but should be the result of an agreement among the most representative workers' organisation in the country. The Committee also took note of the information provided by the Government concerning the trade union pluralism which came about following the recent law on freedom of association.

7. The Committee noted the great difference between the statistics submitted by the objecting organisations and the Government. It considered that, in the present circumstances it should refrain from any conclusion on the representative character of the organisations concerned. The Committee stressed the need, in future, for the parties to provide reliable data in this connection.

8. In the light of the above considerations, and despite the doubts expressed within the Committee on the representative character of the Workers' delegate of Cape Verde, the Committee decided not to uphold the objection.

Objection concerning the nomination of the Employers' delegate of Myanmar

9. The Committee had before it an objection concerning the Employers' delegate of Myanmar submitted by the Employers' Group of the International Labour Conference.

10. The Employers' Group pointed out that the provisional list of delegates published on 3 June 1992 contained the name of U Tin Shein, Deputy Director, Office of the Auditor-General, as Employers' delegate of Myanmar to the Conference. According to his title, U Tin Shein was a Government official, as was last year's Employers' delegate. The Employers' Group questioned the validity of the information then presented by the Government denying the existence of any representative Employers' organisa-

tion. In spite of the difficulties prevailing in the country, the Union of Myanmar Chamber of Commerce and Industry represented the interests of employers of that country and should have been consulted. For these reasons, the credentials of U Tin Shein were not in conformity with Article 3, paragraph 5, of the ILO Constitution, and should be rejected by the Conference.

11. In a written communication to the Committee made at its request, U Tin Kyaw Hlaing, Ambassador and Head of the delegation of Myanmar to the Conference, indicated that U Tin Shein had been nominated as Employers' delegate to the Conference as the most suitable person to represent Employers in Myanmar. The Union of Myanmar Chamber of Commerce and Industry did in fact exist but had only been formed recently and was at the moment fully preoccupied with other matters. A National Convention had been convened which would lay down the basic principles for a new constitution which would establish a multi-party democratic system with a market-oriented economy. In view of the reforms taking place, the Union of Myanmar Chamber of Commerce and Industry would in the very near future establish itself and accordingly would be able to send its representatives to future Conferences in line with the tripartite principles of the ILO.

12. The Committee expressed regret that, like last year, the nomination of the Employers' delegate of Myanmar had fallen to a public official whose functions could not be qualified as corresponding to that of an employer. Although no improvement had taken place since last year in the process of constitutional changes, the Committee took note of the reforms that had been announced and, in the exercise of its discretionary power, decided not to propose invalidation. At the same time, it trusted that, according to the indications given by the Government, the Employers' delegate to future Conferences would be nominated in agreement with the representative Employers' organisation in the country.

Objection concerning the nomination of the Workers' delegation of the Republic of Korea

13. The Committee had before it two objections to the nomination of the Workers' delegation of the Republic of Korea submitted by the Korea Trade Union Congress (KTUC) and the Korea Congress of Independent Industrial Federations. One of the communications was signed by the President of the KTUC claiming to represent 150,000 trade union members, while the other was signed by the President of the KTUC and the Chairman of the Korea Congress of Independent Federations referring to a total membership of 400,000.

14. The objecting organisations maintained that the nomination procedure of the Government did not correspond to Article 3, paragraph 5, of the ILO Constitution. Requests made by them for consultations had not been answered on the ground that the Federation of Korean Trade Unions (FKTU) was the only Government-recognised workers' organisation under the current Trade Union Law. In the opinion of the objecting organisations, since all first level trade unions or industrial federations could not lawfully exist unless they were affiliated to the FKTU, the FKTU could not be considered on the basis of membership data as the most representative Workers' organisation. The objecting organisations also expressed regret for not having been allowed to participate in the Conference even as advisers.

15. In a written communication to the Committee made at its request, Mr. Soo Gil Park, Ambassador and Alternate Head of Delegation of the Republic of Korea, stated that the objecting organisations were the second and third largest of the three trade unions in his country and were presumed to have together about 100,000 members. The largest trade union was the FKTU, whose membership, according to the most recent available data, comprised 1,886,000 out of the approximately two million unionised workers. The Government considered that it had fulfilled the requirements of Article 3, paragraph 5, of the ILO Constitution by consulting the FKTU.

16. The Committee noted that the Government had consulted the FKTU, which appeared to be by far the largest of the trade union organisations in the country. Nevertheless, while the sizes of the objecting organisations were disputed, the Government had stated that they were the next largest in the country. The Committee considered that the Government should endeavour to include them in its consultations, bearing in mind that all the most representative Workers' organisations, whether officially recognised or not, should be consulted when proceeding to the nomination of the Workers' delegate and his advisers to the Conference.

Objection concerning the nomination of the Workers' delegate of Nepal

17. The Committee had before it an objection to the nomination of the Workers' delegate of Nepal submitted by the General Federation of Nepalese Trade Unions (GEFONT).

18. The objecting organisation stated that the organisation to which the Workers' delegate belonged, the Nepalese Trade Union Congress (NTUC), was a "yellow" trade union bringing together employers and managers which had the support of the party in power. The objecting organisation indicated that it was the most representative Workers' organisation of Nepal and had requested the Ministry of Labour to nominate it for the delegation but it had received no reply.

19. In a written communication to the Committee made at its request, Mr. S. N. Shrivastava, Government delegate of Nepal to the Conference, pointed out that when the trade union law of Nepal, which was in preparation, was adopted, it would then be possible to determine the relative importance of each of the different organisations. The Workers' delegate nominated by the Government was President of the NTUC, which had a long history in the field of trade unionism. Furthermore, since Nepal belonged to the group of least developed countries, the Government was only able to nominate an Employers' and a Workers' delegate to the Conference.

20. The Committee pointed out that the objection did not provide any evidence that GEFONT was more representative of the Workers than NTUC, to which the Workers' delegate nominated by the Government belonged – although the information provided by the Government was not conclusive —

and decided not to uphold the objection. At the same time it recalled the obligation of governments to consult the most representative Workers' organisations in the country and it expressed the hope that the adoption of the new trade union law in preparation would remove any doubts in the future concerning the representative character of the Workers' delegate of Nepal to the Conference.

Objection concerning the nomination of the Employers' delegation of Romania

21. The Committee had before it an objection to the nomination of the Employers' delegation of Romania submitted by the National Employers' Association of Romania.

22. The objecting organisation stated that it enjoyed legal recognition and that the organisations represented in the Employers' delegation nominated by the Government did not have legal status and were not representative of the Employers of Romania. It proposed an alternative list of seven names which, in its opinion, should have constituted the Employers' delegation of Romania.

23. In a written communication to the Committee made at its request, Mr. Dan Mircea Popescu, Minister of Labour and Social Welfare and Head of the delegation of Romania to the Conference, gave a list of the organisations consulted concerning the nomination of the Employers' delegation of Romania. The consultations had taken place in May. The Employers' delegate had been elected by secret ballot as President of the National Confederation of Employers of Romania. Two members of the delegation represented State enterprises or mixed capital and the two others private enterprise.

24. The Committee pointed out that according to the explanations of the Government, consultations had taken place and the Employers' delegation had been nominated in agreement with the most representative Employers' organisations of Romania in accordance with Article 3, paragraph 5, of the Constitution and decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegation of Czechoslovakia

25. The Committee had before it an objection to the nomination of the Workers' delegation of Czechoslovakia submitted by the Trade Union Association of Bohemia, Moravia and Slovakia (OSCMS).

26. The objecting organisation maintained that the Government did not reply to its letter of 3 March in which it had called attention to Article 3, paragraph 5, of the ILO Constitution. Without consulting the OSCMS, which had more than 300,000 members, the Government had arbitrarily nominated a Workers' delegation composed of a single trade union organisation, the Czech and Slovak Confederation of Trade Unions (CS KOS), ignoring trade union pluralism existing in the country.

27. In a written communication to the Committee made at its request, Mr. Petr Miller, Minister of Labour and Social Affairs and Head of the delegation of Czechoslakia to the Conference, stated that the Government had consulted the organisations considered as most representative who were represented in tripartite national consultative bodies. These were the CS KOS, which brought together two central organisations with a membership of 4,300,000 and 2,100,000 respectively, and the Confedertion of Art and Culture (KUK), which had a membership of 100,000.

28. Other trade unions including those represented by the objecting organisation (which according to the information provided by the government had a membership of about 150,000) had requested from Government representation in the Council of Economic and Social Agreement in the second half of 1991. The Government, conscious of trade union pluralism existing in the country, was studying the incorporation of the OSCMS in the said Council in consultation with the other organisations. If the result of the investigations proved positive, so far as the representative character of the OSCMS is concerned, the Government would take the participation of that organisation into consideration in future Conferences of the ILO.

29. The committee noted that the Government had undertaken consultations with the organisations represented in the tripartite national bodies and had nominated a Workers' delegation in agreement with the CS KOS, which according to the information available was the most representative Workers' organisation in Czechoslovakia and decided not to uphold the objection. At the same time the Committee also noted the intention expressed by the Government to examine the representative character of other organisations which wanted to be included in the national consultation machinery, and if the result of this examination proved positive in the case of the OSCMS, the latter would be taken into consideration in the future.

Objection concerning the nomination of the Workers' delegate of Togo

30. The committee had before it an objection to the nomination of the Workers' delegate of Togo, Mr. A. Tevi-Mensah, submitted by the "Confédération Nationale des Travailleurs du Togo" (CNTT). The objection was signed by Mr. E. H. Tchindé, who was Secretary-General of that Confederation and who was accredited as adviser to the Workers' delegate of Togo.

31. Having noted Article 26, paragraph 4(c), of the Standing Orders of the Conference, under which an objection is not receivable "if the author of the objection is serving as adviser to the delegate to whose nomination objection is taken", the Committee concluded that the objection was not receivable.

Late objection to the nomination of the Workers' delegate of Myanmar

32. On June 1992, the Committee received an objection from the International Confederation of Free Trade Unions (ICFTU) concerning the workers' delegate of Myanmar. The name of the Workers' delegate of Myanmar appeared in the Provisional List of Delegations, published as a supplement to the Provisional Record of 3 June 1992. This objection

was, therefore, received after the end of the 72-hour time limit provided for in Article 26, paragraph 4(a) of the Conference Standing Orders.

33. The Committee accordingly considered that the objection was not receivable in accordance with the above-mentioned provision.

34. The Committee noted that Article 26, paragraph 4(a) authorised it to extend the time limit in the case of an objection to the nomination of a delegate or adviser from a distant country and considered the arguments of the ICFTU in favour of such an extension, which referred to a delay by the authorities in issuing a visa to the person who had to provide the necessary information pertaining to the objection.

35. The Committee, however, decided not to invoke that provision, considering that the prescribed time limit could have been observed especially as the objecting organisation was present in Geneva. In this respect, the Committee reminded organisations which intended to present objections in the future of the possibility of presenting a formal objection within the prescribed time limit and later submitting information in support of the objection.

36. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 16 June 1992.

(Signed) S. PEREZ DEL CASTILLO,
Chairman.

D. FUNES DE RIOJA.

C. GRAY.

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Twenty-first (special) sitting

Tuesday, 16 June 1992, 3.15 p.m.

President: Mr. Nascimento Rodrigues

REPORT OF THE DIRECTOR-GENERAL ON THE SITUATION OF WORKERS OF THE OCCUPIED ARAB TERRITORIES: DISCUSSION

Original – Portuguese: The PRESIDENT – We are now going to start the special sitting to discuss the Director-General's Report on the situation of workers in the occupied Arab territories.

Before I give the floor to the first speaker, I should like to remind you of what was stated this morning, that is to say that the speeches will be limited to seven minutes – and, I repeat, seven minutes maximum – except for persons speaking on behalf of a group of countries or of delegates. These will have the right to ten minutes.

I therefore request you to respect these time-limits and also to respect the Standing Orders and the decisions of the Conference so that this debate will take place in a suitably dignified atmosphere.

I should also like to remind you that, if there are any requests for the right to reply, these may be exercised at the end of the sitting and only for two minutes.

Once again I remind the representatives of non-governmental organisations who have requested the floor that they may speak at the end of the sitting.

Original – Arabic: Mr. ISMAIL KHALIL *(representative of Palestine)* – On behalf of the State of Palestine and the Palestine Liberation Organisation, allow me to salute you and to express to you our thanks for this special sitting. This sitting is a true expression of your solidarity with the people and workers of Palestine. They have been suffering the worst forms of harassment and oppression as well as hateful occupation and violation of basic human rights for more than half a century. The Palestinian problem has now become the problem and the cause of every free being in the world.

In the light of the important role played by the International Labour Organisation, and in the light of the events that took place over the past year, our Palestinian people in all categories and situations, have responded with all our efforts to achieve a fair and lasting peace. We have participated in all conferences aimed at achieving peace, in spite of all the obstacles which were placed in our way by the Israeli occupation authorities, who continue a systematic policy to violate the basic human rights of the Palestinians. The continued Israeli aggression against our people and workers in southern Lebanon and the results of this aggression in the form of death, distruction and displacement, show that Israel does not wish to comply with United Nations resolutions or those adopted by this Organisation.

It is impossible for me in the brief time allowed to fully review all the violations of human rights by the Israeli authorities against our Palestinian people and workers. I shall simply quote a few excerpts from the Report submitted by the Director-General to the present session of the Conference without any comments or analysis. The report "is based on the findings of a mission sent by the Director-General to Palestine and the occupied Arab territories" to follow up on recent developments.

1. First of all, the continued occupation of the territories makes it difficult to respect the various criteria and principles found in the International Labour Organisation's Constitution and Conventions.

2. Secondly, in addition to the continued threats against trade unionists and unions, Israel refuses to register new trade unions.

3. The forceful displacement of a number of Palestinian workers constitutes discrimination, which extends also to wages, in terms of the failure to respect minimum wage guarantees, the exploitation of Palestinian workers and discrimination against them as regards social security; there are also attempts to enslave labour. I would like to refer to what is happening these days in the occupied territories, especially as regards repressive policies against workers in the occupied Gaza Strip. The suffering of our people and workers and the negative impact on our economy in the occupied Gaza Strip have led to the complete deterioration of the economic situation. Thirty thousand workers have been deprived of their livelihood and thus cannot provide proper food or care for their children and families. The estimates of the loss to the national economy in the Gaza Strip is estimated at about $30 million up until now. The continued harassment of the Israeli occupation forces against our people and workers has led to the division of the Gaza Strip in three sectors. I believe that you all know that the Gaza Strip cannot be divided.

4. There has been an increase in the number of cases of the expulsion of Palestinians, with thousands of cases of arrests and imprisonment, the destruction of homes in reprisal for alleged acts of violence, and the confiscation of property.

5. Economic difficulties are growing and arbitrary and discriminatory practices are also on the rise.

You will recall that this distinguished Conference adopted in 1974 a resolution condemning racism and the violation of basic freedoms and trade union rights in Palestine. The Conference also adopted another resolution in 1980 on the effects of settlements on the situation of Arab workers. Other recommendations and conclusions were adopted by the International Labour Organisation's missions which have visited Israel and Palestine every year since 1978. On this occasion, we wonder as to the response given by the occupation authorities to these resolutions and recommendations. We here reaffirm that those authorities have continued to defy such resolutions and recommendations, which is a continued defiance of international legality. This has led to a deterioration of the living conditions of our people and nations. Conditions have deteriorated to such a degree that we demand an immediate response by the international community, as this is a threat to the principles and purposes and future of the United Nations and international agencies.

Confronted with this tragic situation where all our Palestinian Arab people suffer, we call upon this Conference, which enjoys a high moral influence, to assume its role and to break this wall of silence in respect of a Member of this Organisation, as it did in the past when it adopted decisive measures against a similar regime in South Africa. We are convinced that the organs and bodies of this Organisation, its Governing Body and the International Labour Office, with their farsightedness and sound analysis, are capable of drawing up suitable programmes to remedy the dangerous situation in which the workers and people of Palestine are struggling. We therefore suggest the drawing up of practical measures or some form of permanent machinery which would enable the International Labour Office to follow more closely the situation of Palestinian workers and to produce programmes to put an end to their suffering and strengthen their resistance to the Israeli occupation. Amongst our proposals are:

1. The recommendations contained in the reports of the missions sent in the past two years;

2. The appointment of a permanent representative of the International Labour Organisation to observe and monitor the situation of our workers in Palestine and in the occupied Arab territories;

3. The establishment of a special unit within the framework of the International Labour Organisation to monitor new developments and to take initiatives on the spot;

4. The establishment of a permanent committee of the Conference to examine the Director-General's Report and to submit recommendations to the Conference.

5. The organisation of specialised conferences like the Tripartite International Conference that was held in Harare last May...

Original – Portuguese: The PRESIDENT – I am very sorry but you have gone beyond your seven minutes. I am afraid we must abide by this rule. I regret it is impossible for you to continue.

Mr. DA SILVA *(Government delegate, Portugal, speaking on behalf of the European Community)* – I have the honour to speak at this special sitting of the 79th Session of the International Labour Conference, on behalf of the European Community and its member States.

I would like first of all to thank the representatives of the Director-General for the excellent Report on the situation of workers of the occupied Arab territories.

The European Community and its member States acknowledge the fact that the Israeli authorities have afforded the Director-General's representatives all the necessary facilities to carry out their task and also that they could count on the full participation of all the personalities and the organisations concerned, both Israeli and Palestinian.

The situation of the occupied Arab territories is central to the Middle East peace process. The European Community and its member States were and remain encouraged by the convening of the Madrid Peace Conference in which they participated as well as by the following rounds of bilateral and multilateral negotiations. We welcome these developments and the positive effects that they should have on the situation in the occupied Arab territories, their population and, indeed, on all the issues dealt with in the present Report.

Unfortunately, the continued military occupation of the West Bank, the Gaza Strip and the Golan Heights, prevents the full respect for the standards enshrined in the instruments of the ILO.

The Report before us stresses the very difficult situation of Palestinian workers who seek to earn their living in the occupied territories or in Israel and equality of treatment between Israeli and Palestinian workers. Freedom of employment, of association, of movement and of expression continue to be severely restricted, not only as a result of occupation, but also because of the economic difficulties which the workers have to endure.

The European Community and its member States consider that freedom of association is a fundamental human right. We believe, together with the ILO, that a true dialogue between the Histadrut and the trade unions in the West Bank and the Gaza Strip would prove extremely useful both to the workers in the occupied Arab territories and to the improvement of relations between the Arab population in the territories and the Israeli population.

The major obstacles to economic and social development in the occupied territories are equally clear from the Report, whether these arise from administrative or security measures adopted by the occupying power.

Another issue which the European Community and its member States consider of the utmost importance and to which the Director-General draws attention, is the illegal policy of settlements carried out by the Israeli Government in violation of international legal instruments, among them the Fourth Geneva Convention. We thus share in the concerns expressed in the report in this respect and I quote: "The policy of establishing or extending settlements in the occupied Arab territories has long been considered by the ILO as one which has severely detrimental effects on the territories and the Arab populations of the territories. For this, and other reasons, the international community has strongly denounced this policy, which over the past year, has been pursued more relentlessly than at any time since the occupation began."

The consequences of this policy, the arbitrary uprooting of trees and vines, the confiscation of land needed for the construction of settlements and roads leading to them, restrictions on access to water, can only increase the tension among the two communities and jeopardise the basic social and economic rights of the population of the occupied Arab territories.

The European Community and its member States have on different occasions deplored the policy of settlements pursued by Israel. Recently they have appealed to all parties involved in the peace process to abstain from any action which would impede the establishment of a climate of confidence, including the continuation of the policy of settlements.

The European Community and its member States believe that the improvement of the economic situation of the occupied Arab territories can contribute in a decisive manner to the improvement of the situation of the workers. In this connection we recall our commitment to continue to increase our economic aid to the occupied Arab territories. According to the principles and priorities previously established, we attach special importance to the creation of employment and to the sectors of health and education.

On 30 April 1992 it was decided to commit an additional sum of 12 million ECU to technical, educational and health assistance to the territories.

Before I finish, I would like to note that the Director-General's Report underlines the efforts made by the Israeli authorities and the administration responsible for the territories to relieve the situation and I quote: "Measures have been taken to afford a number of tax concessions; licences for new enterprises have been granted more liberally; restrictions on the inflow of foreign capital have been lifted; and some additional banking facilities are being made available." Other positive signs include "the material improvements made in labour exchange to facilitate and accelerate the processing of work permit applications, the payment of benefits and the provision to workers of information about their rights." But the report goes on to say: "Important as these measures are, it is, nevertheless, difficult to conclude that they will have any major impact on the ailing economy of the West Bank and the Gaza Strip – at least in the short term."

Since it has been one of our grave concerns, we would like to welcome the reopening of the universities and the steps taken by the Israeli authorities to improve existing vocational training facilities available in the territories.

However, as the Director-General's Report points out, much remains to be done to eliminate the harassment and discrimination to which the workers of the occupied Arab territories are exposed.

The European Community and its member States express the hope that the positive signs indicated in the present Report will very soon develop into concrete measures and that other positive decisions will be taken in Corder to allow an improvement in the situation of the Arab population in the occupied territories.

We urge the Director-General to continue to promote the technical cooperation activities of the ILO for the benefit of the workers who are the focus of our discussion today as part of the effort to which we are all committed, that is the success of the Middle East peace process.

The European Community and its member States look forward to the next Report of the mission of the International Labour Organisation which we sincerely hope will reflect an improvement in the situation in the occupied Arab territories.

Original – Chinese: Mr. FU *(Workers' adviser, China)* – I would like to thank you for having given me the floor. Since last year when we discussed the Palestinian problem in this august Conference, considerable changes have occurred in the situation in the Middle East. Thanks to the joint efforts undertaken by the parties concerned and the international community, a breakthrough was achieved in the peace process in the Middle East, and the Arab-Israeli negotiations have provided a hope of peace for the different countries in this region. However, we must recognise that peacemaking in the Middle East will be a lengthy process, particularly since negotiations between the Arab States and Israel have not yet led to substantial results.

In such circumstances the efforts of all of us are still essential.

The Palestinian question lies at the heart of the problem of the Middle East. This matter, which for many years has remained unresolved, not only stands in the way of peace and development in this region but also affects peace and stability throughout the world.

Millions of Palestinians, a people who have neither home nor hearth and have suffered tremendous losses both materially and in human lives, still live in the greatest poverty. For over 40 years the Palestinian people and workers have undertaken, under extremely difficult conditions, a long and heroic struggle to restore their legitimate national rights. Their travails deserve our deepest sympathy and their struggle is worthy of our energetic support. We wish to express our high esteem to the Palestinian people and workers.

The Chinese workers and trade unions have always supported the Palestinian people and workers in their just struggle to restore their legitimate rights. We feel that the Palestinian problem must be resolved in a just and rational manner, in accordance with the relevant resolutions adopted by the United Nations, and particularly resolutions 242 and 338 of the Security Council. The legitimate national rights of the Palestinian people must be restored and the occupied Arab territories must be returned. At the same time, the sovereignty and security of Israel must be respected and guaranteed. In our opinion, Israel must first put an end to the construction of settlement colonies in the occupied territories and to the expulsion of Palestinian civilians. It must enable those who have been driven out to go back to their homeland in order to create an atmosphere of reconciliation allowing us gradually to find a just and rational solution to the Palestinian problem. We hope that the ILO too will be able to devote efforts to this, for example by convening more often this type of conference and organising vocational training courses for young people in the occupied territories.

We sincerely hope that the international community, ILO member States and all the parties concerned will be able to make a contribution to the just and rational final settlement of the Palestinian and Middle East problems. As in the past, Chinese workers and trade unions will continue their steadfast efforts to achieve peace and stability in the Middle East.

Original – Arabic: Mr. AL-JARWAN *(Minister of Labour and Social Affairs, United Arab Emirates)* – In the Name of God, the Merciful, the Compassionate! It is my pleasure at the outset to place on record my appreciation to the Director-General of the ILO for having sent a mission to Palestine and the occupied Arab territories. The sending of this mission is in application of the resolutions adopted at the 59th and 66th Sessions of the International Labour Conference (1974 and 1980) respectively, denouncing the Israeli authorities for practising a policy of discrimination, racism and violation of trade union freedoms and rights and the implantation of Israeli settlements in Palestine and other occupied Arab territories.

I should also like to commend the report of the ILO mission this year for its clarity and objectivity; it also contains useful information and recommendations.

The mission of this year is the 15th in a series of missions which have examined and assessed the living, workers and workers in the other occupied Arab territories. The mission reports, submitted to successive International Labour Conferences, always disclosed the truth about the deteriorating living and working conditions of the Arab workers in these occupied territories and the violation of their freedoms. Moreover, the Conference demonstrated its objectivity, justice and fairness by adopting the two aforementioned resolutions. These resolutions call for a continuation of these missions in order to monitor Israeli practices in the occupied Arab territories. In spite of the seriousness of the mission reports and the fairness of its recommendations, the Israeli authorities have, unfortunately, failed to respond to them and cooperate; on the contrary, they still maintain an intransigent attitude and flout international legitimacy. Consequently, the conditions of Arab workers have continued to deteriorate year after year; Palestinian civilians are deported; workers are arrested, as soon as they go to work; and toxic gases are used against citizens, thus contributing to the pollution of the environment. What is more, settlements have expanded in all the occupied Arab territories, including Jerusalem and the Golan.

This special sitting is not an end in itself: it constitutes a forum at which the views and proposals of delegations may be voiced. The experience of the past two sittings failed to live up to our expectations; indeed, the Director-General did not reach any clear-cut conclusions on the work of those two sessions, which is tantamount to saying that their work is of little benefit. This emphasises the need to set up a well-defined machinery which would implement the conclusions and follow up discussions at the Conference on the subject.

Given the attitude adopted by the international community and world public opinion, and the resolutions adopted by various regional and international forums on the unjust practices of the Israeli occupation authorities – and in accordance with the conclusions and the recommendations of the annual ILO mission and the ILO's mandate to defend the rights of workers – we believe that the ILO should adopt effective measures. We therefore propose the setting up a special committee which would meet annually within the framework of the Conference to consider the Report of the Director-General on the situation of workers of the occupied Arab territories. This committee would follow up the Report of the Director-General, thus constituting a practical base for the adoption of resolutions and appropriate measures to put an end to the practices perpetrated by Israeli occupation authorities and to support the steadfastness of Arab workers and provide them with moral support in their daily suffering.

The setting up of the committee, as proposed in the Director-General's Report, is fully in keeping with the Standing Orders of the Conference. Indeed, the Conference has already set a precedent by establishing similar committees such as the Committee on Structure and the Committee on Apartheid.

We know full well that the rights of Palestinian Arab workers will not be respected unless there is an end to the Israeli occupation of all occupied Arab territories and the recognition of the right of the Palestinian people to self-determination and the establishment of an independent State on its national territory. Until this is achieved, the international community, as represented by this Conference, is called upon to condemn and denounce Israeli policies territories and to protect their rights. We are confident that the efforts of this Conference will contribute to the international efforts made to find a solution to the Middle East problem and to achieve peace in the region.

Mr. MELAS *(Government delegate, Austria)* – Once again the Report of the Director-General clearly describes the result of an ILO mission to Israel and the occupied territories. I wish to thank the participants and all parties, including the Government of Israel, for making it possible to carry out the mission's mandate.

My delegation has already pointed out in the general discussion tha' a state of permanent insecurity and violence cannot foster the principles and standards of the ILO. Today, in the 25th year of military occupation, we are still confronted with the same tragic reality but by admitting the applicability of the Fourth Geneva Convention, the occupying power could demonstrate its goodwill and send a sign of confidence to the population of the territories as well as to the international community. However, Israel's obligation towards the Palestinians in the occupied territories should not be confined to the Fourth Geneva Convention. Austria has repeatedly expressed its great concern about the policy of extending settlements in the occupied territories. We fully share the views expressed in the Report regarding the specific implications of the Israeli settlement policy such as the legal and social double standard which is bound to increase discrimination and to create further tensions and arbitrary measures.

My delegation has noted with satisfaction the encouraging references to certain measures taken by the civil administration responsible for the territories, among them the reopening of all the universities, the improvement of existing vocational training facilities and other attempts to meet the needs of the economy in the territories. Apart from these specific elements, our concerns remain unchanged as regards the continuing restriction on exercising basic human rights, among them freedom of association. Trade unions and their members continue to be subject to reprisals by the occupying power, including unwarranted detention and other severe measures. We therefore fully share the view expressed in the Report that considerable advantages could be gained by entering into a substantial dialogue between the trade unions of the West Bank and the Gaza Strip and the Histadrut. Furthermore, I believe that similar dialogues with the Israeli authorities could only benefit both sides.

Much has been said during our general discussion about the mutual effects of peace, political stability and social justice. It is my firm conviction that solving the social problems in the occupied territories goes hand in hand with a comprehensive, just and lasting solution of the Middle East issue.

Since the last session of the International Labour Conference, a process has started which may provide an opportunity to achieve such a solution. I wish to assure you of Austria's willingness to support the ongoing endeavours and I would like to express my sincere hope that they will lead to the restoration of the full social rights of the population in the occupied territories.

Original – Arabic: Mr. BOZO *(Minister of Social Affairs and Labour, Syrian Arab Republic)* – Allow me to congratulate once again the President of this session of the Conference on his election.

The Report of the Director-General that is submitted to the International Labour Conference this year considers the details of Israeli racist practices and the arbitrary and expansionist measures taken against the Arab workers and the inhabitants of Palestine. This shows that Israel is still resorting to repression and to harsh measures against all the strata of the population and that Israel still imposes on the people collective sanctions such as expulsion, deportation and prison sentences, destroying houses at the slightest pretext, as well as assassinations, beatings, the closing down of universities and schools, whilst at the same time giving free rein to the extremes of the Zionist movement and of the Jewish settlers who terrorise Arab nationals. All this occurs despite the recommendations and resolutions of the international organisations in their effort to halt the establishment of Israeli settlements and do away with the existing settlements. Israel continues to work openly on the building of more settlements in these lands. We have seen these settlements are changing the Arab nature of the region.

There are hundreds of thousands of new settlers, around 400,000, who have come to the occupied Arab territories. The authorities settle these people, provide houses for them at the expense of the true inhabitants, the real inhabitants. But despite of the resolutions taken by the various international organisation and despite the fact that these people have no ties to the land, Israel is preventing the Arab inhabitants from exercising their rights, according to international laws and Conventions. Although we appreciate the information contained in the Report of the international mission to the occupied Arab territories, we would like to say the following: We believe that the Report of the Director-General on the situation of workers in Palestine and the other occupied Arab territories should have a different title.

We believe that the mission listened far more to the Israeli authorities than to sources from Arab countries and Arab organisations.

The Reports continue but so do the violations. There are no proposals to put to a stop to these violations and to these practices that have been going on for a long time;

Paragraph 111 of the Director-General's Report states that the situation of the inhabitants in the Golan is a special one because their citizenship is not clearly defined. It is indeed surprising that the International Labour Organisation should say that their nationality is not clearly defined, thus implying that the attempts of Syria to regain the Golan are both null and void. It is not a legitimate battle.

The people of that region have refused any other nationality but the nationality they have always had, the Syrian one. They are Syrian Arabs, therefore, we would like to ask the International Labour Organisation to work with other international organisations to implement resolution No. IX of 1974 and No. II of 1980.

We would like to see Israel obliged to stop building settlements, to destroy the existing settlements and to put a stop to further immigration, to halt its practice of expelling Arab workers and trade unionists, seizing their land and property and discriminating against them and violating their trade union rights and basic human freedoms. We would like to see the granting of technical and financial assistance, support for economic and industrial enterprises as well as agricultural projects, training and retraining programmes for workers in accordance with their actual economic needs. We would also like to call for the setting up of a special committee at the Conference to consider the Report of the Director-General and the implementation of resolution No. IX of 1974 and resolution No. II of 1980 of the ILO.

The Syrian Arab Republic, makes an appeal for an equitable and lasting peace based on Security Council resolutions Nos. 242 and 338, on the principle of the exchange of land for peace and the withdrawal of Israeli forces from the occupied Arab territories.

We will continue to take part in the peace talks despite Israeli terrorisation and despite Israel's provocation and refusal to enter into the heart of the matter and despite its brutal aggression against southern Lebanon.

Mr. AHMED *(Workers' delegate, Pakistan)* – It gives me great honour to speak on behalf of the working class of Pakistan and to associate myself with other distinguished speakers who have taken the rostrum before me in welcoming the decision of the Governing Body to hold a special sitting of this Session of the Conference on the Report of the Director-General on the situation of workers of the occupied Arab territories and in expressing appreciation of the Report.

The Director-General's Report once again highlights the suffering and plight of the Arab workers in the occupied territories in terms of denial of their trade union and human rights. They are being treated as foreigners in their own land. It also reflects how they are being subjected to discrimination in wages, employment, social security and economic security in terms of income.

May I take this opportunity to invite the attention of this august forum to pages 48 and 49 of the Report where it is said that Israeli authorities are continuing the establishment of settlements in occupied Arab territories and almost 200,000 people were settled during 1990 and the same number in 1991. And three times the amount spent during any other year in the territories since 1967 was spent in the year 1991 – 1,500 million shekels. This shows how much violation is taking place of Security Council resolutions 446 and 465 which prohibit such settlements in occupied Arab territories, while Arab workers are becoming homeless.

Similarly, in the case of denial of trade union rights, in the Director-General's Report on page 51, paragraph 121, it is stated that the Country report on human rights practices for 1990 of the United States Department of State reports that both Muslims and Christians "are treated less favourably than Israeli settlers on a broad range of issues, including equality before the law, the right to residence, freedom of movement, sale of crops and goods, land and water use, and access to health and social services", which also illustrates the suffering of Arab workers in their own land.

Also, on page 29, paragraph 72, the Director-General's Report reflects how they are being discriminated against in terms of social security. It states that, although the employer who employs Arab workers contributes, and although the Arab workers also contribute in the same way as other workers to social security, Arab workers are not entitled to benefit as they are residents of the occupied Arab territories and not of Israel. They are subjected to denial of their rights to their own savings.

On page 19, paragraph 44, the Report reflects how Arab workers are subjected to unemployment in their own land: only one in four of the Palestinian labour force works for wages in the territories, 37 per cent are self-employed in the territories, while 35 per cent work for wages in Israel and 3 per cent are unemployed. This also shows the suffering, in both economic and social terms, of the Arab workers and their families.

I need not go into details, but just to point out paragraph 23, page 9, we see that the per capita income on the West Bank amounts to US$2,290 whereas in the Gaza Strip it is US$10,332.

We in Pakistan and other freedom-loving countries believe that such suffering should be abolished and that the ILO should continue to extend support to Arab workers so that they may improve their social and economic status.

We also believe that this is a vestige of colonialism, as it is for the people of South Africa, and we fully support their right of self-determination, their right of independence, and we share with other speakers the opinion that a special committee should be set up in order to give more relief to this important human problem.

While the violations of Security Council resolutions continue, we also look to the United States. Freedom loving peoples, including that of Pakistan, expect that the United States, which has taken the initiative to sponsor a peace conference, will bring a positive result. But no conclusion has yet been achieved and the people of Palestine are still suffering.

We fully support their right to self-determination and appeal to all freedom-loving people to extend support so that they may achieve independence which is the basic right of all human beings.

Original – Arabic: Mr. AL-KABARITI *(Minister of Labour, Jordan)* – I would like to express on behalf of my country's delegation my thanks for convening this special session and for examining the Report of the Director-General on the situation of workers of the occupied Arab territories.

This Report is an integral part of the work of the Conference. This special sitting has a special importance and sensitivity on account of the humanitarian problem raised by the situation of Arab workers and the Palestinian cause. It helps to increase the awareness of this tragedy on the part of the international community. My country's delegation wishes once again to draw attention to a sad concerning the disparity between the application of the law and international justice.

Here I would like to recall what was said last year by my colleague Khurshid Ahmed when he reminded us of the resolution adopted by the International Labour Organisation which said that no trade union rights can exist without civil rights and no civil rights can be achieved without independence and freedom.

Indeed, the question of the close relationship between the purposes and aims of this Organisation and national and international practices needs no proof. International labour standards are part of an international body of law, and social justice cannot be achieved in the absence of democracy, human rights, freedom and independence. The conclusions of the Director-General's Report are fully in accordance with the periodic reports drawn up by the International Labour Organisation (15 in all) which show us the reality of the tragic situation of Palestinian workers and employers in the Golan Heights and Lebanon. These reports confirm the continued violation by the occupation authorities of the provisions of the Constitution of the International Labour Organisation, of human rights and of international covenants and agreements.

It goes without saying that we all condemn forcibly the occupation of the territories of other countries by force and that we all support the right to self-determination of all nations. Furthermore, we all condemn inhuman practices which undermine the principles of social justice.

On the same basis, we may add that the settlement plans, expansionist aims and aggression are also a violation of human rights and that any violation of legitimate rights can only lead to a unified stand whereby it is condemned and rejected so that justice may be upheld and legality prevail.

Here I would like to refer with all admiration and respect to the attitude and stand of the European Community which last year condemned the serious violations suffered by the Arab workers in these territories, as well as the discriminatory treatment they endured such as lack of education and other facilities. It also condemned the occupation and settlement policies as a threat to peace in the region and in the world.

Allow me to sum up the contents of the periodic reports drafted by the International Labour Organisation over the years on arbitrary measures and practices:

- Depriving Arab workers of their lawful right to employment;
- Confiscating Arab lands, property, production and crops;
- The continuing policy of confiscating land, and the intensification of Israeli settlement;

- Raising obstacles to development and preventing employers from administering their enterprises;
- Imposing high taxes on workers, employers and production enterprises, driving them to the brink of bankruptcy;
- Restricting freedom of trade and movement;
- Destroying agricultural wealth, including the cutting down of trees, and preventing Arab citizens from working their land, and confiscating their crops and their property;
- Restricting the freedom of workers and employers with regard to trade union action, closing down trade union headquarters, arresting trade unionists, confiscating union property, destroying their files and forbidding them from meeting;
- Collective detentions and arbitrary administrative detentions;
- Imposing curfews, banning travel and closing down trading establishments;
- House arrest for trade unionists, workers and employers;
- Banishing trade unionists and other citizens;
- Destroying homes and confiscating private property;
- Closing down educational institutions and preventing Arab citizens from practising their religion in their places of worship.

This is in addition to the use of live ammunition against innocent women, children and elderly people, resulting in hundreds of deaths and thousands of injuries.

Since we highly value the credibility and effectiveness of the ILO, whose fundamental principles of law and justice we hold in high esteem, we request the Organisation and all its member States to take all measures in their power to support the legitimate rights of the people of the occupied territories. The arbitrary acts of the Israeli occupation authorities must be halted. These authorities, ignoring the resolutions of the United Nations and other international organisations, constantly violate international law and the Geneva and the Hague Conventions, flouting human rights in Palestine and the other occupied territories, in Lebanon and the Golan Heights.

We believe that the observance of United Nations resolutions, the implementation of the resolutions adopted by the International Labour Conference, respect for the rules of international law and for human rights in Palestine and in the other occupied Arab territories would be an essential step towards recognition of the legitimate national rights of the Palestinian people and of its desire for freedom, justice and equality. If the occupation authorities committed themselves to abide by these resolutions it would be an important step toward the establishment of a just and lasting peace in our region. The international community is undertaking great efforts to see this process through.

(Speaker continues in English.)

In conclusion, I should like to recall that the Israelis cannot have the territories and peace at the same time. In other words, they cannot have their cake, eat it and sit on it at the same time.

Mr. ZELLHOFFER *(Workers' adviser, United States)* – I would like to thank the President for giving me this opportunity to address the third, and what I am hopeful will be the last, special sitting. There are indeed reasons for optimism. Since the last special sitting there have been dramatic and positive developments which give rise to renewed hopes for a comprehensive, just and peaceful settlement of this complex situation. Importantly, for the first time the parties involved have sat together, a dialogue has started, and an attempt to tackle the wide range of problems has begun. The peace conference process which began last October in Madrid is an important development, which gives rise to renewed optimism, not euphoria, but optimism that the difficulties can be overcome.

We have in our hands today during this Special Sitting two Reports of the Director-General. One is the Appendices (vol. 2), entitled "Report on the situation of workers of the occupied Arab territories", and if I recall correctly, the 15th annual Report by the Director-General on this subject. It was helpful to see mentioned in the Report the support of the workers in Israel through their national union, the Histadrut, to continue their efforts to provide services and assistance to Palestinian workers regarding their rights. The Report mentions over 400 cases having been dealt with. It should be noted also that the Histadrut provides legal services in Arabic, often through mobile service units to make them more accessible to the workers concerned. The situation of the Palestinian workers is indeed serious and it must be addressed in a broader sense.

More importantly, the second Report we have before us today is the Director-General's Report, *Democratisation and the ILO*. This Report is very relevant to the topic being discussed today, especially as it is so applicable to the entire region. Democracy, the Report notes, "institutionalises the settlement of disputes by enlisting the participation of the various interest groups in constant, constructive negotiation leading to solutions that are acceptable to all".

It is more than just unfortunate, it is a profound tragedy that democracy has not been allowed to develop in so many countries in the greater region. Human dignity and thus human potential had been held in check by so many regimes through the suppression of fundamental rights including one of its cornerstones, freedom of association. The practice of democracy, the building of institutions and mechanisms which underpin respect for freedom and social equity, with very, very few exceptions is severely limited in the region.

In all too many States in the area, when trade unionists attempt to exercise the rights of freedom of association, they are subject to arbitary detention, loss of their jobs or worse. In five States, unions are banned outright. In another five States, no collective bargaining is permitted. In one State, organising a strike is punishable by death. In another States, trade unions are subject to government control including the appointment of union officials, supervision of union finances and membership qualification. In 11 States, Palestinian and other foreign workers face more stringent restrictions on their freedoms and rights than local workers.

Indeed the Director-General's Report *Democratisation and the ILO* is most timely for this region. The challenge to carry forth the ILO's mission – to secure respect for human rights through the application of its standards, to secure economic justice and social equity, to promote the full and equal participation of the social partners through its unique tripartite approach – is immense. It is certainly an appropriate time to underscore the ILO's competence and the obligation of member States in the region to undertake a determined and unrelenting effort to advance human dignity through social and economic democratisation: an effort that we should all know vitally involves the full participation of free and independent trade unions and employers' organisations.

So what will this third special sitting accomplish? I expect it will achieve very little, other than costing around US$ 50,000 and, like the other two previous special sittings, this represents an expenditure that could have been far more wisely made. Other than serving to politicise this unique and specialised United Nations agency, these special sittings weaken the respect and credibility of the ILO's technical competence and authority, and it erodes its long-established and well-regarded supervisory machinery.

To politicise the work of the ILO would be tantamount to destroying this Organisation. Unfortunately there are some, in various parts of the world, who would not mind seeing the ILO weakened or worse, but hopefully the vast majority of the ILO's constituents view its authority and competence as anchored in its unique mandate and that mandate is not political.

What can we learn from this exercise today? A great deal, if wisdom and compassion have anything to do with it. We do not need special sittings and we do not need to see the other work of the Conference politicised. Arising out of the normal procedures, including the supervisory machinery of this Organisation over the years, is a sufficient and authoritative body of documentation that clearly tells us that the problems, and they are severe ones, are far wider and deeper, involving an entire region and that the ILO must, within its area of competence, undertake a far more visible and active role to promote the development of democracy and social and economic justice.

In closing, I would like to quote from the Director-General's Report, *Democratisation and the ILO*. Before I do so, I would like to add that I disagree with the pace which the refers to. That pace, I believe, must be speeded up. Now I leave you with the words of the Director-General. "It matters little that the pace at which democratisation is proceeding varies according to the socio-economic development or the culture of the countries or regions concerned; what matters is that it is advancing, for together with social justice democracy is the sole guarantee of peace in the world".

Original – Arabic: Mr. SMAOUI *(Minister of Social Affairs, Tunisia, speaking on behalf of the Arab Maghreb Union)* – In the name of God, the Merciful, the Compassionate! It is my pleasure to express in my own name and on behalf of my colleagues, the Ministers of Labour and Social Affairs in the countries of the Arab Maghreb, our gratitude and appreciation to the ILO Director-General for his continued following-up of the situation of the Arab workers in Palestine and other occupied territories, which reflects the denunciation by the international conscience of the policy of racism and racial discrimination, and the violation of other trade union rights and freedoms, and the policy of settlement perpetrated by the Israeli occupation authorities against the people and workers of Palestine.

The Director-General's Report, and his monitoring of this subject for the third successive year, is in keeping with the spirit and philosophy of this Organisation, which calls for the establishment of social justice and peace on the basis of the respect for basic human rights, as established by international Labour Conventions and Recommendations which reject all manifestations of occupation, repression and the violation of freedoms and rights.

We observe today the continuation of the Israeli entity, of its arbitrary practices and the aggressive acts against Palestinian workers, since it continues to confiscate land and holdings and to impose restrictions on the utilisation of these lands by their lawful owners, and to establish settlements. We observe that the occupation authorities violate fundamental trade union rights and deprive Palestinian workers of all protection and impose punitive measures on Palestinian workers preventing them from performing their duties, which has increased unemployment among Palestinians.

This deteriorating situation of the Palestinian workers calls for the intervention of the ILO in support of a people suffering from a grave military occupation within the framework of which the most atrocious of crimes are being committed.

This special sitting is held at a time when the international community as a whole is witnessing the ushering in of radical changes in international relations, based on freedom and democracy as well as cooperation and the safeguard of human rights.

Yet we believe firmly that the international effort and results to which we aspire will not be accomplished so long as the Palestinian people continue to suffer the deprivation of their rights to self-determination and the establishment of their independent State, so long as every effort is made to frustrate the heroic struggle of the Palestinian people and the intifada.

Here I should like to reconfirm the position of the countries of the Arab Maghreb in support of their just Palestinian cause, as led by the Palestine Liberation Organisation, the sole and legitimate representative of the Palestinian people. We believe firmly that the establishment of a permanent peace in the Middle East requires a comprehensive and just settlement of the Palestinian problem on the basis of international legality.

Before the intransigence of Israel we cannot but call upon the major powers, which are the permanent members of the Security Council, to exert greater efforts in making Israel comply with the international will and the respect of international attempts to achieve a peaceful settlement of the Middle East problem. The settlement of this dispute will usher in a comprehensive and permanent peace and a period of revival and prosperity for all countries of the region.

I propose that the International Labour Organisation – as a contribution towards making a success of the peace process – should send a permanent mission responsible for monitoring the situation of Arab workers in Palestine and the other occupied territories, along the lines of the Committee on Apartheid in South Africa. The establishment of the proposed Committee would crown the efforts exerted within the framework of the deliberations which have lasted for three successive sessions. I am certain that this Organisation will take into consideration our proposal, in accordance with the lasting principles with which it seeks to work.

The last Conference of Labour Ministers of Non-Aligned and Other Developing Countries, held in Tunisia in November 1990, adopted similar resolutions to those of the ILO in compliance with International law and the Constitution of our organisation.

Mr. LIOR *(Government delegate, Israel)* – We are gathered here because of politicisation imposed on the Conference by a minority of States. What we are witnessing here is only the tip of the iceberg. The debate here epitomises the ongoing warfare which these countries are waging against the State of Israel by political, military, economic and other means. A process of negotiation has begun. New opportunities have been created for a gradual *rapprochement*, but the habit of vilifying Israel is stronger and more persistent. It has almost become a ritual. The litany of useless rhetoric and vain resolutions only serves to galvanise the emotions at a time when reconciliation is so sorely needed.

Thus, we once again protest against the blatant singling out of the State of Israel as the object of a special debate. The very mandate of the Director-General's mission constitutes a prejudgement of the situation. It is only in the interest of maintaining good relations with the ILO that we receive the delegation and give them free access to our country and the people that they wish to meet.

However, I would like to make it clear that attempts to further politicise the ILO's attitude towards the subject can only jeopardise whatever involvement the Organisation already has in the territories. Such attempts are being made in this debate.

The Report of the Director-General's mission this year displays a greater appreciation of the realities in the territories than have previous Reports. Credit is finally given to the efforts of the Israeli civil administration to promote economic development and provide educational services. These efforts are carried out in spite of the frequent acts of blind terrorism committed against Israelis and Palestinians alike. Credit is also given to the Histadrut for its work in educating the working population concerning its social rights. The role of Palestinian violence as a major factor contributing to the disruption of the economy is at long last recognised.

Nevertheless, the broad framework of the Report continues to suffer from a tendency to judge the situation according to the norms of democracy common to the western world. The Report also fails to place current events in their proper historical perspective. It is obviously misleading to take as a point of departure the fact that the territories are under military occupation without mentioning why this situation came about, namely the military attack against Israel in 1967, which endangered its very existence.

My delegation must take issue with the claims of the Director-General's Report that the trade unions in Judea, Samaria and the Gaza district have of late begun to become involved more in bona fide labour matters. The Israeli Government's detailed remarks to the ILO on this issue were somehow deleted from the final Report.

In fact, the trade unions in the territories continue to devote relatively little time to workers and labour affairs, while maintaining a deep involvement in terrorist activities. Evidence of this can be found in the fliers, manifestos and proclamations widely distributed by the unions in recent years, but obviously not made available by them to the Director-General's mission.

We regret the allusion in the Report to the difficulties standing in the way of increased technical assistance programmes in the territories. At a meeting with the Director-General on 9 January 1992, I myself proposed intensified ILO technical assistance, suggesting that this could be a more meaningful response to Palestinian needs than the annual mission and its Report. In our opinion, the Organisation should change its priorities. It should place more emphasis on its practical assistance, and deal less with political matters. It is only as a professional organisation that the ILO can make its contribution.

In general, employment in Israel does not suffice to solve the economic difficulties in the territories. What is really needed is an ongoing investment in productive enterprise there, and of this there has been little indeed.

In addition, terrorism obviously does not create an atmosphere conducive to healthy economic activity. To illustrate again the violent provocation coming from the territories at a time when a solution is being sought, I would just mention that since the beginning of 1988 an incredible number of Palestinians (almost 700) have been murdered by hit squads from their own community.

Another reason for the economic malaise in the territories is the fact that the well-off Arab countries, including a number of those participating in this debate, are clearly not ready to put their money where their mouth is, and never have been. In past years, the availability of work in the Gulf, together with Arab hidden transfers to the terrorist groups in the territories, maintained the economy at an artificially high level. Little of this money went to productive investment. When the flow dried up in the aftermath of the Gulf War, the Palestinian economy was exposed in all its artificiality.

Here lies the heart of the problem: not in the fragile possibilities of employment in Israel, but in the lack of means to create a viable and sustainable economic base.

Finally, Israel has tried since its independence to create the necessary climate for peace that would bring economic prosperity to our region. The attainment of this goal requires, however, that the Palestinian population turns away from negative external influences and seeks its own destiny through the path of coexistence and negotiation. In doing so, it will find a willing partner in the State of Israel.

Original – Arabic: Mr. NASR *(Employers' delegate, Lebanon)* – The Strindberg trilogy contains a passage in which a woman asks a man "Why are you looking through the garbage?" The man answers "I am looking for the key to happiness and it is lost". She says "I see that you are picking up cigarette butts". The man answers "I will do so, until I find the missing key".

In Palestine and the other occupied Arab territories the missing key to happiness is freedom, a decent life and tranquillity about today and about tomorrow. All these are things that a comprehensive and lasting peace will bring – this peace that the Director-General mentioned in paragraph 115 of his Report to the Conference last year. Until we find this lost key, what can the International Labour Organisation do.

Firstly, the Director-General can continue sending the annual mission to the territories so that it will be able to study, in depth, the status of the Arab population in the Gaza Strip, in Jerusalem, in the Golan Heights and in southern Lebanon. And he can, as he did this year, prepare a Report to the Conference – a Report that is clear and audacious, as this year's is – and we, indeed thank him for it.

Secondly, the Director-General can prepare along with this Report a strategy or a plan of action including the possible sources of funding.

Thirdly, he can, through the discussion of his Report in the Special Sitting, initiate a special action that will be endorsed by the Governing Body.

The International Labour Office can try to provide special funding for this programme over and above what can be provided through the regular budget.

This programme could include the following: sending a multidisciplinary team to study the needs which the mission has uncovered, especially relating to employment and the organisation of employment, to help the trade unions, the Chambers of Commerce and Industry, to organise and to train the necessary personnel and to see to it that they have full freedom of action and that they truly help in remedying the deteriorating economic situation that the Director-General has mentioned in his Report; helping in setting up a comprehensive training programme that will lead to all sorts of programmes that meet the new needs as they arise, such as the return of certain emigrants.

I will not go so far as to say that the International Labour Office will find the key to happiness. However, I hope that through all these means it will be able to drill holes in the closed door whose key we have lost, if only to let in a little light and fresh air.

Original – Chinese: Mr. ZHANG *(Government adviser, China)* – The Director-General has submitted to this session of the International Labour Conference a Report on the situation of workers in the occupied Arab territories. This is an issue which is of the greatest concern to the member States of the International Labour Organisation. In recent years the ILO has made constructive efforts to increase recognition of the legitimate rights of workers in the occupied territories. The Government and people of China would like to express their support and thanks for these efforts.

When the Middle East peace talks first started last October in Madrid, a period of one year was set for reaching an agreement. Today, more than six months have elapsed and the peace process in the Middle East has still not made any substantial progress. The uncompromising attitude of non-recognition adopted by Israel towards the Palestine Liberation Organisation makes it even more difficult to find a solution to this problem and the situation of the workers in the occupied territories has not noticeably improved.

The people of China are permanently concerned about the position of the workers in the occupied Arab territories and express the sincere wish that their rights and legitimate interests be guaranteed. Moreover this is a problem which can only be solved within the context of a global, just and reasonable solution to the Middle East problem. The Chinese Government holds that a political settlement of the Middle East problem must be sought on the basis of relevant resolutions adopted by the United Nations, and in particular resolutions 242 and 338 adopted by the Security Council. The occupied Arab territories must be returned, the Palestinian people must see their legitimate national rights restored and at the same time the sovereignty and security of all the countries in the Middle East, including Israel, must be respected and guaranteed.

We hope that all parties involved in the Arab-Israeli conflict, out of a sincere wish to find a solution to this problem, will adopt a flexible and realistic attitude in order to find, as soon as possible, a peacefully negotiated solution, a global, just and reasonable solution to the Middle East problem.

Mr. BATUBARA *(Minister of Manpower, Indonesia)* – My delegation appreciates the initiative of concerning this special sitting on the situation of workers of the occupied Arab territories. It could not be convened at a better time in view of the gravity of the situation in the territories which has deteriorated rather than improved. Disregarding the concern of the international community, the Israeli Government continues totally to ignore legal norms and procedures in the territories at every level, resulting in the violation of the most fundamental international legal standards and norms of justice, which deleteriously affected the daily lives of Palestinian people.

Since the end of the Gulf War, the plight of the Palestinians, already severely restricted and constrained by the occupying authorities, has been compounded by the crippled economy. Efforts and appeals from the international community have gone unheeded and have not led to any improvement in the living conditions of these people, including the working conditions of the workers. As the Director-General stated in his Report to this Session of the Conference (Appendices [vol. 2]) "the continuing state of military occupation… renders impossible a situation in which the standards and principles enunciated in ILO instruments can be fully respected", and that the occupation and the economic conditions that the Palestinians are obliged to endure resulted in "serious repercussions for the workers of the territories, and their freedom of employment choice, of association, of movement and of expression continue to be severely limited".

In addition to the severe economic conditions, the Palestinian people have to endure the discriminatory practices of the occupying authorities in almost every aspect. The Director-General himself acknowledged this and called upon the Israeli Government to cease the harassment of thousands of Palestinian workers, and ensure appropriate and effective protection against all types of discrimination. In my delegation's view, this 79th Session of the International Labour Conference should voice the same appeal.

From year to year, Israel has been urged to end its expansionist policy of building Jewish settlements in the occupied territories and to dismantle those that have already been built. However, much to the indignation of many, instead of heeding the wide international appeals, including that of the United Nations and the ILO, Israel continues to build new settlements, not only in contravention of international law. This practice has detrimental effects on the territories, as well as the Arab population. In this regard, my delegation is in full agreement with the Director-General that the policy of extending the settlements and its consequences to the local population are matters of grave concern. We should, therefore, once again on this occasion deplore this policy and repeat our call to the Israeli Government to put an end to these practices immediately.

My delegation noted with dismay that the number of cases of expulsion of Palestinians, thousands of arrests, collective punishment and harassment of trade unions and their leaders, as well as other violations of the rights of Palestinians are still occurring in the occupied territories. I should also draw the attention of the Conference to the findings whereby the economic situation in the occupied territories is largely influenced by political events not of the making of the Palestinians. Indeed, at the core of the Palestinian issue is the fact that these people have persistently been prevented from enjoying their rights, in defiance of the principles of international law, United Nations resolutions and the will of the international community.

While my delegation is in full agreement with the Director-General that in the field of labour, a more direct dialogue between the parties involved could now be considered and established under the auspices of the ILO. In our view the overall socio-economic conditions of the Palestinian people depend largely on the comprehensive and durable political solution of the core issue. As we all know, efforts to that end have been conducted and the Middle East Peace Conference held in Madrid could be regarded as a step forward that could pave the way to a United Nations sponsored peace conference. So far, however, Israel refuses to modify its persistent stance and the Palestinian people are still faced with a situation where the climate of fear, violence and repression characterises their day-to-day life. This special sitting, therefore, should reiterate its call to the Israeli Government to ensure the protection of the Palestinians in enjoying their fundamental rights.

Original – French: Mr. VERONESE *(Workers' delegate, France)* – Once again, we have to demonstrate the solidarity we feel for the workers and the Palestinian people.

This 79th Session is being held under rather particular circumstances. Much hope has been deposited in what has been known as the Madrid Conference.

However, so far, in spite of the wishes stated by qualified representatives of the Palestinian people to arrive at a just and lasting peace based on the application of all the resolutions of the UN on the part of the Israelis, we are constantly faced with this refusal to apply the UN resolutions concerning the right of return of Palestinian refugees, the refusal to evacuate the Arab territories occupied since 1967 and the refusal to recognise a Palestinian Arab State. Thus, for a number of decades, the UN resolution of November 1947, which provided for the establishment of a Palestinian State in Palestine, has never been applied.

But the Israeli political leaders have not merely refused. They have encouraged and increased repression in the occupied territories in Gaza and in the West Bank. Not only armed repression, which every day sees a larger number of Palestinian victims, but also economic repression aimed at reducing the population to despair, to the renunciation of its identity, its dignity, or to exile.

Thus, 33 per cent of the active population has been deprived of work; the rest work under very precarious conditions and many are compelled to wait for work in places which are known in Israel and in occupied Palestine, as slave markets. These workers do not enjoy the benefits of any social schemes.

The Israeli military authorities thwart under various pretexts the free exercise of trade union rights. To achieve their goals, the authorities use all kinds of measures, from house arrest to imprisonment or the prohibition on free movement or the occupation of union premises and the destruction of material and files.

There is the closing down of schools, universities, school buildings, which in many cases are used for barracks by the occupying army, as for example the proposed requisitioning by the army of a socio-cultural centre in the town of Ramallah which is used exclusively by small children.

It is obvious that Israel is pursuing its plan for annexation, and this is confirmed daily by the setting up of settlements of new migrant populations in the territories.

Thus, the suffering of the Palestinian people and their children continues and the UN resolutions are blatantly ignored, which is extremely harmful to all the efforts for peace.

A prisoner of its own logic, Israel can without impunity bomb Lebanon and Tunis and send its commandoes to kill Palestinian leaders.

For how much longer will Israel continue to defy the international community?

Before and during the Gulf War, not an hour passed without reference to the need the respect and application of international law by Iraq.

We must therefore and more forcefully ask the question of why should Israel be allowed to act outside the sphere of application of international law? There cannot be two yardsticks.

The notion of international law cannot be left to the interpretation of a superpower in accordance with its interests or its protégés. This would be to deprive of all meaning and scope the concept of international law, with all the dangers that this would bring for peace in the world.

Israel must urgently and unreservedly apply the UN resolutions and proceed to evacuating all Arab territories occupied since 1967. This will be in the interest of all peoples and all States in the region, including those of the State of Israel.

Peace in the Middle East can be truly achieved only by doing justice to the Palestinian people by recognising its inalienable right to establish a free and independent State.

It would therefore be desirable for an international trade union initiative to be taken to achieve this aim.

Once again we take this opportunity provided for us by the annual Session of the International Labour Conference to reiterate our solidarity with the Palestinian people and workers, to pay a brotherly tribute to trade unionists and Israeli democrats and pacifists who, under particularly difficult circumstances, are also engaged in the struggle for the recognition of Palestinian national rights and for the establishment of a Palestinian State alongside that of Israel.

Mr. FREEMAN *(Government delegate, United States)* – Frankly speaking, my Government sees little utility in holding a special sitting.

The Arab-Israeli conflict will not be solved by either gratuitous resolutions or sterile special sittings in bodies which are incompetent to solve political issues. If we truly wish to contribute to reaching a political settlement of a political conflict, then we should all put greater effort into supporting the peace process. But that is a process which is taking place outside the jurisdiction of the ILO. It cannot be accomplished in the ILO. It is, however, the responsibility of the ILO to enhance workers' rights.

If we wish to enhance the rights of Palestinian workers, then we should use the regular workers' rights supervisory machinery of the ILO. The supervisory machinery is the heart and guts of the ILO and we should not be afraid to use that machinery, with its due process guarantees, to address the question of Palestinian workers' rights – or Arab workers' rights in general for that matter. We find no convincing argument that the supervisory machinery cannot be used to enhance the rights of the Palestinian workers.

The due process supervisory machinery and technical assistance are the vehicles whereby the ILO can make a positive contribution to the peace process – not by an increasingly sterile debate in this plenary or by the idea which has surfaced today of setting up a new ad hoc committee.

My Government is asked to find 25 per cent of the costs of this sitting. But we see no practical benefit to Arab or Palestinian workers. It would be better to use the money on technical assistance projects in the occupied territories or on improving relations between Israeli and Palestinian workers; and I can assure you that we will spare no effort to avoid wasting United States taxpayers' money on the establishment of an equally purposeless but much more costly ad hoc committee.

We therefore oppose this special sitting because we think it is a "cul de sac"; it is a debate going nowhere, which does not advance the rights of Palestinian workers. I wish I could promise you that this will be the last special sitting. What I can do is congratulate you, Mr. President, on presiding over the last special sitting in which the United States Government will participate.

Mr. KAZMI *(Government delegate, Pakistan)* – I am happy to have the floor and the opportunity to address this Special Sitting on the situation of workers of the occupied territories. It is my sincere hope that this Special Sitting will contribute towards alleviating the conditions of the workers in the occupied territories, whose rights are daily being grossly violated as a result of the illegal occupation for the past 25 years.

We have carefully studied the Report of the Director-General on this subject. The report provides ample testimony to the continuation of inhuman Israeli practices and gross violations of human rights. The picture emerging from the Report depicts deteriorating economic conditions, the absence of religious, educational and other social rights, the denial of trade union rights and freedom of association and the enforcement of partisan employment policies. In other words the normal living conditions and the entire social fabric of the Palestinian population stand utterly destroyed.

The illegal Israeli occupation of the Arab territories has pushed the Palestinian people to the point where they now face the worst possible conditions. The brutal steps taken by the Israeli Government to crush the popular uprising (intifada) has increased the sufferings of the people even further. The Israeli authorities have embarked upon a systematic policy aimed at breaking the will of the Palestinian people from continuing with their just struggle to achieve their inalienable right to self-determination.

The post-Gulf War era has witnessed an upsurge of the Israeli atrocities in the occupied territories. Recent reports of the imposition of military blockade and of curfews in the Gaza Strip and in various other camps, which the Israeli occupation authorities consider as "closed military areas", is yet another example of increased Israeli atrocities. The blockade threatens to give rise to the catastrophe of starvation and the cutting off of the livelihood of the workers living in these areas. Moreover, the move is intended to force emigration of the Palestinian citizens from their cherished homeland and to pave the way for more settlements.

It is regrettable to note that in total disregard of the United Nations Charter and its resolutions and in defiance of international law and the world public opinion, the Israelis are continuing with their policies of making more settlements in the occupied territories, by liquidating and expelling the Palestinian population and confiscating their lands for transfer to settlers. Temporary measures for improving the conditions of the Palestinian workers are not likely to bear any significant change in the status of the Palestinian population, unless and until the occupation of their territories is ended.

Pakistan had welcomed the convening of the first round of Middle East Peace Conference in the hope that the Conference would pave the way for a lasting peace in the region. However, we are disappointed with the results of that conference so far. Moreover, we are deeply concerned to note the Israeli unwillingness to deal with the core issues, such as withdrawal from the occupied territories, the cessation of all settlement activities and allowing the Palestinian people to freely exercise their right to self-determination.

I would like to take this opportunity to express Pakistan's total and abiding support to the struggle of the people of Palestine under the leadership of PLO, their sole legitimate representative, to establish a State on their own homeland. We strongly feel that for any peace initiative to succeed, it must address this central issue. In our view an end to the occupation of the occupied Arab territories will create the favourable condition of peace and security necessary to allow for improvements in the condition of the workers.

Original – Arabic: **Mr. MOHAMED** *(Government delegate, Sudan)* – In the name of God, the Compassionate, the Merciful! My delegation is very happy to see the President lead the deliberations of this special Session on the situation of workers of the occupied Arab territories. This is a very important issue for my country in this and in other international forms because it relates to a very important cause that is dear to us – the Palestinian cause.

The Palestinian people have suffered so much under Israeli occupation and are still struggling and fighting in most difficult conditions to realise their legitimate aspirations to self-determination, freedom, and dignity under the leadership of the PLO.

We commend the efforts made by the Director-General of the International Labour Office to ensure constant inquiries into the fact of the tragic situation of the workers in the occupied Arab territories. This is shown in the Report of the Director-General which is the subject of the special sitting. My delegation would like to make the following points.

Firstly, the Report before us is the 15th in a series of annual reports, but we have noted no improvement in the manner in which the problems of the Palestinian workers in the occupied territories are dealt with, which is evidence of a real crisis in the approach to this phenomenon.

Secondly, this Report states, quite truthfully that the situation of these workers is deteriorating day by day. This means that the ILO must rise to this challenge and tackle the problem in a realistic and effective way without hesitation of beating about the bush.

Thirdly, the situation in the occupied Arab territories has become catastrophic, given the persecution and oppression of Arabs and Arab workers. My delegation believes that the protection of Arabs and Palestinians in these territories requires an exceptional effort within the framework of the United Nations, and especially on the part of those organisations that deal with human rights – an immediate and effective effort, because the Israeli authorities are engaging in a savage and deliberate repression and persecution, flouting human rights and the will of the international community. It is high time to halt this entity that will live by no established rule or practice.

Fourthly, we request the ILO to consider the possibility of setting up a special committee with responsibility for the situation of workers in the occupied Arab territories, along the lines of the Committee on Apartheid, inasmuch as we have noted the effectiveness with which the said committee has dealt with that important question. It is clear that the situation of the workers in the occupied Arab territories is no less tragic than that of our brothers in South Africa. Given the positive results obtained by the Committee on Apartheid, we would hope that a special committee for the occupied Arab territories might obtain the same positive results until the liberation of these territories.

If we are unable to achieve this objective, the ILO will fall into a vicious circle of special sittings, and we will miss the chance to turn our energies into the productive efforts of a special committee.

In closing, we salute the struggle of the Palestinian and Arab people in the occupied territories, and pledge to remain at the forefront of the defenders of the rights of our brothers until the occupation of the Arab territories comes to an end, and until the Palestinian people is able to exercise its right to self-determination under the banner of the PLO.

Original – French: Mr. **NORDMANN** *(Government delegate, Switzerland)* – This year, for the third time, a special sitting of the International Labour Conference is being held on the situation of workers in the ocupied Arab territories. Switzerland, notwithstanding its reservations of principle regarding the institutionalisation of this sort of meeting, reiterates its hope that this discussion will contribute to an improvement in the situation and in particular in the working conditions of the Palestinian population. This is a matter of considerable concern to the Swiss Government.

At the outset I would like to congratulate the Director-General on the Report that he drew up on this subject and which demonstrates a deep concern for precision, impartiality and objectivity. It is a working document of considerable value and its authors deserve our full gratitude. Its contents, however, are scarcely encouraging and indicate that a great deal remains to be done. The military occupation of the West Bank, the Gaza Strip and the Golan Heights, has now been going on for 25 years. With increasing tension, violence and insecurity since the intifada began, this regime has become still more strict, introducing many security measures such as curfews and restrictions on movements. In the Gaza Strip, there has recently been an enormous urge of violence, prompting the Israeli authorities to declare a total curfew and to close the main roads. In such an environment, the relevant standards of international law, and particularly those of the Fourth Geneva Convention on the protection of civilians in time of war, are not applied and neither are the principles, standards and resolutions of the International Labour Organisation. The establishment and extension of settlements in the occupied territories further increase tensions and inequalities between the Israeli and Arab populations and strengthen the dual nature of the legal and social systems.

The already precarious economic situation in the occupied territories seriously worsened after the Gulf War and considerably increased the dependency of the Palestinian economy on Israel. In particular, the 45-day curfew decreed by the Israeli authorities led to numerous dismissals of Palestinian workers in Israel. Today they are either unemployed or employed on daily contracts. Thus, it is now imperative to promote the creation of new jobs and enterprises and to facilitate trade between the occupied territories and Israel.

In this context, the efforts by the Israeli authorities and the civilian administration of the territories to create jobs by granting tax breaks or easing certain formalities are particularly promising signs. However, they are still insufficient to guarantee self-supporting development of the economy of the territories. Another positive sign is the reopening of the universities and certain measures taken to develop vocational training.

My delegation hopes that the Israeli authorities and the civilian administration will continue in this direction by introducing still further measures in these two areas and in others, especially the fields of social protection for Palestinian workers in Israel and their trade union rights. It is clear that the constant harassment of the trade unions, such as the restrictions on freedom of movement, prevent the free exercise of trade union activities and the development of true dialogue.

Against this backdrop, which is cause for considerable concern, we fully support the conclusions and recommendations made by the Director-General of the ILO. Therefore, we hope that they will be fully applied without reserve and in all the fields under discussion. The cooperation of the Israeli authorities and of the civilian administration with the ILO, we feel, is of vital importance in this process, which should finally lead to an improvement in the situation of Palestinian workers.

Original – French: Mr. NIASSE *(Workers' adviser, Senegal)* – I would like to thank you for the opportunity you have given me to address this august assembly, to bring to our Palestinian brothers and to their sympathisers the militant greetings of the Senegalese people, particularly of the workers affiliated to the CNTS and the CSA. I would also like to associated myself to the congratulations expressed to the Director-General for his exhaustive and highly relevant Report.

My country, since the very beginning of the hostilities, and in spite of its modest diplomatic stature, has strongly supported the Palestinian people's cause, that Israel is spending its time occupying the Palestinian's ancestral lands by force.

International opinion had an attitude of compassion towards the Jewish people, in view of the many persecutions that the Jewish people had suffered, throughout history. The situation of the Jewish people during the Second World War had made all human beings shudder, and this is what, in 1948, brought the great powers to implement the United Nations resolutions of 1947 and 1948 so as to enable this wandering people to find a new homeland.

Now that the Israelis feel strong and powerfully armed, and forgetting the past or wanting rather to seek revenge for all they have endured on someone who is weaker than them, Israel is not content with occupying the Arab territories, and is constantly violating basic human rights by imprisoning Palestinians for the most fallacious reasons, by killing women and children who have nothing but stones as a weapon.

At a time when the whole world is seeking to implement a peace policy, at a time when the Arab peoples generally, under the leadership of the PLO in particular, accept recognising Israel as a State with all the rights that implies, at a time when all people of goodwill wish to make the Madrid negotiations be successful, Israel is obstinately provoking the Palestinian peoples and the neighbouring Arab territories by not respecting any United Nations resolutions, not even the requests of its friends who have upheld Israel in many circumstances. Therefore, it is pressing that the great powers who have particular responsibilities in safeguarding international security show more firmness so as to maintain peace in that part of the world.

My country, Senegal, wishes to firmly support and echo the United Nations and ILO resolutions and, as workers, we would like to ask this august assembly to vote for a motion asking the Governing Body and the Director-General of the ILO to spare no effort to ensure the application of resolutions adopted by the 59th Session in 1974, and the 66th Session in June 1980.

In any case, Senegal, despite its very limited means, has always upheld the brave struggle of the Palestinian people and its leadership, the PLO, and will continue to uphold them everywhere and always, and asks Israel to demonstrate moderation and good faith so as to make the Madrid negotiations reach a successful conclusion, and in this way help to lasting peace in the region and peaceful coexistence amongst civilised nations. Long live free Palestine, under the Leadership of the PLO.

Original – Arabic: Mr. DAHLAN *(Employers' delegate, Saudi Arabia)* – In the name of God, the Merciful, the Compassionate!

It is indeed a source of honour for me to address this special sitting which is considering an important subject which falls within the competence of the International Labour Organisation, namely the usurped rights of workers and the violation of democracy in Palestine and the occupied Arab territories. It is indeed regrettable and painful for us, who live in this region and are accustomed to freedoms for peoples and for States, where workers' and employers' rights are respected, where we seek to fight against environmental pollution, to witness systematic the violation of human rights. I wish to recall what was said at the United Nations Conference on Environment and Development.

God created this planet and sent his messengers and prophets to earth in order to spread the message of peace. He sent his messengers in order to safeguard man and the earth on which he lives, defend peace and liberty and to fight oppression. All creeds and religions have sought to uphold this ideal. All States and governments have pursued the same ideal, and the ILO was established for this purpose. What has it done? The ILO has sought to safeguard these rights everywhere, even in Palestine and the occupied Arab territories. It has prepared the Report under consideration at this Conference on the situation of workers in Palestine and the occupied Arab territories. This Report refers to the flagrant violation of the Palestinian and Arab workers' rights, to discriminations in wages and treatment, and to the denial of the basic rights of workers, including vocational training.

Where is the security and stability to which the Palestinian and Arab workers in Palestine and the occupied Arab territories are entitled? Israel practises all forms of oppression and persecution in violation of international instruments and ILO Conventions.

Peoples were not created to be oppressed or enslaved. The freedom and liberty of men must be respected. That is this natural order of things and nations should safeguard these freedoms and liberties. How can peace be established with all these violations of rights?

This is the third Special Sitting called to discuss the Director-General's Report on the situation of workers in Palestine and in the occupied Arab territories, and we all hope a that a programme for technical cooperation will be prepared on the basis of the Report of the special mission, including technical assistance for the handicapped and the training of workers to achieve further skills. We should seek to liberate the Palestine economy from dependence on Israel.

We sincerely hope that these three special sittings will enable us to approve the proposal to establish an ad hoc committee to follow up the proposals which have been previously adopted. By virtue of the very existence of our planet, and by virtue of the messengers and prophets God has sent, may God help us to liberate and safeguard these rights from the oppressions of Israel.

May God help us in our struggle for peace.

Original – Russian: Mr. **KANAIEV** *(Workers' adviser, Russian Federation)* – For a number of years now the attention of our Organisation has been focused on this burning issue of the world today.

For practically a quarter of a century more than a million and a half Arabs, mostly Palestinians, have been living under circumstances of harsh military occupation, deprived of the most elementary human rights. We cannot but agree with the conclusions of the ILO mission that, and I quote: "In carrying out its mandate, however, the ILO cannot ignore the consequences for the free exercise of workers' rights and the principle of non-discrimination in employment of the prevailing political situation affecting the territories…".

During the past year, as the ILO mission records, the position of the Palestinian workers has become even more difficult than in the past, following the military action in the Persian Gulf and the introduction of curfews and other constraints.

Driven to the limits of their endurance, the Palestinian workers, are now, for the fourth year, waging a popular uprising (intifada) for their rights and first and foremost for the right to their own statehood.

The report of the mission it quite rightly states that in the occupied Arab territories there is a "massive military presence" and in this connection these have been numerous deaths and serious injuries – mainly among Palestinian. Thousands of people, including trade union members, are arrested without charge, banished or deported, and deprived of their rights to housing and work. The army seizes trade union premises, demolishes houses and confiscates and destroys property.

The position is made more complex because of the large-scale distribution of new Israeli settlements in the occupied territories, and unemployment has reached threatening levels.

The Israeli policy of settlements in the occupied territories has been condemned by the United Nations. In 1980 the International Labour Conference demanded an end to this process and the dismantling of all existing settlements. However, the Governement of Israel remains deaf to the demands made by the world community. Furthermore, at present this policy is being intensified particularly due to the increase in the number of Jewish immigrants from the CIS and Eastern Europe.

In these conditions, one obviously cannot place on the same footing the armed suppresion of all elementary rights by the Israeli army, the existing economic constraints and the just fight of the Arab population for its rights and freedoms.

We fully support the legitimate efforts by the Arab Palestinian people to obtain its sovereign State and to enjoy all elementary human rights.

The sole and most reliable way of achieving this is through peaceful negotiations and dialogue. Therefore, we fully support the attempts made at international level to find a peaceful settlement to these problems.

Our delegation fully agrees with the conclusion of the report regarding the value and need for broad constructive dialogue between the Histadrut and the Palestinian trade unions, and the view of the ILO "the Histadrut could play a more influential role in promoting and ensuring for the Palestinian unions a greater measure of respect for their trade union rights and freedoms, the guarantee of which is the responsibility of the State of Israel in accordance with international obligations which it is bound to respect".

We welcome the efforts of the ILO to grant the necessary organisational, technical and other assistance to achieve such dialogue and we express the hope that with joint efforts even the most difficult problems can be successfully resolved.

Mr. **CANKOREL** *(Government adviser, Turkey)* – As I am taking the floor for the first time, allow me to congratulate Mr. Nascimento Rodrigues on the efficient way in which he is presiding over this session of the International Labour Conference.

This year, we take up the 15th annual *Report of the Director-General* on the situation of workers of the occupied Arab territories. We are pleased to see that this mission has been carried out with the full cooperation of the Israeli authorities and the full participation of all individuals and institutions, both Israeli and Palestinian. We note the cooperation extended by Israeli authorities to the ILO mission as a demonstration of their constructive spirit.

Nevertheless, we understand from the Report that there has been no alleviation in the conditions of the Arab workers of the occupied territories. It is made clear in the Report that the grave situation faced by the workers continues to be characterised by the state of military occupation which now is in its 24th year. The Report indicates, furthermore, that much remains to be done to eliminate the discrimination that these workers are exposed to.

The question of Palestine lies at the heart of the chronic Arab-Israeli conflict. In contrast to the expectations of the international community, Israel has not yet taken an attitude conducive to the improvement of the situation in the occupied territories and eventually to the solution of the question. This is disappointing in that it denies peace and stability both to the region and to the world.

Turkey, due both to its geographical proximity to and its historical ties with the region, is deeply concerned about the continuation of the Arab-Israeli conflict. We earnestly hope for an early and lasting solution to it.

Recently, we have been witnessing significant activity aimed at resolving the complex problems related to the Arab-Israeli conflict. Last year marked the turning point in this regard. Madrid, Washington and Moscow conferences for peace in the Middle East constituted major steps towards a lasting solution. We hope that the parties will not miss this historic opportunity and will continue the dialogue with perseverance. All parties to the conflict should exercise restraint and caution during the peace process. As in all conflict resolution processes, success depends on the unswerving determination of the parties to overcome inevitable difficulties arising along the way.

One dark shadow looming over peace efforts is the Israeli policy of establishing settlements in the occupied territories, in contravention of the Fourth Geneva Convention.

Despite the vigorous opposition of the international community, Israel resorted to a variety of harsh coercive measures to suppress the intifada – this is another setback. We call for an immediate end to violence directed against Palestinian civilians.

Recently violence and consequent tension in the occupied territories have demonstrated the need for Israel to comply with the provisions of humanitarian law as well as those of Security Council resolutions 673 and 681. In this context, I wish to reiterate that Israel should bring to an end its policy of establishing new settlements in order to sustain the present dialogue among the parties to the conflict.

We took note of the recommendations contained on pages 58, 59 and 60 of the Report of the Director-General. Cooperation by the Israeli authorities should aim to alleviate not only the difficulties of the workers of the occupied territories, but should also be conducive to introducing remedies to the tragic circumstances of the population living in the region. I should underline, however, that measures to be taken for the occupied territories cannot really replace the political solution to the problem. They can only be effective if coupled with convincing political steps towards peace. The ultimate remedy to the problems of the workers and their families lies therefore in a lasting solution to the Arab-Israeli conflict. We hope that Israel will engage without further delay in a process of reconciliation with the Palestinian side whose legitimate aspirations have the full support of Turkey.

Mr. KARA *(Workers' delegate, Israel)* – The peace agreement with Egypt indicated the right direction we should go. Conflicts between peoples should be solved only by peaceful, political means. This year, we have witnessed a breakthrough marking the beginning of long and complicated peace negotiations between Israel, its neighbouring Arab countries and the Palestinians. Many mutual concession were required of all the parties in order to reach the negotiating table, proving that compromise is the only way to achieve a just and lasting peace in the Middle East.

It is only within the context of a comprehensive peace that solutions will be found for all problems prevailing in the present situation, including that of the workers in the territories administered by Israel since 1967, when Israel had to fight a defensive war against those who threatened to throw its inhabitants into the sea.

Until this longed-for peace is achieved, however, Histadrut – the General Federation of Labour in Israel – feels that much can be done to improve the situation. As the organisation representing Israeli workers, Histadrut is proud to say that 14 per cent of its total membership are Israeli Arabs, constituting in fact the largest free Arab trade union in the area.

Both Israeli and international laws stipulate that Histadrut cannot organise the Palestinians working in the West Bank and Gaza, but we do extend trade union protection to commuting workers from the territories who are legally employed in Israel. During 1991, some 98,000 people from the territories found work in Israel, constituting 34 per cent of the total workforce of the West Bank and Gaza.

As far back as 1969, Histadrut ensured that every person employed in an organised workplace in Israel – Jew, Arab or Palestinian from the territories – was covered by the same labour contract. The problem was that some two-thirds of the commuting Palestinian workers were unregistered, which made it very difficult to supervise the implementation of this principle. However, since last year there has been a dramatic drop in the number of unregistered workers, owing to security regulations introduced during the Gulf War, which made it very difficult for unregistered workers from the territories to enter Israel. Thus, at present, two-thirds of the commuting workers from the territories are registered, enabling them to benefit from the provisions of the labour contract and putting the Histadrut in a better position to protect their wages and working conditions. To receive this protection the workers from the territories – just as their Jewish and Arab Israeli colleagues who are not Histadrut members – pay one per cent organisation dues, as against more than four per cent that full Histadrut members pay.

As in the past, the Histadrut continues to keep workers from the territories informed of their rights, by means of Arab language publications, Arab versions of the labour contracts, study days and radio programmes. Also, since last year, the Histadrut opened two legal bureaus in areas where workers from the territories are concentrated, staffed by two Arab lawyers in order to provide these workers with legal advice in their own language. The fact that over 1,000 people have resorted to these lawyers' help over the last year proves that it was a timely and positive Histadrut initiative.

Furthermore, at a recent Executive Bureau meeting, the Histadrut Secretary-General, Israel Kessar, called for the establishment of a joint Histadrut-Government-Employers' Committee to supervise the wages and working conditions of the workers from the territories. Such a committee would facilitate Histadrut's activities on behalf of these workers and ensure that outstanding problems would be dealt with more quickly and efficiently.

Although unable to organise Arab workers in the territories, the Histadrut is keenly interested in the unionisation of the West Bank and Gaza workers that will enable them to enjoy dignity, fair wages and social benefits. We are willing to cooperate with them and extend any assistance to achieve these goals.

At its last Convention in 1990, the Histadrut adopted a resolution expressing readiness to enter into dialogue with any trade union in the West Bank and Gaza that does not engage in subversive, terrorist activities, in order to promote the mutual interest of the workers. It is our sincere hope that in the coming months contracts will take place between Histadrut and West Bank and Gaza trade union representatives leading to fruitful cooperation and building bridges of understanding between us – as an important and vital part of the peace process in our region.

May next year's Session of the International Labour Conference witness a dramatic change in our region and permit me to turn to all of you to join me in prayer and call for peace.

Now I want to add some words in my native language, in Arabic.

(The speaker continues in Arabic.)

I would like to address the Palestinians in the territories. I should like to tell them to refrain from violence and enter into a constructive dialogue. It is time to move away from hate and extremism. It is time to think rationally because of the future of our children. Let us cooperate in order to transform our beloved Middle East. Let us develop our economy and our industry and work for the dignity of man – for peace for everybody. This peace, I hope, will be upon us all. Let us help one another and work tog[illegible]er in order to arrive at this peace.

Original – Arabic: Mr. TIZMAGHZ *(Government adviser, Islamic Republic of Iran)* – In the Name of God, the Merciful, the Compassionate! Those who appeal to God for his strength and support are told to trust in the Almighty. At the outset allow me to express my prayers to those martyrs praying for the upholding of the divine social justice. The day they are born, the day they die and the day they rise from the dead are holy days. I pay a special tribute to the heroes of the Palestinian intifada and wish them success in their valiant struggle against Zionism and imperialism.

As the Director-General said in his Report, the situation in Palestine is extremely serious. Inhuman Israeli practices and the repressive treatment of the inhabitants, as well as terrorist activities by the Zionist occupation authorities, continue. Workers and their organisations are undergoing a profound social, economic and political crisis. Human rights are constantly violated and workers' rights are never respected. Arrests, imprisonment and collective punishment, the seizure of land and the killing of hundreds of young people throwing stones, are all evidence of the Zionist policies.

The felling of trees, the cutting off of water resources and the implantation of settlements in the occupied Arab territories are the main features of this expansionist policy, adopted with total disregard to international law. My delegation wishes to condemn fully these practices.

The Palestinian intifada, now in its fourth year, is struggling valiantly against this hateful occupation. We have witnessed no support by any international organisation. The Zionist entity has not undergone any legitimate pressure by any international body or authority. We therefore call on this Organisation to adopt measures to put an end to these violations and to urge Israel to respect international law.

I wonder how we can speak of democracy, freedom and basic rights while Zionism continues to stifle any voices calling for freedom and independence. New political initiatives have recently been taken. The usurping regime has gone even further in its policies. It has attacked southern Lebanon and killed several innocent persons, including Abbas Mussawi and his wife and young child, the leader of Hezbollah in southern Lebanon. As a repetition of these violations an Iranian reporter was killed by the invading Zionist attackers in southern Lebanon. As the Koran says, these martyrs will never die but remain alive with their Lord God.

Missions have been sent to Palestine for 15 years, and this is the third Special Sitting to examine the situation in the occupied Arab territories. I do not believe we can simply express our concern. We shall never achieve any palpable results in improving the situation of the workers in Palestine and the occupied territories. Today we must take a clear stand to ensure that these nations and people will retrieve their full human rights. We stand by the oppressed against the oppressor.

The Islamic Republic of Iran, in the implementation of its basic principles, convened an international meeting to support the Palestinian intifada. This meeting was held at the end of 1991.

The Iranian Parliament has decided to establish a special office to follow up the developments of the Palestinian intifada and provide it with all the necessary support.

My delegation wishes to endorse the proposal to set up an ad hoc commitee to examine the follow-up to the Director-General's Report. We find that the only way to solve the Middle East crisis and to restore peace to that area is to establish an independent Palestinian State in Palestine and in the occupied territories and allow the Palestinian people to determine their own future for themselves.

Original – Spanish: Mr. GARCIA LARA *(Government delegate, Cuba)* – Regarding Palestine and the occupied illegally Arab territories, including Jerusalem, the possibilities for a peaceful settlement are still distant and full of pitfalls which will be difficult to negotiate. The parties to the conflict have not been able to eliminate the exceptional measures established by Israel, the brutal reprisals to which the Palestinian patriots and all those who challenge the efforts of the oppressor are subjected.

Since the beginning of the intifada, the social and economic conditions in the Arab occupied territories have deteriorated constantly. In addition to the shortage of supplies, especially when there are curfews, there is the growth of unemployment, the increase in the use of magnetic green cards designed to reduce the number of Arab workers in Israel and confine its holders in practice to specific zones of the occupied territories.

The assistance of two standards of medical care, one for Israel and the other for the occupied Arab territories, and the exceptional circumstances governing the treatment in Israel of cases from these territories highlights the exclusivist nature, discriminatory nature of this policy. Palestine workers do not have a right to life nor social security, medical insurance, which is not the case with the Israeli workers.

In addition to everything that I have just outlined we can add the analysis of the situation of the workers of these Arab occupied terrtories which is set forth in the Report of the Director-General of the ILO, paragraphs 136 to 149 of which present conclusions and recommendations which require our attention if we are to contribute in a significant manner to resolving this enormous problem which violates the most essential human rights and basic freedoms of the Palestinian people.

The situation of the workers in these occupied Arab territories is set forth clearly and precisely in paragraphs 137, 138, 141, 142, 145 and 146. In particular, and I quote: " The continuing state of military occupation – now in its 25th year – of the West Bank (including East Jerusalem), the Gaza Strip and the Golan Heights renders impossible a situation in which the standards and principles enunciated in ILO instruments can be fully respected. "

For the Government of the Republic of Cuba there cannot be a lasting or just settlement to this conflict if we do not take into account the Palestinians' claims, from being represented at the negotiating table right up to the establishment of their independent State.

This logically entails the withdrawal of Israel from all the territories occupied since 1967, including Jerusalem, which must receive a special status which takes into account the religious importance which this city has both for Jews, Muslims and Christians.

Such an arrangement must provide guarantees for the existence, development and peaceful coexistence of all the States of the region and promote the creation of a zone free of arms of mass extermination in the Middle East.

Today more than ever it is essential to restore the inalienable rights of the Palestinian people. The respect of the full dignity of man and the right of peoples to govern their States freely, free from outside interference, which is something which we do not accept and will never accept.

Original – Arabic: Mr. AL-AMAWI *(representative of the Arab Labour Organisation)* – In the name of God, the Merciful, the Compassionate! The Arab Labour Organisation, which I have the honour to represent at this special sitting, would like to express to the Director-General of the ILO its deep appreciation for his efforts and for the interest he has shown by holding this sitting in order to afford the opportunity to Conference delegations to express their views concerning the Palestinian problem from the perspective of the ILO, that of labour questions. The first resolution on the situation of workers in Palestine and the other occupied Arab territories was adopted in 1974.

The report under consideration, the 15th in the series of reports presented since 1978, reconfirms once more that there has been no change and no improvement in the living and working conditions of the workers. There is not the slightest human dignity under military occupation and colonialist settlement.

Naturally I shall not go into detail regarding everything contained in this year's report, a report which has recorded in all objectivity and neutrality several cases of the violation of human rights within the mandate of the ILO.

I shall limit myself to summing up this tragic situation by quoting one single line included in paragraph 90 of the Director-General's report, which says that: "the conditions of employment of Palestinians, in particular those from Gaza, are a violation of the dignity of workers and respect for the individual."

I need not remind you of a resolution adopted by this Conference 20 years ago which includes one paragraph that declares that without political freedom, without independence, trade union freedom cannot possibly be practised by workers on a true and comprehensive basis. I should also like to quote from paragraph 137 of this year's report, where the Director-General says that "the continuing state of military occupation... of the West Bank (including East Jerusalem), the Gaza Strip and the Golan Heights renders impossible a situation in which the standards and principles enunciated in ILO instruments can be fully respected". In short, the Director-General has left us nothing to add to this report that is so objective and close to reality!

It becomes clear that the solution to the problem of the Palestinian people does not lie in improving their living conditions or in institutionalising the occupation. The real solution lies in the eradication of occupation and the end of illegal settlement, so that these people, ancient in their culture and civilisation, and well known for their wisdom and tolerance, may enjoy the full rights that have been denied them over 25 years without any crime having been committed. No matter how long the occupation may last, it will eventualy be eradicated and the will of the people will eventually triumph.

Within the limits of the remaining time I should like to submit a number of proposals which I hope might help the ILO in its future direction with regard to handling the Palestinian problem from its social, labour and human aspects.

Firstly, we fully support the proposal of the delegation of the State of Palestine regarding the appointment of a permanent representative of the ILO in the Palestinian territories and other occupied territories in order to follow the situation of Arab workers there and in order to propose and implement appropriate programmes and activities. And we call for the establishment of a specialised committee within the framework of the ILO to follow up and monitor the implementation of conclusions contained in the report under discussion.

Secondly, we call upon the ILO to sum up the deliberations that will take place in this important sitting for the benefit of workers and employers, particularly the proposals made by various delegations, and to submit its conclusions to the Governing Body in its forthcoming session next November, along the same lines as the Apartheid Committee. Serious consideration should be given to following up the situation of Arab workers in the occupied territories in application of the standards and principles concerning equal treatment of peoples, regardless of colour, creed or race.

Thirdly, it is time for the Governing Body of the ILO to recommend, in its forthcoming session, that the Conference set up a committee, among its numerous committees which are set up every year, to examine the Director-General's report on the situation of workers of the Occupied Arab territories, which constitutes an important item on the Conference agenda. I should like to remind you that numerous delegations to the Governing Body have submitted proposals to this effect. These proposals are based on solid legal foundations backed up by the need to apply certain principles.

Finally, we look forward to the forthcoming report of the ILO in the hope that it will crystallise its conclusions and recommendations within the framework of a comprehensive programme of technical cooperation for Palestinian workers, and others workers in the occupied territories, and that this programme would fully support the steadfastness of those workers who are confronting military occupation and colonialist settlement, and pave the way for the evacuation of all occupation forces.

Original – Russian: Mr. BORCHEVSKY *(Government delegate, Russian Federation)* – Today, in this hall of the United Nations, the International Labour Conference is once again discussing the tragedy of the long-suffering land of Palestine. Once again it is with hope and fear that we are studying the pages of the Director-General's report on the situation of workers of the occupied Arab territories. And once again, as in the past, we can only note that in spite of all the efforts that have been made an entire people is still awaiting legitimacy and justice.

To understand the situation as it stands it is sufficient to read paragraph 137 of the conclusions and recommendations of the report, which says that the ILO's mission was carried out against a background of continuing occupation by the armed forces of Israel of the Arab lands and a continuation of the insurrection of the Palestinians against that occupation. The continuing confrontation is characterised by a disconcerting litany of arrests, new illegal settlements on the occupied lands, widespread violations of human rights and trade union freedoms, and more and more human victims on both sides.

The Russian Federation, as co-chairman of the peace conference on the Middle East, is actively pursuing efforts to make peace between the Arabs and Israel based on mutual consideration of one another's legitimate concerns. We are convinced that dialogue is the only reasonable path that will lead to a settlement of the conflict, and we fully support the peace process which started to organise multilateral negotiations on the Middle East at the Madrid Conference and continued at the meetings in Moscow and Washington. That work gives us hope that in the final analysis it will be possible to have a settlement on the basis of equal rights and equal security for all the States and peoples of the region, both Arab and Israeli.

Russia firmly advocates the solution of the Palestinian question on the basis of the right of peoples to self-determination, as enshrined in the Charter of the United Nations. This is an inalienable right of the Palestinian people. We are categorically opposed to the policy of repression and the violation of human rights in the occupied Arab territories, and are opposed to the continued construction of Israeli settlements on those territories. The material in the report that we are considering today contains convincing arguments in favour of a more realistic policy, and leaves no doubt that arbitrary and unlawful action leads directly to a deadlock and further victims on both sides.

Certain concessions made by the Israeli authorities in the fields of employment, taxation, the entry of foreign capital, the development of a banking structure in the occupied territories and the reopening of the universities may be able to reduce tensions for a time. But they most obviously cannot remove the root cause for the sufferings of the workers of the occupied territories.

We support the main conclusions and recommendations of the Director-General's report and consider that the ILO, within the context of its field of competence, must continue to make its positive contribution to the peace process in the Middle East.

Original – French: Mr. OECHSLIN *(Employers' delegate, France)* – I rise to speak from this rostrum as a French Employers' delegate, but I also express the feelings of the International Organisation of Employers, whose President I have the honour of being.

I did not take part in the previous debates on the issue which is on our agenda this afternoon. This year, however, new events have occurred which at long last allow us to hope for an end to this long conflict, which is the root cause of the problems raised in the part of the Director-General's report devoted to the situation of workers in the occupied Arab territories. It is abundantly clear that only once peace is re-established amongst all the peoples in the region will it be possible to find a solution to the situation outlined in the report.

This year, we have reason to hope that we can look forward to an end to this long and painful conflict. Negotiations have been entered into and peace no longer appears a utopia. We are living through quite an extraordinary time, when the pace of history is being accelerated. Just a few years ago, we would never have dared to imagine the radical change which has taken place, for example, in the eastern part of Europe and in the southern part of Africa.

And, why shouldn't the sceptics and pessimists be just as wrong with regard to this part of the world? How can we possibly remain silent in the face of this prospect of peace? How could we refrain from coming to this rostrum to proclaim our solidarity and our sympathy with all the men and women who live on this historic and tragic soil? How can we not share the hopes of all those who suffer from violence and lack of security?

As employers, we know that enterprises need peace in order to be able to grow and create employment. And, even though in its title the report refers to the situation of workers, the situation of employers should also be a subject of our concern, both as far as they themselves are concerned, and as regards the workers whom they employ or whom they could employ under normal circumstances.

We know full well that the peace process is going to be long and laborious. The path will be difficult and that is a further reason for assuring all those who are now embarking upon this process and all those who look forward to a positive result – as I said, it is a reason for assuring them that they can count on our solicitude and the solidarity of the employers' community throughout the world.

Original – Arabic: Mr. SAHBANI *(Workers' delegate, Tunisia)* – In the name of God, the Merciful, the Compassionate! Once again, we are meeting to discuss the report of the Director-General on the situation of Arab workers in the Arab occupied territories and the violations on the part of Israel of the most elemental human rights. Once again, we have noted that the situation of Arab workers has deteriorated because of Israel's intransigence. Israel is continuing to occupy by force the territories of others.

I am particularly happy to extend my heartfelt thanks to the Director-General and his staff, who went to the occupied Arab territories for the preparation fo this invaluable report, which is an impartial, political testimony of the sufferings of more than a million Palestinians living under military occupation.

We feel that this subject, although complex and despite the dovetailing of numerous elements, does not call for any special philosophy. Southern Lebanon and Gaza are territories occupied by military force and consequently the only solution to this problem is the withdrawal of the occupier in order to enable Arab citizens to regain access to their right to live.

The Palestinian people in Gaza and on the West Bank have organised a massive popular uprising, the intifada, which has gone on for over 55 months. This intifada is not terrorist action, as claimed by Israel, but an activity which has shown the world that this people (which has suffered over 25 years of occupation) is only aspiring to a peaceful life on its own territory.

As we hold this special sitting, we know 50,000 workers in Gaza have been deprived for over three weeks of their fundamental right to work and the occupying authorities have blocked off this area to isolate it from the rest of the world. What is going on is merely a sample of Israeli practices, a sample of all of the sufferings of the Palestinian people on a daily basis. This policy is aimed at expelling them and replacing them with new immigrants. This, despite all the international Conventions, in particular the Fourth Geneva, Convention, and international labour Convention No. 87.

What we are asking our Organisation is the following: in view of Israel's policy and its intransigent attitude, we would like the ILO to intensify its activities to ensure compliance by Israel with international Conventions. And we would like to see this Organisation, which is a United Nations specialised agency, promote compliance with international law. We would like to see the setting up of a special ILO commission or committee which would be responsible for the situation fo the Palestinian people and the Palestinian workers, similar to the Committee on Apartheid.

We also know that in Tel-Aviv there is a slave market which meets every day, where employers come along to hire Arab labour. What is happening today is a tragedy and a disgrace for humanity as a whole.

Until the Palestinian people is able to regain its independence and restore an independent State on its own territory, under the leadership of its sole legitimate leader, the PLO, we ask the ILO to increase its activities, to denounce the occupation by Israel and the violation of international treaties and to help the Palestinians, whether it be the workers or the employers, to preserve the economy of the territory of the occupied Arab territories and ensure a decent life for several millions of citizens who are living under occupation.

Mr. TABANI *(Employers' delegate, Pakistan)* – The Director-General's report on the situation of workers of the occupied Arab territories is based on information gathered and observations made by his representatives during their mission to Israel and the occupied Arab territories.

It brings up to date the information given and observations that have been made every year since 1978. It is an authoritative and impartial report.

What is alarming is the failure of the Israeli authorities to implement the recommendations made by the Director-General last year and which remain valid even now as conditions have further deteriorated in these territories.

Of particular interest to us are recommendations (iv), (v), (vii) and (viii) of paragraph 5 of the introduction to the report. It warns of the serious consequences of prolonged occupation on the conditions of work and life of the workers of the occupied Arab territories and, needless to say, by extension on the lives of their families.

The application of arbitrary and discriminatory measures of dual legal and social systems of establishing and rapidly expanding Israeli settlements in the occupied territories are not only a continuous source of tension, but also a matter of grave concern to this Conference.

On the basis of the Director-General's findings, urgent action is required to develop industry and trade and facilitate exports so that the rapidly growing labour force has more opportunities of gainful employment. This should help to improve living standards, decrease general tensions and alleviate the disturbed social conditions that have prevailed for more than a decade now.

The observations I have made are to indicate that ILO action on an enlarged scale is immediately required in the occupied territories. At the top of the list I place human resource development, education and training. I am confident that the speeches made in this sitting will enable the Director-General to formulate a programme of action for the occupied territories.

For the past two weeks speaker after speaker has spoken of the need for democracy and democracy alone as a way of life. Let us hope this message will, in spite of all the restrictions and oppression, permeate through to the occupied Arab territories also. They need it as much as we do, if not more. We sincerely hope that the appeals of the international community and the specific proposals of cooperation by the ILO, duly endorsed by the Conference, will bring about an improvement of the situation in the occupied Arab territories.

Original – Arabic: **Mr. ABDEL-HAK** *(Minister of Manpower and Training, Egypt)* – I would like to congratulate the President for having been elected to preside this special session and I would also like to wish every success to all the Officers of the Conference.

Since 1978 the Director-General of the ILO has submitted a report on the situation of the workers in the occupied Arab territories to this International Labour Conference. These reports reflect each year in a very clear manner the true and dramatic situation in which the Palestinian and Arab workers and employers are living in the occupied Arab territories, owing to the continuous deterioration in the conditions of life and work, and also in view of the oppressive and repressive practices of the Israeli authorities and the replacement of Arab workers by migrant workers. The violation of the human rights of Palestinians and Arabs in the occupied Arab territories is a day-to-day practice which is aimed at undermining the economic structure of the Palestinian people and preventing the flow of capital. There is discrimination, in flagrant violation of Convention No. 111. The trade union leaders are still prevented from carrying out any trade union activities. They are also arrested and detained without being judged and this deprives the workers in the occupied Arab territories of their most elementary rights and trade union freedoms.

The report of the Director-General confirms the constant deterioration of the conditions of work; the same conditions of work enjoyed by Israelis are not applied to the Palestinian workers, both as regards actual conditions of employment and social security. Exorbitant taxes are imposed on the employers and workers and they cannot set up organisations and trade unions to protect their own rights.

The occupying authorities have continued to try to shatter the Palestinian economic structure and they are establishing settlements and confiscating the territory which is necessary for such settlements. Schools and vocational training centres have been closed. Deportation, exile and the lists of violations and practices which are contrary to the Convention and international labour standards is a very long one, and I am not going to list all these violations because they are to be found in the documents of the United Nations and the ILO, as well as in the documents of the International Committee of the Red Cross; there are also reports sent in by various employers' and workers' organisations.

The Israeli occupation has affected in a negative way the whole way of life of the workers in the occupied Arab territories; from the international point of view, the situation has become intolerable. The international community must assume its responsibility and put an end to this dramatic situation. The ILO and its experience, as well as its prestige at the international level, can provide all the necessary means to put an end to a further deterioration of the situation and the conditions of work of the Palestinian workers and other workers in the occupied Arab territories.

While appreciating the efforts made by the ILO to put an end to these practices and violations of international Conventions and standards, we would like to appeal to the ILO on the basis of the objectives laid down in its Constitution, in the Declaration of Philadelphia and in its resolutions on the Palestinian question to assume its responsibilities and to work seriously to put an end to the further deterioration of the situation of workers in the occupied Arab territories, and to provide all the necessary assistance and to coordinate, together with the other specialised agencies, such as UNDP and UNRWA, to elaborate well-defined programmes which would be applied in particular in connection with human resources, for instance in the fields of training and retraining for the Palestinian workforce, and to find alternative employment for those who have lost their jobs because they have been replaced by new immigrants, and to promote the insertion of the disabled. We also appeal to the ILO to condemn all illegal practices by implementing the two resolutions adopted in 1974 and 1980.

To those who are sceptical and who have doubts about the value of holding a special sitting regarding the situation of the Palestinian workers in the occupied Arab territories, we would like to say that this sitting is not an end in itself, but a forum where we can express our views regarding the situation of the workers in the occupied Arab territories. We hope that the Director-General's report will contain conclusions and a summary outlining specific measures to put an end to the deterioration of the situation of workers in the occupied Arab territories. It would be appropriate to consider setting up a body to monitor these measures.

In this connection, the Egyptian delegation would like to have a commission set up in the International Labour Conference to discuss the report of the Director-General on the situation of workers in the occupied Arab territories.

Mr. GATTEGNO *(Employers' adviser, Israel)* – The Near East has ceased to be a high-grade focus of political interest in terms of international conflicts. Year in and year out, the ILO continues to send fact-finding missions. Considering the amount of preparatory work and expense involved, it seems doubtful whether there is any justification for dispatching the mission, not to mention at such frequent intervals.

While both the present mission and the one that preceded it undoubtedly made an effort to strike a balance and to produce an unbiased report, they have once more failed on major points. Their failure is expressed notably in the press communiqué issued on the mission's report stressing the political aspects fo the Israel-Arab dispute. The mission was originally formed to examine the situation of Arab workers from the territories and its powers are confined to this.

Conclusions concerning Israeli control of the territories and the need to put an end to it are *ultra vires* with regard to the mandate of the mission. Likewise, Israel's entire approach in viewing settlement activity as a political act falls outside the mission's scope of competence. The citing from reports of international organisations in relation to human rights as distinct from workers' rights and from United Nations resolutions on the subject of the territories, the settlements and Israeli policy in connection therewith also falls outside the mission's terms of reference.

Another subject requiring correction is the fact that the mission is divided into two parts, one part of it having separately visited a number of Arab States. The findings of this visit have not been made available to us so that we could formulate a reaction. As we have remarked in recent years, we have been unable to obtain the mission's findings after it left the region.

Another subject that the mission does not have the competence to judge is that of the security considerations by which the authorities are guided. Where the report does mention security problems, and they are presented at most as an Israeli argument, this weighty matter is not presented as an acceptable argument, rather the report consistently maintains a tone of criticism in relation to it.

The Isreali security auhorities can hardly be expected to ignore, as the mission ignores, the change in the character of the uprising – the intifada – which has now switched to bodily harm and murder inflicted by weapons in the hands of terrorist gangs. Terrorisation is directed both at the Arab population and at Israeli schoolchildren and civilians within Israel proper. Are the authorities, when they determine their policy as to the delivery of work permits and other issues, to turn a blind eye to all these factors?

It frequently happens that the result is that the movement of Arab workers to Israel may be prevented for a certain period of time. Israeli employers are neither willing nor able to put up with the consequences of frequent absenteeism for reasons either security-related or related to the internal affairs of the Arab population of the territories. Accordingly, they may take measures such as work termination.

Contrary to what is claimed in the report, awareness of workers' rights is far greater today, on the part of both the workers themselves and on that of the various authorities supplying information and legal advice on relevant matters. In addition, there exist labour tribunals to discuss these matters and hand down rulings. Thus no problem exists as regards payment of severance pay when due.

With the exception of the Gulf War period, the number of Arab workers from the territories employed in Israel has not decreased. This fact can be attributed to the relatively high wages these workers earn in Israel. By way of indication, the minimum wage in Israel, not including social benefits, stands at about US$500 per month. This minimum wage law applies to all employees in Israel, including workers from the territories. The unemployment level in Israel today is over 11.5 per cent, while the unemployment level in the territories is lower. In spite of problems in the security sphere which have become much more acute, these workers continue to come seeking to work in Israel.

The report notes that about 25,000 Palestinian workers returned to their territories from the Arab States following the Gulf War. Why is no effort made to find alternative employment for them in friendly neighbouring States or in stepping up exports from the territories to those States, and why do these Palestinian workers elect to come back to work either in the territories or in Israel? Moreover, some of the world's more affluent States refrain from extending any serious assistance to the population of the territories, making economic and other aid contingent on all sorts of conditions, some of them unacceptable.

In Israel there has been a sharp reduction in the number of foreign workers from overseas owing to local unemployment. This fact encourages employment for the benefit of workers, including those coming from the territories. Fines imposed on employers for hiring workers without permits have been increased, and control in this matter has been tightened.

Cumbersome procedures and red tape are an Israeli "disease" from which Israeli citizens suffer as much as anyone else and therefore the matter should be examined from that viewpoint.

Careful scrutiny must be made when issuing permits for new plants that are liable to cause overcapacity in production which already exists in various industries. And, finally, dialogue on all levels is both inevitable and of the greatest importance.

The Madrid Middle East Peace Conference and subsequent meetings have opened the way to businesslike discussions on subjects of peace and on topics such as use of water, ecology and allied subjects.

The employers' association has seriously considered embarking on negotiations with representative organisations in the territories such as the chamber of commerce, and certainly our trend is to encourage such dialogue, both on the business level and, for the future, on the workers' rights issues.

Original – Spanish: Mr. MORENO *(Workers' delegate, Spain)* – We congratulate the Director-General of the ILO for the report and the concern he demonstrates in seeking a solution to the serious problems faced by the workers of the occupied territories.

Spanish workers note with interest and hope the negotiations which began in Madrid between representatives of the Israelis, the Palestinians and the Arab countries. The success of these negotiations is fundamental for the workers of the Arab occupied territories, for the people of the Middle East and for peace, stability and economic development in an important part of the world, and especially in the Mediterranean Basin.

Unfortunately, swift progress is not being made in this dialogue, but nevertheless the dialogue's very existence is positive in itself. Meanwhile, the international law so often referred to in recent times in relation to other conflicts has continued to be violated by the right-wing Likud to be violated by the Government which, besides wishing to perpetuate the occupation of the territories seized in 1967, has attempted to establish permanent Jewish settlements in the territories while oppressing their inhabitants.

The Antifada, the peaceful expression of the Palestinian people in demanding its legitimate right to self-determination, is thus supported by ourselves, while we repudiate the violent action of the occupying forces, which have caused so many casualties. Fortunately, however, an important part of the Israeli population also wants peace and does not share the intolerance and authoritarianism of its Government. The Histadrut and several progressive political and civil groups have over and over again demonstrated their will to seek peace. In my opinion, peace will only be achieved by mutual recognition of two States, Israel and Palestine, which must coexist in a framework of securitiy and political democracy. However, from now on it is imperative that resolutions of international organisations, and especially the Conventions of the ILO, should be implemented. It is essential to observe the rights to free movement and peaceful protest of the Palestinians, which have been infringed repeatedly. Likewise, we believe that violence by any groups is deplorable and should cease so that the road to reason and dialogue is opened. Moving forward in this way could guarantee dignity in employment and in the economy for the hundreds of thousands of Palestinians who will then be able to exercise fully their civil rights and build their own democratic systems in the trade union, political and social fields.

Original – French: Mr. MAGNANI *(Workers' adviser, Italy)* – The decision to devote a special sitting to the situation of the Palestinian workers in the occupied Arab territories is a sign of the ILO's involvement in this issue.

The true assessment contained in the report which the Director-General submitted to us following the mission of the ILO to these territories primarily concerns the Palestinian workers and their trade union representatives. I can only judge this issue indirectly on the basis of the sensitivity and solidarity Italian workers have shown over the years vis-à-vis the rights of the people and workers of Palestine, which the Italian delegate referred to in his speech to this Conference a few days ago.

This report, even thought it strived to remain within the limits of the terms of of reference of the ILO mission, gives a picture of the situation of the Palestinian workers of the occupied Arab territories which is certainly neither cold nor bureaucratic. It is true that the severity of the situation is primarly due to the military occupation and the deterioration of the economic situation. However, it now seems unacceptable and unbearable.

What can we say about the Palestinian workers of Gaza who every morning depend on the goodwill of the Israeli employers to be able to go and work in Israel and about the scandalous "green card" that prevents citizens from leaving the territories! It would take too long to list all the forms of discrimination suffered by the Palestinian workers in Israel. They include: the payment of wages on a daily basis, a ban on trade union membership, the denial or restriction of social benefits, the complicated bureaucratic procedures necessary to obtain a work permit, the tendency to do without one, the continous arrest of workers who do not have permits and the heavy fines help to create an atmosphere of insecurity for these workers.

Furthermore, the proliferation of Israeli settlements, favoured by the considerable immigration from the former Soviet Union, further limits the economic opportunities in the occupied territories for Palestinian workers and creates new forms of legal and social discrimination. The virtually total end of remittances as a result of the Gulf war has also reduced the resources available for economic activity in the occupied territories.

Within the limits of this brief speech I would like to refer to and support the strong desire expressed by the ILO to strengthen technical cooperation with regard to the training of trade union leaders and managerial staff, the creation of jobs, and in all areas relating to the improvement of the conditions of work and health of the Palestinian workers. With this purpose in mind, the States, the employers and the trade unions should, in corporation with the ILO, give their economic and political support in this area. The ILO should envisage setting up a committee to organise better the technical cooperation for the benefit of Palestinian workers in the occupied Arab territories of the West Bank of East Jerusalem and of the Gaza Strip.

As is emphasised in the final conclusions of the report, the existence of real trade union organisations of Palestinian workers in the occupied Arab territories reinforces the idea – emphasised by the ILO – of establishing a dialogue between the parties to examine and promote the situation of the rights of Palestinian workers.

We feel that the new framework instituted together with the Middle East Peace Conference favours dialogue. However, dialogue, the possibility of finding a solution for the most acute problems of Palstinian workers, and of establishing communications between workers and Palestinian and Israeli trade unions, is in itself a definite contribution to peace.

Original – French: Mr. HACHED *(representative of the Organisation of African Unity)* – My first words will be to congratulate the President on his election. I would like to express my best wishes to him for the success of the work which he is guiding in a very remarkable manner.

In speaking on behalf of the Organisation of African Unity, I would like to recall that the OAU has always deplored the situation which exists in the occupied territories and has always expressed its solidarity with the fight of the Palestinian people and the struggle of the PLO through numerous resolutions adopted over the years.

The examination of the report of the Director-General of the ILO on the situation of the workers in the occupied Arab territories draws attention to the continuous violations of human rights as well as of international principles and labour standards. There are numerous discriminatory practices as regards employment and training. There is much evidence that the unions and their leaders are coming up against acts of harassment and obstruction on the part of the Israeli military forces of occupation who do not hesitate to arrest and imprison Arab citizens, conscious of their rights, at the slightest pretext. The Israeli occupation favours the deterioration of the economic and social situation by depriving the population of the occupied territories of access to their natural resources, such as water and land.

The international community cannot tolerate this situation any further.

My delegation feels that after having convened three special sittings to examine the report of the Director-General and to draw the attention of international public opinion to the tragic fate of the Arab and Palestinian peoples, it would be logical and appropriate to establish a committee which would be entrusted by the Conference to study and analyse the recommendations of the ILO mission which goes to the occupied Arab territories every year. Such a measure would help the Director-General of the ILO to promote programmes which could reinforce the economic and technical capacity of the Palestinian people to do away with the Israeli military occupation.

In support of this proposal, I am of course thinking about the encouraging and effective results of the ILO's Committee on Apartheid which continues to make a considerable contribution to the eradication of racial discrimination in South Africa, in particular in the social and labour fields.

For its part, the Organisation of African Unity has always shown its solidarity with the Arab and Palestinian cause by demanding the unconditional withdrawal of Israel from the occupied territories, and by condemning the establishment of Jewish settlements in these territories.

Furthermore, the Organisation of African Unity welcomed the opening of peace talks between the Israelis and the Arabs and hopes they will lead to a global settlement. These negotiations must continue in spite of spite of stalling tactics on the part of Israel. We know that they will be arduous and difficult.

It is not acceptable at the end of the second millenium that world peace should be constantly threatened by the persistent tensions of another age.

Peace will be achieved by the creation of a Palestinian State and by cooperation between all States and peoples of the region.

Mr. GHATOWAR: *(Government delegate, India)* – The question of the problems of workers in the occupied Arab territories is on the agenda of the International Labour Conference for the third consecutive year. The situation in Palestine has been bedevilled by complexities of a historical nature and mutual distrust has been compounded by recurring hostilities. This underscores all the more the need for the international community to encourage and support a just, comprehensive and lasting settlement of the question.

The report of the Director-General Appendices (Vol. 2), the 15th submitted to the International Labour Conference, carries a comprehensive examination and analysis of the problems face by the workers in the occupied Arab territories. The report states that resistance to the Israeli occupation by the

Arab population "remains constant and has created an equally constant situation of tension and violence and a permanent state of insecurity between the Israeli and Palestinian populations". The report observes that the economic situation in the occupied Arab territories, already precarious and overdependent on that of Israel, deteriorated in the immediate aftermath of the Gulf conflict. The occupied territories were deprived of the stable income that earlier used to be remitted by Palestinian workers in the Gulf States. Incomes of workers from the occupied territories went down when, for some time after the conflict, these workers were barred from access to Israel. The report notes that many have since regained access to work in Israel but this has not contribute in any substantial way to the improvement of the economic situation in the West Bank and Gaza Strip, which the Report describes as "alarming". The report recognises that some efforts have been made by the Israeli authorities to relieve the economic situation. It is disappointing, however, to learn from the report that these measures will have no major impact, in the short term, on the ailing economy of the West Bank and Gaza Strip.

The problems of the workers in the occupied Arab territories flow from the fact of occupation itself. Occupation has led to the imposition of alien laws, jurisdiction and administration in the occupied Arab territories. The Director-General's report notes that in such a situation the free and unimpeded exercise of trade union rights is not possible. The duties and obligations of the Israeli authorities as well as those of the trade unions for their functioning in the occupied territories have been outlined in paragraph 144 of the report. The report also deals with the question of new settlements in the occupied territories. The practice of establishing Israeli settlements and bringing new immigrants for settlements have resulted in the denial of the availability of the means of development to the Arab inhabitants of the territories. The problems of workers in the occupied territories are part of a larger problem concerning the legitimate aspirations of the Palestinian people. As long as these aspirations remain unfulfilled, lasting peace in the Middle East will continue to remain unrealised with broader implications for peace and security. It is for these reasons that India wecomes the initiation of a peace process in the Middle East.

A just, lasting and comprehensive settlement in the Middle East can only be achieved by taking fully into account the inalienable national right of the Palestinian prople, including the right to their homeland, as well as the rights of all States in the region including Palestine and Israel, to live in peace within internationlly recognised boundaries. The peace process could be long, arduous and strewn with obstacles. Political courage and statemanship would be necessary on the part of all parties. As the world community moves away from an era of confrontation, it must be ensured that there are no lost opportunities. In this context, my delegation welcomes the assistance and the support provided by the ILO to the people of the occupied territories.

Original – Farsi: Mr. MUSSAVI *(Workers' adviser, Islamic Republic of Iran)* – In the name of God, the Merciful, the Compassionate. Blessed be he who transported his servant from the holy mosque to the Al-Aksa mosque.

I have the honour in my personal capacity and on behalf of the Federation of Workers of the Islamic Republic of Iran to greet the heroic Palestinian people and I would like to pay tribute to the martyrs of Palestine and the occupied Arab territories and southern Lebanon.

The report of the Director-General, which is before us, is of crucial importance. In fact there are two reports: the Report of the Director-General on *Democratisation and the ILO* and the report on the situation of workers of the occupied Arab territories. How can we link up these two subjects – democratisation and the situation of Palestinian workers – since international Zionism violates the inalienable rights of workers and trade unions and carries out arbitrary practices against them, demolishing their homes, deporting them from their lands, confiscating their assets, arresting and imprisoning them and treating them in an inhuman way?

What is the meaning of democracy from the point of view of the International Labour Organisation? We hold special sittings to examine and consider the lot of Palestinian workers in the occupied Arab territories. There are numerous governments, trade unions and employers' organisations which denounce and condemn Israel's policies. Where exactly is this going to take us?

We are talking about humiliation. Can this be called a democratic situation?

Imperialism imposes its domination and hegemony over international organisations today and over the United Nations. We must think of ways to free ourselves from this domination which is by no means democratic. We must apply special measures to preserve our Organisation from this diabolical situation. Zionism feels reassured since the great Satan dominates the United Nations family. We must express our concern with this situation, all the more so since during this special sitting provision should not have been made for any other meetings, as is in fact the case according to the agenda.

The Federation of Workers of the Islamic Republic of Iran supports the idea of the setting up of a standing committee to examine the situation of Palestinian workers and workers in the occupied Arab territories. It is the duty of the ILO to comply with this request which has been expressed by a number of delegates.

Since the last session the Zionist entity has reiterated its terrorist practices and demolished the homes of fighters. State terrorism has increased and we must find a solution to help those who are suffering and those who have to live with this injustice.

Original – French: Mr. SENE *(Employers' delegate, Senegal)* – The report of the Director-General on the situation of workers in the occupied Arab territories has been of great interest to my delegation in this crucial stage of the Middle Eastern question.

Indeed, this document contains useful information collected by experts who went to the occupied Arab territories, that is the West Bank, the Gaza Strip and the Golan Heights, as well as several Arab countries.

According to the report, the economic and social context, particularly difficult and worrisome in these territories due to the occupation on the one hand, and the disastrous consequences of the Gulf War on the other. This adds to the deterioration of the global situation.

The resistance against the occupation with the intifada uprising demonstrates the magnitude and seriousness of the living conditions, working conditions and the conditions of the civilian population. They should be protected by the standards of international law and the Geneva Convention of 1949, of which the occupying power itself, Israel, is a signatory. In this respect, the report highlights the obstacles to the implementation of the principles and the objectives contained in the ILO Constitution and the Declaration of Philadelphia. I am speaking of obstacles to equal opportunities and treatment of workers and the question of trade union rights in the territories.

In this connection, the report describes the problems of unemployment and underemployment, taxes, commercial transactions, difficulties in education and training, the establishment of settlements, the confiscation of land, the use of water resources, etc., against the background of the duality of the legal and administrative system in force, applicable to Arab, Palestinian and Israeli people in the occupied territories.

And then the report, referring to a situation described in the 1991 human rights report of the State Department of the United States says that "Palestinians, both Muslims and Christians, are treated less favourably than Israeli settlers on a broad range of issues, including equality before the law, the right to residence, freedom of movement, sale of crops and goods, land and water use, and access to health and social services."

Finally, the report also refers to the security measures, including frequent curfews, restrictions and other constraints imposed by the military authorities, which have disastrous effects on the lives of workers in the territories, including their freedoms of employment, of association, movement and expression, which are restricted because of the occupation and economic difficulties. It is no secret that the revolt against the occupation engenders violence and repression, and the blindness and aggressiveness of the protagonists. Therefore, the duty of the ILO is to assist men, women and children and to put an end to the use of brute force which stirs up hatred and mistrust and encourages extremism, radical attitudes and makes peace and stability for the entire region more remote.

This is the reason why Senegal, which has always supported the initiatives for peace, has the firm conviction that only the search for a global, just and lasting peace between the Palestinians Arabs and Israelis will allow this region to devote itself to the development of its enormous material and cultural potential, for the greatest good of its people and mankind.

Moreover, it is in this sense that Africa warmly welcomed the establishment of peaceful relations between Egypt and Israel. Thus, we express the fervent wish that the Middle East Peace Conference, inaugurated in Madrid, will fulfil its promise of freedom, tolerance, brotherhood and the dignity of peoples, the state of law and respect for human rights, mutual comprehension and the requisite of civilised cooperation. For, once again, only a political solution to which the PLO, the true and legitimate representative of the Palestinian people, contributes will allow all the parties concerned to resolve one of the most dangerous crises for peace and international security.

While awaiting the solution, we must avoid the risks of the confrontation and a more acute deterioration of the economic and social situation in the occupied territories.

The ILO, for its part, as part of its role in democratisation and technical cooperation, should contribute to enable the establishment of dialogue between the trade unions in the West Bank and Gaza and the Histradrut, with a view to improving relations between the populations of Israel and the occupied territories, suggested by Mr. Oechslin, Employers' delegate from France.

In other words, the ILO should promote the development of institutions such as socio-occupational organisations of employers and workers of the occupied territories so that they may enjoy freedom of association and contribute usefully to the establishment of social peace and economic progress.

Certainly, the ILO should be able to offer its good offices in order to assist in the search for a legal framework in which to resolve social problems, to guarantee fully the legitimate trade union rights of the workers, and to contribute to coexistence in order to build peace and social justice in the region.

In any case, and in conclusion, it is a certainty that the peaceful solution of the problem of the Middle East, just as that of the problems in southern Africa and other troubled parts of the world, shall constitute a significant advance in terms of the wisdom of peoples and the virtues of dialogue in the path towards a new world order.

Mr. BRETT *(Workers' delegate, United Kingdom)* – I welcome the opportunity of this debate to focus attention on the position of working people in the occupied territories. The ILO exists to help the poor and the marginalised, and the Arab working people of the territories are certainly amongst the most put upon and underprivileged. The report this year again makes it clear that the circumstances of military rule and the political impasse behind it were formidable obstacles to halting economic and social decline even before the Gulf War. But that conflict has intensifed the misery, leading to even tighter restrictions on Arab workers employed in Israel. It has broadened the scope and increased the incentives for non-declared labour and the exploitation that goes with it.

And the War also meant that the trade union organisations in the occupied territories were denied sources of support which were important to them, as Palestinian working people in other countries lost their jobs and indeed their incomes in the wake of the Gulf conflict. Over a much wider area than the territories, Palestinians – often exploited and denied basic rights – have been forced to move from their workplaces and join the increasing flow of migrants in the region. When we consider the position of the Palestinian people we should not lose sight of that, and I congratulate the ILO on the speed of its response to assist all refugees and others displaced by the conflict.

But this debate is principally about the Palestinian workers in the occupied territories and in Israel. It comes after 25 years of occupation of the territories and 15 annual report of the Director-General on the position of working people there. Representatives of the British TUC have taken part in these debates on previous occasions and it is useful, I think, to try to identify the main changes and particularly to see what new hopes for the future can be entertained.

Both the report and our own knowledge of recent developments suggest that the outlook has improved significantly in at least one respect. The trade unions of Palestinian working people in the territories have made further progress towards unity and, just as important, there are new indications of the possibilities for dialogue between their trade union representatives and the representatives of Histadrut in Israel. In the TUC, we have – like the Director-General – consistently encouraged cooperation in the interests of all the workers in the region. People from the territories working in Israel stand in even more urgent need than before of effective trade union representation and it is clear that what is necessary cannot be provided by Histadrut on its own. The report detects an increased readiness on the part of the unions to tackle the acute problems of people in precarious employment who are vulnerable to exploitation. There are pressures on both the General Federation of Trade Unions and the Histadrut which make dialogue difficult, and we heartily support the Director-General in extending best wishes for its success and in offering our help in sustaining it. We hope, too, that before long the General Confederation will be able to play a full part in the international trade union movement.

That will depend on the Israeli authorities ending their harassment of and interference in genuine trade union work in the territories. I am sure that an enlightened approach to the exercise of basic trade union and other human rights would contribute to an easing of suffering and tensions in the territories and improve the climate for the success of the process towards a just and lasting political settlement, according the peoples of the region their full national and human rights.

The improving prospects for trade union dialogue, however, have been accompanied in the past year by a renewed commitment to the settlements policy by the Israeli Government. The intensification of the setting up of the settlements – a quadrupling of building starts in 1991 – is profoundly unjust to Palestinian working people and, at the same time, it sets back the chances of achieving a comprehensive peaceful solution in the Middle East. Land in the hands of the Palestinian families for decades has been taken away in utter conflict with natural justice. The law and practice of the Israeli authorities discriminate viciously against Arab people who are often intimidated at the same time as they are deprived of their land and even of the use of water.

We join the Director-General and the International Confederation of Free Trade Unions in calling for an end to the settlements policy in the interests of basic justice and peace.

Original – Arabic: Mr. DJEMAN *(representative of the International Confederation of Arab Trade Unions)* – In the name of God, the Merciful, the Compassionate!

The international news we have received over the past few years has tried to convince us that peace and stability in the world will prevail. We all hope this is true and that the Palestinian people will be able to recover their ligitimate rights, which are recognised by all conventions and international agreements. Indeed, all people have the right to live in peace in their own territory and to enjoy the resources of their own country while striving for its prosperity.

Each country has the right to establish its own State on its own territory, and each citizen has the right to return to his or her own homeland.

All this is recognised by the International Community for all peoples – with the exception of the Palestinian people, because they continue to live under the yoke of occupation and are deprived of their most basic freedoms.

We would like to point out that the report of the Director-General recognised the worsening economic and social situation of the Palestinian people and workers. It admitted that the restrictions imposed upon the workers do not enable them to exercise their trade union freedoms. The report also acknowledged that trade unions and trade unionists are subject to various forms of harassment, detention, imprisonment, and trade union leaders are not allowed to play their natural role. The report of the ILO gives a number of examples. There is no equal treatment or pay. Palestinian workers do not even have minimum wages and are not entitled to social security benefits. Workers in the Gaza Strip are subject to income tax which is known as "tax to breathe the air". The labour market in Palestine is like a slave market in the Middle Ages. The mission reported that the human dignity of Palestinian workers is flagrantly denied. The authorities have acknowledged this reality but do not want to change the situation, which is an affront to mankind. The report also stated that explusion, deportations, the destruction of homes and felling of trees are a daily practice in the occupied Arab territories. We all know the effects of this occupation, of this colonisation; we are aware that the Israeli policies seek to change the very nature and physical image of the occupied Arab territories with its flow of immigrants.

We, the International Confederation of Arab Trade Unions and the Arab trade unions in general, denounce and condemn this settlement policy and expulsions, and reaffirm the right of the Palestinian people to self-determination, a return to their homeland and the establishment of their independent State on their own territory, Palestine, under the auspices of the PLO – the true, legitimate and sole representative of the Palestinian people.

The report also asserts that the situation in the Syrian Golan Heights is no different from that of the Palestinians. It gives an account of the infringement of fundamental principles, the violation of freedom in its most basic forms, and calls upon the authorities to put an end to the settlements. The report also notes a number of very serious situations.

I have tried to sum up what I have read in the report of this impartial mission. But we feel bound to note that proposals put forward, over the past few years, have not achieved results conducive to changing the situation of the Palestinian people.

We would like to express our thanks to this mission and all the experts who had to confront many difficulties; we should like to thank them for their contribution and call upon the ILO, the Governing Body and the Director-General to intensify their efforts to assist the Palestinian people and to provide them with grants allowing them to acquire a training, because everyone has the right to work. This would allow us to attain justice within our Organisation.

We are convinced that this Organisation, this Conference and our procedures aim at seeking efficiency and justice. We therefore believe that we should set up an ad hoc committee to monitor and follow up the situations in the occupied Arab territories in order to preserve the rights of the Palestinian people and allow them to cope with a very difficult situation – the one that they face daily.

Mr. SUNMONU *(representative of the Organisation of African Trade Union Unity)* – Please allow me, on behalf of African workers and the Organisation of African Trade Union Unity, to congratulate the Director-General for his excellent report on the situation of workers of the occupied Arab territories.

Any impartial reader of the report will see that the position of Palestinian workers in the occupied Arab territories has worsened since last year. Not only have the Israeli occupation forces flagrantly violated international law, especially the Hague Convention of 1907 and the IVth Geneva Convention of 1949, in the treatment of Palestinian workers but they have also violated Article 2 of the Freedom of Association and the Right to Organise Convention, 1948 (No. 87). Article 26 of the Universal Declaration of Human Rights has also been violated by the Israeli occupation authorities by the denial of education as a result of the arbitrary closure of schools and universities.

It is very shameful to note, as is clear from the report, that any civilised country in this last decade of the twentieth century can hold people in such a slavery as the Israelis hold the Palestinians in the occupied Arab territories. Otherwise, how else can anybody describe the following:

— the discriminatory national insurance schemes against Palestinian workers (paragraphs 71 and 73 of the report);
— the arbitrary dismissals and cheating of Palestinian workers out of their severance pay, compensation and wages (paragraph 86 of the report);
— the violation of the dignity of the Palestinian workers and respect for their persons (paragraph 90);
— the refusal to allow trade unions to hold elections (paragraph 92);
— the arbitrary detention of trade unionists and the refusal to allow them to travel abroad for meeting and conferences (paragraph 97);
— iniquitous taxes imposed on traders and enterprises and the difficulties placed in their way to export to countries other than Israel (paragraph 99); to say nothing of the cheating of Palestinian farmers by Israeli middlemen;
— the collection of dues (1 per cent of wages) from Palestinian workers by the Histadrut although they cannot join the Histadrut and their interests are not properly defended by the organisation (paragraph 102);
— arbitrary confiscation of Palestinian land in the occupied Arab territories (paragraph 112);
— the refusal to grant building permits to Palestinians although subsidies are granted for the building of Jewish settlements;
— the restriction of the use of water by Palestinians for domestic and agricultural use;
— unjustifiable taxes applied for grazing of cattle, even on the land of the owner;
— discriminatory educational practices designed to annihilate the Arab identity of the Palestinian population (paragraph 112(4));
— the denial by Israel to the Palestinians of equality before the law, the right to residence, freedom of movement, the restrictions placed on the sale of crops and goods, the illegal confiscation of 65 per cent of Arab land in the West Bank and 50 per cent in the Gaza Strip, etc.

The above-mentioned situation of the Palestinian workers and people in the occupied Arab territories is worse than slavery.

Another disquieting aspect of the report is the disproportionately high unemployment among the Palestinians, resulting from the Israeli occupation policy. The morally indefensible use which the Israeli authorities make of social security funds of the Palestinian workers and the lack of transparency in the administration of the funds, as referred to in paragraphs 71 and 73 of the report, should be condemned by all delegates at this Conference.

The illegal establishment of Jewish settlements in the occupied Arab territories, in violation of United Nations Security Council resolution 446 of 1979, to the detriment of the welfare, peace and happiness of the Palestinian workers and people is another example of the arrogant defiance of the United Nations and the international community by the Israeli occupation forces.

We commend the ILO for the invaluable technical assistance being given to the Palestinian workers and trade unions. This assistance should be substantially increased and continued.

In view of the desperate situation of the Palestinian workers and people in the occupied Arab territories, we call for the continuation of the annual report of the Director-General on their situation and a special Conference committee to review the Director-General's report.

For our part, we believe that there can be no permanent solution to the Middle East situation until the Palestinians are granted their inalienable right to their home in the occupied Arab territories and the Golan Heights are returned to Syria, their rightful owners, and the independence of Palestinians is granted in their homeland Palestine.

The United Nations should then guarantee the existence of all countries in the region. Until justice is done to all sides of the Arab-Israeli conflict, there cannot be peace. We should all work for justice and permanent peace in the region.

Original – French: Mrs. FAUCHERE *(representative of the World Confederation of Labour)* – The World Confederation of Labour welcomes this Special Sitting for the discussion of the report of the Director-General on the situation of workers in the occupied Arab territories. The WCL would also like to congratulate the Director-General on the clarity and objectivity of his report. Despite the end of the cold war, the efforts deployed by democratic forces and international organisations, the Middle East Peace Conference and the successive talks which have taken place, we still must note that the situation between the Palestinian and Israeli peoples remain explosive.

During the elections planned for 23 June 1992, the Israeli public will have to decide what are the prospects for peace with the Palestinians. They will be called upon to determine whether their country can continue to disregard the rights of the Palestinians and the resolutions of the United Nations at a time when the regional and international context provides an unprecedented opportunity for a comprehensive settlement.

The WCL rejects the expansionist policy of Israel and notes that the situation of the Palestinians is worsening day by day. It is aggravated in particular by the establishment of Jewish settlements in the occupied territories, a practice which has continued in spite of resolution 446 of the United Nations Security Council, which states that any policy or practice aimed at creating settlement colonies is a serious obstacle to the establishment of a lasting peace in the Middle East.

The WCL rejects the dispartities which have been created by Israel to the detriment of the Arabs. It is obvious that the colonisation policy practised by Israel and the means used to implement it, in particular the repressive measures used by the military forces, are aimed at destroying the Palestinian people.

Furthermore, the discriminatory measures taken against Palestinian workers are inadmissible. They violate ILO Conventions, and especially those that deal with wages, benefits, equality of treatment, restrictive recruitment measures and administrative procedures for the granting of a work permit, etc.

The reduction of employment in the occupied territories is very disconcerting (a drop of 6 per cent according to the figures quoted by the Director-General). This is all the more disturbing because salaried workers are a minority among the Palestinians working in the territories; 40 per cent on the West Bank and 38 per cent in the Gaza Strip. A large number of Palestinian workers employed in Israel encounter tremendous difficulties in carrying out their jobs with full rights. Even those who have work permits may be prevented from working or are even dismissed before the expiration of their permit. Many others have been prevented from going to their place of work because of the curfew, a problem that has become standard fare when conflict flares.

The report of the Director-General also mentions the practical difficulties caused by the closing of universities and schools with very serious and incalculable repercussions in the field of education and training. The WCL considers that without basic education and vocational training it is practically impossible for a people to flourish in a world where economic, social and political development is more and more important every day. The WCL supports the recommendation made in the report requesting that universities and schools should operate normally and should no longer be subjected to the repressive measures taken against them for so long.

As regards fundamental freedoms, and in particular freedom of association, it is inadmissible that the restrictions imposed on trade unions and trade union activities under an occupation should make it impossible to have a free exercise of trade union rights. We therefore demand that the State of Israel, which is a member of the ILO, respect and apply the principles of freedom of association in the occupied Arab territories.

We solemnly appeal to all independent peace-loving democratic forces which aspire after harmony and justice to continue by all means possible to continue to exert pressure on Israel so that it ceases these policies, which are comparable to the odious system of apartheid.

In the light of this similarity, the World Confederation of Labour requests the ILO to set up a tripartite committee similar to the Committee on Action against Apartheid so that the Palestinian people can recover their dignity while awaiting the advent of a free, independent and sovereign State. The WCL expects an in-depth change in the Israeli position and expresses the hope that the future Government, no matter what its constitution may be, will finally commit itself with good faith and good will to carrying on the peace talks. It is our hope that Israel will recognise the inalienable rights of the Palestinian people.

Original – French: Mr. VITTORI *(representative of Pax Christi International)* – It is with great sadness that my organisation took note of the Director-General's 15th report on the situation of workers in the occupied Arab territories. Without the undeniable credibility conferred to the document by the signature of the Director-General of the ILO, the facts reported would be hard to believe. There is no room for doubt, however, and knowing the restraint with which such reports are written we must acknowledge the fact that the situation is intolerable.

The Jewish people have suffered so much, that for many of them the discrimination, scorn and hatred which the Palestinians are suffering from, are still inconceivable. Rather than being indignant, we are deeply troubled by what the representatives of the Director-General observed during their brief stay in the country which was the birthplace of the one who was born in a manger in Bethlehem, and worked as a humble carpenter in Nazareth, before being condemned as a blasphemer by his own people, and as an insurgent Galilean's by the occupier, and was crucified on Golgotha in the holy city of Jerusalem. The Galilean's disciples were all Jewish. They were fishermen, farmers, civil servants, they were workers. Having become Christians in the course of these generations they ceased to be Jewish and became simply Palestinians. As such, the State of Israel has made them and their muslin brothers second-class citizens in the best of cases, and strangers in their own land, in the worst of cases.

In all legality their lands are confiscated, their houses destroyed, their olive trees uprooted and their water used. Arrested and detained without trial, mistreated and often tortured, they are the subject of retaliation when one of them, because of fanaticism, revolt or despair, commits a crime or is merely suspected of one.

The Jewish settlers who install themselves with the help of the State in the occupied territories are privileged by Israeli laws which confer on them outrageous privileges. The Palestinians of the territories are subjected to the law of the occupier and, in some cases, to Egyptian or Jordanian law amended according to the interests of the Israelis through regulations issued by the military administration.

If this is not racism, what is?

We have also taken note of the document submitted by the Ministry of Labour and Social Affairs of

Israel. It has two positive qualities. First of all it describes what would already constitute a first step if all of the measures listed had really been implemented. The second is that by querying the situation observed by the representatives and Director-General, it condemns it at the same time.

In a speech to the Knesset last year, when he was awarded the Wolf International Foundation prize, the great humanist and Jewish musician Yehudi Menuhin declared:

"One fact is abundantly clear, that this destructive way of governing through fear, through scorn for the fundamental dignity of life, this continuous stifling of a dependent people, should be the last method to be adopted by those who themselves know only too well the horrible meaning, the unforgettable suffering of such an existence."

Sir Yehudi Menuhin honours his people. He fortunately is not the only one, although they are few and deprived of means. Pax Christi would like to pay tribute to the advocates of peace and human rights who, in a number of Israeli and Israeli-Arab organisations, are the generous and bold living testimony to be a long and noble tradition, which has unfortunately gone astray today because of the political situation.

Pax Christi International is surprised once again at not having found anything in the report of the Committee of Experts on the Application of Conventions and Recommendations on the subject of Israel, and would like to end by presenting a specific proposal. Should the Governing Body of the ILO not be requested to take the initiative, alongside the Peace Conference, for a tripartite meeting in Geneva on the implementation of ILO standards in the Arab territories occupied by Israel? It would like to urge governments, employers and workers, respectfully, but forcefully, to study this suggestion to support it if they find it acceptable and likely to improve the lot of Palestinian workers. Words are no longer enough, we have to take action.

Original – French: Mr. RETUREAU *(representative of the World Federation of Trade Unions)* – The report which is before us unfortunately indicates that the economic and social situation of the populations in the occupied Arab territories continues to deteriorate. Their human rights continue to be permanently violated. I was able to see this dramatic situation during the stays that I made in the territories after the beginning of the intifada. It is unbearable and is an insult to the human conscience.

The economy of these territories is more and more dependent on Israel through controls, administrative procedures, taxes, and non-tarif barriers imposed on a captive market.

Furthermore, the Gulf War last year affected many Palestinian expatriate workers who were often taken as whipping boys in a conflict for which they were not responsible and where they were not among the belligerents. In addition to their rights, the income which they sent to their families in the occupied territories were seriously affected.

The inhuman curfew of 45 days imposed at the beginning of 1991 by the occupying forces struck the population in an unbearable manner, and led to the breaking of many contracts of work, and destabilised durable employment.

It is in this local and regional context that the standard of living of a growing population is constantly deteriorating, and that unemployment and underemployment are becoming even more serious than in the past.

During the same period, the massive immigration into Israel had an effect on the employment market, depriving workers of the possibility of employment, whereas the occupied territories are condemned to economic starvation because of the blocking of their possibilities of development, their possibility of training and educating the young generation because of the repeated, long-lasting closures of schools and universities, which will have incalculable long-term effects on the future of Palestine.

Most of the jobs accessible to the Arab workers in the territories are precarious, occasional, badly paid, and the right to a minimum wage is often violated.

The system of work permits and identity controls, which are inspired by racist ideals, the obligations imposed on these workers, lead to a policy which is similar to apartheid. The workers without permits who take risks to support their families are more seriously struck by the heavy fines of the employers, who over-exploit them. As regards recruitment and military controls of day labourers, paragraph 90 of the report emphasises the fact that this is contrary to human dignity.

The Arab trade unions in the occupied territories are facing increasing difficulties in their operation and activities, due to the occupying authorities, which continue to obstruct and harass their leaders, delegates and activists. Some are arrested and expelled.

Since last year, in spite of the beginning of political contact and negotiations, Israel has continued its policy of new settlements and a massive transfer of the Jewish population to the territories and, in spite of repeated requests by the international community to put an end to this colonialist policy, has continued to violate international law and the Geneva Conventions.

The settlers have special advantages and privileges in many fields. They benefit from the confiscation of Arab land. They have privileges with regard to access to water, economic facilities, to the detriment of the Arab population, which suffers from discrimination on an ethnic basis.

During the past 25 years, since the war of 1967, a real apartheid policy has been applied systematically by the occupant and Israeli colonialiser.

We welcome and appreciate the work of the ILO to show the reality of the life of the Arab workers in the occupied territories. The facts speak for themselves, and the simple statement of these realities is an act of accusation against the occupants. We would like to see this work continue, and that the ILO continue its efforts, attemping in every possible way to intensify technical cooperation with the Arab workers of the occupied territories, and their trade union organisations, despite the difficulties and barriers put up by the occupant.

However the debate that we continue to have on this report is relatively limited, and should be expanded and considered in greater depth in the future if possible, through a special, tripartite committee, so as to reach specific conclusions and recommendations at the Conference which would lead to real and lasting changes, and help to put an end to military occupation and promote the development of an independent and sovereign Palestine.

This occupation has already lasted for a quarter of a century, and the brutal and bloody repression of the legitimate revolt of the oppressed against the occupant is a focus of destabilisation and military conflict in the whole region. The occupation and colonisation can only continue to strengthen the resistance, increase tensions and prevent a just and lasting peace respecting the right of all peoples in the region to self-determination and security, while respecting international law.

The international community as a whole now seems to wish to settle the situation, as has been seen in the Madrid negotiations. But it will have to come up with more effective ways of persuading the Israeli authorities to put an end to their discriminatory and repressive policies and withdraw from the occupied Arab territories, which have been occupied since 1967, so that the Palestinian people can freely exercise their right to self-determination and so that the populations of the Syrian Golan Heights and southern Lebanon will recover their national rights in their respective countries.

This is what the workers of the World Federation of Trade Unions are demanding, and they will continue to express their solidarity and to give their support to their brothers who are subjected to this inhuman occupation.

Original – Spanish: Mr. MARIUS *(representative of the Latin American Central of Workers)* – It is with great pleasure and deep concern that we speak once again from this rostrum at a special sitting of the International Labour Conference concerning the situation of the workers of the occupied Arab territories.

It is a pleasure because it is once more an expression of our full, consistent and effective solidarity with our brother, workers in Palestine, a solidarity that we have with all those who one way or another have their fundamental rights restricted, their legitimate need to develop as human beings regardless of colour, race, religion or nationality.

But we must also say that it is with a deep sense of concern that we take this rostrum to question the incoherence shown by some international bodies concerning this situation.

Independently of our opinion on these matters and the events related to the so-called Gulf War against the Government of Iraq, memories which are still painful, as well as present events concerning the Libyan Arab Jamahiriya, we were all able and are still able to see the determination and speed with which the United Nations and, in particular, some countries with a decisive influence in that body felt no doubt in adopting extreme measures, including the use of force to ensure the application of the decisions adopted.

We all know that since 1967 and 1973 resolutions exist such as Nos. 242 and 338 of the United Nations which called for the withdrawal of the occupation force from the occupied Arab territories, in line with the fundamental principle of self-determination which the workers and peoples of Palestine legitimately deserve. However, in spite of the prolonged and unjustified delay in the application of the resolution, we have not seen the same determination or any other special measure for its application, as occurred in the above-mentioned cases. None of us doubts how the application and implementation of international agreements are subject to the interests of economic and military hegemony, a situation which makes us fearful for the future of humanity, since it compromises peace and universal harmony and violates the most sacred rights enshrined in the Universal Declaration of Human Rights.

The most dangerous and disappointing aspect of all this is the fact that such bodies as the United Nations, which were established to guarantee peace and ensure the proper application of justice, and which are basic references for the weakest peoples, our peoples in the Third World, and which should preserve in an unequivocal and unrestricted manner the moral force of applying international conventions with equanimity, are now being drawn into regrettable situations of complicity and incoherence which compromise their respectability and efficiency.

The Preamble to the Constitution of the ILO states that "universal and lasting peace can be established only if it is based on social justice" and that "conditions of labour ... involving ... injustice, hardship and privation to large numbers of people ... produce unrest so great that the peace and harmony of the world are impelled". If these principles are still valid, and for us they should be, then there should be no doubt or hesitation on our part to make the necessary efforts to find forms and mechanisms to promote and establish the legitimate right of the workers and people of Palestine to be able to live as free beings and to develop on the basis of their own interests as a people and a nation.

We thus support what has been achieved by the ILO and strongly endorse the initiative to set up a special Conference committee, as in the case with apartheid, with the responsibility of making an in-depth study of the situation of Arab workers in the occupied territories with a view to identifying effective alternatives which would lead to a just and definitive solution to this problem. In the same way, we express our support and willingness to participate actively in a trade union solidarity committee.

We are fully aware that this decision will affect the future of millions of workers, not only those in the above-mentioned territories but those that are obliged to live in other countries in which they are subject to the constant violations of their most basic rights without any possibility of being allowed to return to their countries of origin and build a better future for their children.

We are profoundly committed to the preservtion and development of a culture based on peace and freedom, as the fruit of democracy and social justice. This leads us to fight for the rights attending the workers and people of Israel, and of all the workers of the world who fought and are still fighting to live as human beings. With the moral force of this commitment, we demand the necessary spirit of coherence on the part of the bodies and we engage our most active solidarity in the task of bringing peace and justice to the breasts and hearts of our Palestinian brothers.

Original – Portuguese: The PRESIDENT – We have come to the end of this very long Special Sitting. I am going to close the sitting with a few brief words, so that we can conclude our work.

I think that it is not necessary to draw conclusions but I am convinced that the Director-General has drawn very useful information from all the statements made here, and a response will be given at the end of the Conference. I would like to thank all the speakers for their cooperation during this Special Sitting, which I believe contributed quite considerably to furthering this cause.

As President of this Conference, I am the very first to wish to apply the decisions taken in connection with this Special Sitting. This was my duty and I hope everyone understood this. On my own behalf, and on behalf of my three Vice-Presidents, I would like to reiterate my thanks to the speakers for their cooperation.

Finally, in conclusion, I would most sincerely like to express our hope that peace and social justice will prevail and that it will be possible to resolve this very complex problem and that there will be a dialogue between the competent parties.

(The Conference adjourned at 7.45 p.m.)

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Action Taken on the Declaration concerning Action against Apartheid in South Africa

Report of the Committee on Action against Apartheid

1. The Committee was established in accordance with paragraph 4 of the updated Declaration on Action against Apartheid in South Africa and Namibia which was adopted by the Conference at its 75th Session (1988). It was established, inter alia, for the purpose of monitoring action against apartheid.

2. The Committee was composed of 50 members with the right to vote (20 Government members, 10 Employers' members and 20 Workers' members). It also included one deputy Government member, 9 Employers' deputy members and 16 Workers' deputy members. In accordance with the usual procedure, equal voting for the three groups was assured by the appropriate system of weighted voting. A number of organisations with consultative status, as well as the African National Congress of South Africa (ANC) and the Pan-Africanist Congress of Azania (PAC), were represented by observers.

3. At its opening sitting, the Committee elected its officers as follows:

Chairman: Mr. John L. Nkomo (Minister of Labour, Manpower Planning and Social Welfare, Zimbabwe);

Vice- Chairmen: Mr. B. G. Hernandez (Employers' member, Philippines) and Mr. B. Brett (Workers' member, United Kingdom);

Reporter: Mr. H. Halinen (Government member, Finland).

4. The Committee held six sittings. Its agenda was to examine the Special Report of the Director-General on the Application of the Declaration concerning Action against Apartheid in South Africa, which dealt, inter alia, with developments regarding the situation in South Africa in respect of labour and social matters, and contained an analysis of the information provided by governments, and employers' and workers' organisations on measures taken against apartheid as foreseen in paragraph 5 (b) of the Declaration as well as on international action against apartheid, and that which had been provided in response to the questionnaire revised by the Group of Independent Experts to follow up on and monitor sanctions and other action against apartheid which had been approved by the Governing Body of the ILO and distributed by the Office. A further document complemented the Special Report by providing a brief summary of the principal events concerning labour matters which have occurred in South Africa since the preparation of the 1992 Special Report. The Committee also had before it the following documents relating to the Committee on Discrimination of the 253rd (May-June 1992) Session of the Governing Body:

(1) information supplied by governments and by employers' and workers' organisations on action taken against apartheid (G.B.253/CD/2/4);

(2) reports of the eighth and ninth meetings of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other action against apartheid (G.B.253/CD/4/2);

(3) those portions of the Report of the Committee on Discrimination which relate to the above matters (G.B.253/14/26); as well as

(4) the report of the Tripartite Conference on Southern Africa which took place in Harare, Zimbabwe, from 5 to 8 May 1992 (G.B.253/CD/3/5; and reproduced in *Provisional Record* No. 4).

5. In opening the proceedings of the Committee, the representative of the Secretary-General referred to the Special Report and other information before the Committee, which showed clearly that apartheid and its effects – the legacies of poverty, inequality and lack of freedom – were still to be confronted. These issues received attention at the Tripartite Conference on Southern Africa in Harare in May 1992 and were reflected in the conclusions adopted by that Conference. A discussion on these conclusions took place recently in the Governing Body's Committee on Discrimination. Moreover, an important analysis, together with significant conclusions and Recommendations, was contained in the report of the Fact-Finding and Conciliation Commission on Freedom of Association (FFCC), which was appointed by the ILO Governing Body to examine the complaint of infringements of trade union rights in the Republic of South Africa presented to the ILO by the Congress of South African Trade Unions (COSATU). At its May-June 1992 Session, just concluded, the Governing Body decided to transmit this report to the Economic and Social Council of the United Nations. All of these various documents showed the need for continued action by the ILO in a field where it had developed a great deal of expertise over the years. For the most part, that action had comprised three elements: a careful appraisal of the situation in South Africa, in all its facets; the encouragement, even the insistence, that maximum pressure be ex-

erted by ILO constituents for the ending of apartheid; and constant assistance to those who have been most closely involved in the campaign to demolish that system. All three elements had been undertaken in close collaboration with the United Nations and other organisations in the international community. Today, the question was not whether these forms of action should continue, since it was obvious that they must, until our common goals have been achieved; rather, it was necessary to determine how best to carry out these functions in the context of the rapidly changing situation. It was premature to assume that the path towards meaningful, complete change would be smooth. The set-back experienced when the Convention for a Democratic South Africa II (CODESA II) failed to reach a substantive conclusion on the implementation of machinery for framing a democratic Constitution for South Africa had still to be overcome. That was still awaited so that transitional arrangements were put in place for an interim government, thereby enabling the ILO and other UN organisations to move forward to provide assistance where it was most needed, for the purpose of overcoming discrimination and establishing true social justice. The Special Report made it clear that the ILO was ready to extend the necessary assistance, and that this might involve activities inside South Africa. Other agencies within the international community, including the Office of the UN High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the World Bank, the European Community and the Commonwealth Secretariat, had already engaged themselves, or were poised to respond to the country's needs. The UN General Assembly had, in its consensus Resolution No. 46/79A of December 1991, also clearly pointed the way to such activity, while stressing the need for adequate safeguards. All of these measures constituted strong indications of the type of action that was needed, while at the same time maintaining the pressure for definitive change, which was a necessary precondition of all future ILO action. It was to be hoped that the Committee would focus on the ways of giving effect to those needs and requirements.

6. The Chairman considered the Committee had a duty to "walk the last mile" on the way to the end of apartheid, in the terms of Mr. Nelson Mandela's appeal to the 1990 International Labour Conference. It would be very sad to send a wrong signal to South Africa, particularly at this stage when it appeared there was a slowing down in the process of reform. The responsibility of the Committee was to hasten the progress. Accordingly, it was to be hoped that the Committee could present a unanimously agreed report to the plenary. The question of sanctions stood out as the most important weapon: if there should be any changes, the people of South Africa would provide guidance. In this regard, the presence of representatives of the workers' and of the liberation movement would enrich the Committee's report. The Chairman expressed appreciation for the comprehensive Special Report, which formed the basis for a meaningful discussion. While not wishing to preempt the deliberations of the Committee, he however considered that it was of paramount importance to ensure that the situation did not abort: there was a need to establish true democracy in South Africa and to eradicate apartheid definitively.

7. The Workers' Vice-Chairman observed that developments in South Africa over the past year had raised the expectations of the international community on the prospect of an early negotiated political settlement of the burning issue of apartheid. However, optimism had been dashed almost immediately by other events in the country. The deadlock in the talks at CODESA II in May was but the latest episode to shatter expectations. The change of attitude of the South African Government after the all-White Referendum on March 17 was largely responsible for the breakdown of the talks. Negotiations collapsed when both sides disagreed over how decisions should be taken in the elected body which would eventually draw up a post-apartheid Constitution. President F. W. de Klerk's National Party tabled proposal after proposal designed to allow it, in alliance with other minority parties, to veto decisions of the Constitution-making body. This would be achieved either by imposing a requirement that decisions be taken by a 75 per cent majority, or by a specially elected Senate, with a disproportionately large representation for regional and minority groups, who could veto decisions of the main body. The African National Congress of South Africa (ANC) proposed a two-thirds majority which was rejected by the National Party. The ANC then offered to accept a 70 per cent majority (with 75 per cent to approve the Bill of Rights) and demanded that a popular referendum be called if that majority could not be achieved. The Workers' group believed that this demonstrated the good faith of the ANC, particularly when it was considered that in many democratic countries important decisions were taken by simple majority only. Moreover, the ANC position contrasted vividly with the Government's demonstrable reluctance to hand over power to the majority. The Government's behaviour over the last few months persuaded the Workers' group that the Government had adopted a deliberate tactic of destabilising the democratic transition by promoting circumstances of social disorder. The failure of the authorities to curb township violence, which had left 11,000 dead since 1984, was also an indication of the Government's double-sided strategy of negotiating the future of the country, while simultaneously destabilising the Black community. As the Special Report revealed, violence took place not only in communities, but also in factories and mines, thus affecting seriously the organisation and recruitment activities of trade unions. Although the Government had adequate resources to deal with the major outbreaks of violence, little had been done to do so and, consequently, questions had been raised about the Government's commitment to end violence. In addition, the failure to bring to justice the many perpetrators of violence strengthened the view that the Government was an interested party in invoking violence for its own political survival. Trade unionists continued to be intimidated and arrested by the police. Sanctions concerning arms, oil and finances, were an essential form of pressure which must continue to be used until apartheid had been dismantled fully. Those countries which hastened to remove economic sanctions before the establishment of a democratic government were to be condemned. The repeal of some apartheid legislation did not

mean the abolition of the system. The Special Report revealed that at least 14 apartheid laws were still in force. Labour legislation did not yet cover farmworkers, domestic servants and public employees, in contravention of the Laboria Minute agreed upon in 1991. In the light of all these circumstances, and in accordance with the Recommendations adopted at the Harare Tripartite Conference, it was considered that the repeal or revision of the ILO Declaration concerning apartheid would be premature. The work of the Committee would only end when the Black majority enjoyed constitutional rights ensuring their participation in a non-racial, democratically elected government. The persistence of profound socio-economic inequalities and widespread poverty undermined progress towards the eradication of apartheid and a future democracy. During the transition period and as the country eventually entered the post-apartheid era, the ILO had a role in promoting the training and education of the Black population, including the extension of assistance to democratic trade unions to address glaring inequalities in the areas of employment and working conditions, education, technical and vocational training and retraining, occupational health and safety, housing and social welfare. The Workers' group was concerned to note that while there had been an increase in the number of replies received from workers' organisations to the questionnaire of the Group of Independent Experts, the number of replies received from employers' organisations had continued to decline. The Workers were also concerned that most Members of the European Community had not provided individual replies to the questionnaire, particularly as the implementation of sanctions adopted by the Community in 1986 had been left to individual Member States. Appreciation was expressed for the convening of the Tripartite Conference on Southern Africa in Harare. The Workers' group was convinced that the continuation of broad-based negotiations in CODESA on the future of South Africa, in conformity with the objectives set out in its Declaration of Intent, were important prerequisites to the total eradication of apartheid through peaceful means.

8. The Employers' Vice-Chairman complimented the Director-General on the Special Report, which expressed satisfaction over ongoing negotiations that would result hopefully in the demise of apartheid and the institution of a non-racial and democratic government in South Africa. The Director-General's Report had suggested, correctly, that apartheid had not disappeared. It also noted that the CODESA talks were being compromised by a high level of violence within the country. The Employers' group reiterated the concern it expressed last year and hoped for the avoidance of any violent measures which would disrupt the negotiations of a new, non-racial Constitution and a fully representative government. Last year, the Employers expressed satisfaction on the repeal of several major legislative underpinnings of apartheid in South Africa. However, as the Special Report declared, at least 14 apartheid laws were still in force. The Employers' group was concerned to be apprised of the nature and texts of these laws and appealed to the South African authorities to consider a review – within the context of encouraging developments in the country – of existing laws, with a view to nullifying those that still permitted and encouraged discriminatory practices and precluded the equitable distribution of services and resources to all people. Even despite the repeal of discriminatory legislation, it would take a long time before the scars of apartheid were healed, more particularly while poverty remained widespread. In this connection, the Group of Independent Experts had noted that much of the de facto pattern of apartheid prevailed. In 1991, the Employers expressed regret over the low response of governments, employers' and workers' organisations to the request for information on action taken by them against apartheid, despite the revision and simplification of the questionnaire. The limited response on this occasion was not, it was hoped, an indication of the diminishing resolve of the social partners and the constituent Members of the ILO to pursue all efforts to dismantle apartheid. Rather, it could be due to the perception that, since South Africa has made substantial progress towards eliminating the system of apartheid, it would continue to do so even in the absence of international pressure. There may also have been the impression that the system of apartheid would wear itself out. The Employers were pleased and satisfied with the results of the Harare Conference. The Vice-Chairman referred to the preambular paragraph of the Declaration concerning Action against Apartheid, which linked the apartheid system to the peace and security of the region. Read in the light of that paragraph, the report of the Conference and particularly the conclusions, assumed relevance and importance, in terms of their impact upon and direct benefit for the frontline and neighbouring States and the entire southern African region. Special reference was made to paragraph 62, subparagraphs 9, 10, 11, 15, 23 and 25 of the conclusions of the Harare Conference. In expectation of the advent of a non-racial democratic South African Government, it was appropriate for the ILO to formulate programmes and prepare projects on technical and other assistance for implementation in the country, as soon as such a government was installed. For this purpose, it would be necessary for the ILO to undertake consultations with relevant employers' and workers' organisations inside South Africa. The Organisation should stand prepared to act whenever and wherever its specialised technical competence and resources were required. The Harare Conference considered it premature to repeal or revise the ILO Declaration on Action against Apartheid. The Employers' group did not consider it imperative and necessary to consider, at this time, a revision or restructuring of the Declaration and the Programme of Action. Those documents should remain in force as basic guidelines, applicable until such time as the ILO had decided that their objectives had been achieved. It was to be hoped that the members of the Committee would work in unison to urge the hastening of the formation of a truly democratic, non-racial and representative government so that the Declaration and the Programme would be rendered obsolete and academic. The position of the Employers' group concerning sanctions was reflected in paragraph 62, subparagraph 11, of the conclusions of the Harare Conference, with the reservations expressed by a minority of employers who were constrained by certain constitutional and corporate factors. The formation of a non-racial employers' organisation was earnestly sought and steps had been taken concerning this matter. A Seminar was held in

Harare on 27-29 January 1992 on the prospects for the creation of a representative body of employers in South Africa.

9. The Government member of Egypt pointed out that a decisive stage had been reached regarding the improvement of the situation in South Africa. Each year, the report of the Committee concerning action against Apartheid was based on the examination of the Special Report of the Director-General, as well as on other documents; this year, the Committee also had before it the report of the Harare Tripartite Conference. The Egyptian delegation considered there had been positive developments in South Africa, such as the repeal of certain laws on apartheid, which opened the way for change and for establishing a transitional government that would respect human rights and institute democracy. However, violence had threatened the lives of Black inhabitants of the country and had led to the increased intervention of the police and security forces. CODESA I and II had failed to reach an agreement concerning the disputes and conflicts, particularly on the majority required to amend the Constitution. Such a situation should not hinder the creation of an interim government, nor the establishment of a non-racial society in South Africa. The ANC had shown a spirit of openness that created a favourable climate to which CODESA III could respond. In addition, the ILO could play an important part within its own field of competence to continue to bring about an irreversible change in South Africa. This could become fact by providing technical assistance to Black trade unions and to non-racial organisations of employers and workers, and by strengthening supervision of the application of labour legislation in the country. The process already begun to prepare a post-apartheid society should be augmented to ensure the creation of a society that could offer its members a normal, secure life. The United Nations and organisations such as the ILO could have a vital bearing on the lives of Black workers. Any progress in this regard would have consequences on the economic viability of the country and on its investment possibilities. The representative stressed that since the last session of the Conference, several international bodies had considered the apartheid question: for example, the UN General Assembly adopted at its 46th Session resolution No. 46/79, the Sub-Commission of the Human Rights Commission on the Prevention of Discrimination and the Protection of Minorities examined the question at its 43rd Session in August 1991, and the Human Rights Commission adopted a resolution on the matter at its 48th Session held from January to March 1992. The Organization of African Unity (OAU) also discussed this problem at its Special Committee on South Africa, which met at Arusha. All of these meetings reached the conclusion that there was a need to encourage a dialogue in South Africa with a view to establishing an interim government and to establish the foundation of a non-racial society where all citizens enjoyed equal rights and duties; and to maintain the pressure of the international community on South Africa until these goals were achieved. The representative stated that there would have been no necessity to debate the question of apartheid if all the required reforms had been instituted. Action for the total abolition of apartheid could not yet come to an end. The international community had a significant increased role in the creation of a democratic and non-racial society.

10. The Government member of the Libyan Arab Jamahiriya stated that a number of developments had been noted in the documents presented to the Committee, but that they had not been sufficient to eliminate apartheid. The members of the Committee would have been happy to meet simply to note the end of apartheid. In fact, the Committee was charged with the task of elaborating future programmes to assist the workers of South Africa in a post-apartheid society. The institutions of apartheid remained in place; there was still more to do to eliminate them and to adopt a democratic Constitution which would establish equality and justice. The speaker pointed out that the social, economic and labour situation had been very bad during the past 12 months. The gross national product (GNP) had diminished by 0.9 per cent over the last nine months of 1991. The dialogue to establish a non-racial society had been jeopardised by violence; the repercussions of violence on the social and economic arena could only hinder the improvement of the situation. Other pillars of apartheid remained. It was necessary to make a distinction between the repeal of the legislation on apartheid and the elimination of discriminatory racial practices so as to end centuries of suffering. Fourteen apartheid laws remained in force. The South African Government had agreed to the participation of trade unions in a certain number of discussions and activities, but these organisations had been forced to withdraw when the Government refused to implement their proposals. For example, the Government had refused to extend the provisions of the labour legislation to cover domestic and agricultural workers. In addition, the Government had refused the direct participation of the workers in future discussions; COSATU, the ANC and the NACTU had sought direct participation at the negotiating table but this had been opposed by the Government. NACTU had proposed amendments to the judicial system, such as the creation of workers' tribunals; and a public awareness campaign had been launched by NACTU to fight for workers' rights and to guarantee them protection against discrimination. The various laws in existence did not grant to Black workers the status accorded to White and foreign workers particularly as concerns wages, health, occupational safety and housing. Trade union organisations required material assistance to support their battle to obtain equality for Black workers, whether in the workplace or as regards housing. The Libyan Arab Jamahiriya did not recognise the apartheid regime in South Africa. The Libyan people did, however, offer aid to the South African people and upheld their rights in all international forums. Unfair accusations were levelled at the Libyan Arab Jamahiriya for its support of justice, but it would nevertheless continue to work for the defence of the rights of Black South Africans as well as those of Palestinians who suffered under racist regimes, until positive changes were put into place. The representative stated that his country supported the maintenance of sanctions. It was premature to lift sanctions: rather, they should be applied seriously and relentlessly. ILO action was commendable, in particular, technical assistance to trade unions and to Black workers.

A programme to assist the construction of a post-apartheid society should be developed now so as to be prepared for that eventuality. The speaker paid tribute to the Group of Independent Experts and to the Committee on Discrimination, as well as to the worthwhile work accomplished at the Harare Tripartite Conference.

11. The Worker's member of the United States drew attention to Chapter I of the Special Report of the Director-General on the application of the Declaration on Action against Apartheid, which highlighted the racial divisions in South African society. Progress towards achieving equality in basic living standards would be the most accurate index of the demise of apartheid. Unfortunately, the gap in Black and White living standards remained huge. In education there was a 4 : 1 ratio in per capita spending on White and African students; in housing there was a shortage of between 2 million and 3.4 million units for Africans; and in the area of health care Whites received a disproportionate share of funding while high rates of infant mortality and AIDS added to the diseases of poverty affecting African communities. Improvements in this situation would show a movement away from apartheid. Finally, he reminded the Committee that recent data on the activities of US companies in South Africa showed that of the 106 US companies remaining, 18 provided 80 per cent of all Black jobs generated by US companies; therefore anyone wanting to discuss the lifting of sanctions should best begin by offering a realistic solution to the continuing problem of investment without responsibility.

12. The General Secretary of the Congress of South African Trade Unions (COSATU) expressed his appreciation for the work of the Committee, and emphasised that more remained to be done because apartheid continued to exist and President de Klerk was intent on smashing the democratic movement. The effect of the Government's campaign of destabilisation had been devastating, and President de Klerk could not escape responsibility since it had been exposed that state funds were used to fund groups promoting violence, assassinations and covert operations. In one COSATU local, 75 trade unionists had been murdered in the past two years. At CODESA II, it had become clear that the Government wanted to entrench White minority rule and COSATU had therefore decided to embark upon a programme of mass action to break the political log-jam, based on their demands for an interim government of national unity by the end of June 1992 that could level the playing field by exercising control over state finances, security forces and media. Elections to a constituent assembly should be held by the end of December 1992. The ILO had an important role to play in helping to redress the inequalities of apartheid through a programme of socio-economic reconstruction. The report of the Fact-Finding and Conciliation Commission contained recommendations which could be used to assist in the reform of the labour laws and the labour market institutions. The trade unions were involved in negotiations with the government and employers on unemployment insurance, on training and on the extension of collective bargaining to the agricultural, domestic and public sectors. In addition, tripartite negotiations were beginning on macro-economic issues, and the ILO could provide assistance on the policy questions to be debated there. An affirmative action programme was also required, and an investment code that would ensure that investment did not undermine worker rights. Technical cooperation in these areas was essential to help the democratic movement level the playing field. Such assistance should await the establishment of an interim government, and should go only to democratic and non-racial organisations. In this regard, COSATU fully endorsed the report of the Tripartite Conference on southern Africa held recently in Harare.

13. The Workers' member of the Syrian Arab Republic noted that apartheid continued to exist in South Africa despite the apparent changes that had taken place. Violence and other pressures continued to be exerted on the workers, and it was therefore necessary to maintain international sanctions against apartheid. The ILO had a vital role to play in that process which should continue until apartheid had been eliminated.

14. The Government member of Senegal thanked the Director-General for the quality of the Special Report on Apartheid and the Group of Independent Experts for their work. He recalled that, although President de Klerk had pronounced the official death of apartheid, a number of laws still had to be abolished, such as the Electoral Act which accorded the right to vote to Whites, Indians and Coloureds, but excluded Blacks. There were also discriminatory laws applying to the homelands, education, health and social security. In addition, the years of suffering under apartheid would leave their mark for a long time to come. He was concerned about the climate of violence present in the townships, factories, mines and public transport. It was regrettable that the Group of Experts had not made contact with the International Olympic Committee, which had its headquarters in Lausanne, and which had taken important decisions regarding relations with sports bodies in South Africa. He deplored the fact that since the positive result of the White referendum to decide whether the Government of President de Klerk would continue to negotiate with the Black majority to introduce a new constitutional dispensation, the Conservative Party and some White extremist groups still desired partition in order to perpetuate the anachronistic and barbaric system of racial segregation. He referred to the statement of Mr. Nelson Mandela at the headquarters of the OAU in Geneva last May 25, where he noted that considerable progress had been made, even though not all the proposals put forward by the ANC had been realised, particularly those concerning an interim government. But the oppressed people of South Africa were in the process of sitting down with the regime and were discussing the nature of the society to be constructed. This was a historic accomplishment that had become irreversible. It was to be recalled that the difficulties in the negotiations at CODESA II revolved around the majority required for adoption of the Constitution and the Bill of Rights, and the division of powers between the Central Government and the regions. In every case, the Black majority had opted for a peaceful and negotiated solution with the acceptance of compromise to resolve differences. If the Government of South Africa did not respond accordingly, the ANC would use mass action to advance the

advent of democracy and respect for human rights, in the hope that they would be supported by the international community. He pointed out that at the Pan-African Conference on democracy and the management of the transition held in May 1991, at which three governing parties and 57 opposition parties came together to try to end dictatorship in Africa, Mr. Botha, the South African Foreign Minister, asked President Abdou Diouf to mediate in an effort to resolve the deadlock at CODESA. He informed the Committee that the next OAU summit meeting in Dakar would devote considerable attention to the development of the political situation in South Africa and examine also the question of the drought which affected the countries of southern Africa. He expressed the wish to see the ILO strengthen the position of the rights of the trade unions, as well as their activities in the National Manpower Commission, collective bargaining and the tripartite economic forum.

15. The Government member of Nigeria expressed anxiety at the slow place of change in South Africa, and of the negotiations towards a democratic South Africa. The reluctance of the South African Government to take appropriate measures to end the township violence was a source of concern to the Nigerian Government. These developments ran counter to the view of his Government that the South African Government should be encouraged to continue its reforms, and it was that policy that had led to the visit of President de Klerk to Nigeria and to diplomatic contacts between their two Governments. The Nigerian Government wanted to assist the parties in concluding the negotiations that would bring about a democratic and non-racial system in South Africa. His Government remained committed to the emergence of a democratic South Africa, and would take all necessary measures to ensure that the South African Government was made to speedily complete the necessary reforms.

16. The Government member of China pointed out that the system of apartheid encroached on the human rights of the vast majority of Black South Africans, and this had resulted in worldwide condemnation. Substantial changes had occurred in South Africa in the past year, including the establishment of CODESA and the abolition of some apartheid laws. His Government hoped that this progress would continue, and that the opposition groups would be able to unite to deal with this crucial juncture in South Africa's history. The apartheid system was not yet dead, and basic political rights were still lacking. The Chinese Government would continue to support the people of South Africa in their struggle for freedom, and would continue to exert pressure on the South African Government to force it to abandon the policy of apartheid.

17. The Workers' member of the United Republic of Tanzania had been encouraged by the common stand adopted by the ILO Tripartite Conference in Harare, at which the main areas of ILO and other international assistance to South African organisations had been outlined. He therefore expected this Committee to spend more time discussing the conclusions of the Harare Conference and of the Group of Independent Experts.

18. The Workers' member of Mozambique pointed to the significant influence exercised by South Africa in the subregion from the time it had been a British Colony to the time it had become the Republic of South Africa. The neighbouring countries in the subregion had all become dependent economically on South Africa, even though the degree of dependence varied from country to country. South Africa had itself become an economic and military power and the most developed country in the region. It was appropriate to recall that the system of apartheid was created when the National Party came into power in 1948, a time when the whole world was celebrating the victory over the defeat of fascism and racism. From 1970, when Mozambique, Angola and Zimbabwe became independent, the apartheid regime launched an economic and military war of aggression and destabilisation against Mozambique and Angola, in particular, and against neighbouring countries in general. The people of southern Africa, supported by international democratic forces, exposed the apartheid system as a crime against humanity and thus influenced changes in the mentality of the White minority in South Africa. Even though the right-wing in South Africa declared themselves, publicly and officially, opposed to the system of apartheid, their forces continued to support economic destabilisation, the massacre of the population and the destruction of socio-economic infrastructures like hospitals and schools both in Mozambique and in South Africa itself. The violence in South Africa and in the neighbouring countries, which was perpetrated by the apartheid system, was designed to demonstrate that the Black population was incapable of governing themselves. It was evident that there was a need to maintain international pressure against South Africa until a non-racial society had been constructed. The speaker appealed to the ILO and to the international community to hasten this process.

19. The Workers' member of the Libyan Arab Jamahiriya expressed appreciation for the different efforts undertaken by the ILO, through its various bodies, to bring about an end to apartheid and to install a free and democratic society in South Africa. The Special Report was an exhaustive and important account of the ILO's activities. The speaker, like his colleagues, was concerned about the obstacles being placed in the way of efforts to eliminate apartheid and to perpetuate the privileges of the White minority who made a pretence of abolishing the system, while only attempting to give a fatal blow to the Black liberation movements, so as to prevent the creation of a free and democratic society in the country. All the data and information provided by the trade unions in South Africa, as well as by the liberation movements was credible and accurate and confirmed the attachment of the regime to its power. The data also showed that the authorities participated in violence against the African people to destabilise the country and the region. The apartheid regime found support in Western countries which claimed to defend human rights but which extended support, in general, and military aid, in particular, to the regime. The Zionist regime was also an accomplice. It was important to promote a dialogue among the concerned parties, and to respect the sanctions so that there could be a complete end to this despotic and racist regime. The Libyan workers reaffirmed their

continuing and strong support to eliminate apartheid for the people of South and southern Africa. It was to be hoped that the conclusions adopted at the Harare Conference were implemented.

20. The Employers' member of the Netherlands associated herself with the sentiment expressed in paragraph 67 of the conclusions adopted at the Harare Conference, in hoping that Conference would be the last such Tripartite Conference held. Equally, she hoped that the present session of the Committee would be the last meeting necessary to consider action against apartheid. If an interim government were established between this session and June 1993, it would become necessary to consider the legal procedure to be applied. Accordingly, she suggested that the Governing Body Session in May 1993 should adopt a recommendation to the Conference declaring that there was no need for an Apartheid Committee to be established at the 80th Session of the International Labour Conference; the Conference could then declare the ILO Declaration concerning Action against Apartheid in South Africa to be obsolete. In suggesting this, she did not intend that the proposal should appear in the conclusions of the Committee.

21. The Government member of the Islamic Republic of Iran expressed appreciation for the Special Report of the Director-General, which had, in recent years, contributed to a number of positive developments such as the lifting of bans on the anti-apartheid groups, the greater engagement in national affairs of non-racial federations of trade unions, and alliances between the trade and labour unions. In addition, employers and trade unions had reached major agreements on wages and on other aspects of employment and social welfare. Recent developments in South Africa encouraged hopes for a peaceful elimination of apartheid. Some apartheid laws had been repealed, the release of political prisoners was continuing and negotiations had begun for a new democratic Constitution. Much still remained to be done to free the country from apartheid. In contravention of the proposed amendments to the Labour Relations Act, trade unions continued to be pressured and repressed, their offices were raided by the police and a number of trade union leaders had been arrested. Numerous clashes had occurred between union members and vigilantes and police, resulting in deaths of workers. The police had broken up legally permitted strikes and had sought to interfere with and hatch conspiracies among trade unions. As a result of the discriminatory policy in the country, employers had experienced instability in the economic and political system that created difficulties for the maintenance of their enterprises. The Government of the Islamic Republic of Iran believed that in order to accelerate the eradication of apartheid, the South African Government should release all political prisoners, refrain from imposing any restriction and repression on the people, lift completely all bans and restrictions on anti-apartheid groups and individuals and repeal all racist legislation. The Islamic Republic of Iran viewed the implementation of international sanctions against South Africa as a principal instrument of pressure on the apartheid regime; and accordingly, the sanctions should remain in force. In accordance with the ILO Declaration on Action against Apartheid and other UN resolutions, the Islamic Republic of Iran had severed all political, cultural, economic and sporting relations with the apartheid regime and had established close cooperation with the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa. Efforts were also made to strengthen and guarantee the implementation of the ban on the sale and shipment of oil and other petroleum products, by insisting that the purchasers of oil present discharge certificates.

22. The Government member of the Russian Federation expressed the hope that the Chairman of the Committee would enter into history as the Committee's last chairman; this would have been a notable achievement of the international community and the people of southern Africa. The speaker recalled that his country had already had the opportunity, as an independent sovereign State, of setting out its position in regard to South Africa during the debates of the Harare Tripartite Conference. This position was reflected in paragraph 28 of the Conference report. His country was firmly in favour of dismantling completely the apartheid system and of seeing South Africa proceed to a democratic non-racial society. Progress had been made towards the democratic transformation of the country and changes had been made in its political activities. The visit of President de Klerk to Russia had increased the possibility of further progress in the battle against apartheid. The active participation of the ILO in this struggle was supported. The ILO's position, as set out in the Declaration adopted at the 75th Session of the International Labour Conference, had reflected the actual situation prevailing at that time. That decision could be modified in the light of the present developments, in particular the process which was taking place in South Africa and the new attitude of the international community on this question. These efforts had been noted by the UN General Assembly in a resolution, in accordance with which action would be taken. Russia wished to make a positive contribution to the work of the Committee; it intended to press strongly for, and maintain respect for, decisions taken by the United Nations and other international organisations, notably by the ILO. The speaker agreed with those other members who had pointed to the right of the Committee to examine relevant detailed documents. The apartheid problem had to be examined in perspective so that a significant contribution could be made towards its complete eradication, thereby favouring the emergence of a democratic society in South Africa.

23. The Workers' member of China referred to the positive changes in South Africa over the past year, which showed that the country's people, and the workers in particular, had achieved a great victory over apartheid. The South African Government had abolished some apartheid legislation as a result of the unyielding pressure of the people and the vigorous support of the international community. Strenuous efforts were still required to bring about the abolition of apartheid. The majority of Black people in the country were discriminated against severely on the fields of employment, wages, education, housing and medical treatment. Their leaders were persecuted and their political rights were still denied. This situation naturally aroused the indignation of the South African workers and people. In November

1991, millions of South African workers held a two-day general strike to demand their right to participate in the policy-making process. That strike brought most sectors of the economy to a state of collapse. In mid-March 1992, many Black people held demonstrations in Cape Town and Johannesburg to demand their political rights. These instances demonstrated that the people have taken hold of their own destiny. The referendum on 17 March showed that nearly 69 per cent of the White voters favour the continuation of political reforms and the Constitutional negotiation. The 140 million Chinese workers and the Chinese trade unions have always supported the South African workers' struggle against apartheid. It was to be hoped that the South African authorities would remove all obstacles to the Constitutional negotiations and would settle a new Constitution based on racial equality in the very near future. ILO member States should continue to render effective support to the South African people's struggle for the establishment of a unified country of freedom, democracy, and racial equality.

24. The Workers' member of Namibia pointed out that the only deep-sea port in Namibia, Walvis Bay, was still under the control of South Africa and that the workers located in that area were subject to daily discrimination. It was hoped that the Committee would be able to address this specific issue. While there had been encouraging developments in South Africa, notably the repeal of a number of apartheid laws, there was concern that the situation appeared to have reached a deadlock. The economic problems of the country required attention: the present high level of unemployment would threaten the stability of a government of national unity. The speaker appealed to the ILO to assist in the formulation of labour legislation and affirmative action laws for South Africa.

25. The Government member of Algeria stressed that the struggle against apartheid had always been carried out simultaneously in Zimbabwe and in South Africa. The United Nations had exerted leadership through its Special Committee, on which Algeria is serving as Vice-Chairman, and had demonstrated its support to the national liberation movements. In the past few years, the situation had evolved in an optimistic direction, which the ANC itself recognised, and a climate favourable to the eradication of apartheid had been created. The speaker emphasised that apartheid did not only consist of racist behaviour: it was also a deliberate will to automatically exclude persons from society. ANC President Nelson Mandela came to Geneva to inform the international community of the reality of the situation in his country, as well as to warn it both about the precautions to be taken with regard to events and against the temptation to precipitate the relaxation of pressure on the regime. The lesson of CODESA II was that it was advisable to progress, but that at the same time maximum leverage should be maintained in order to act against the system and to avoid the possible evolution of the situation in a direction opposite to the one desired. Patience and determination were needed in order to bring results and not to let the country descend into violence. The political will to reach an agreement to govern the country would not be enough to lead it to democracy, and the incitement to violence, which had left many victims among Blacks, was a major preoccupation of the ANC. The speaker stated that his country endeavoured to be vigilant and to be attentive to the analysis of the situation in South Africa by the ANC and other well-informed organisations. The present consultations had come to a point where dialogue had prevailed, which could only argue in favour of the efforts to achieve a democratic order. The speaker insisted that it was necessary not to demobilise until the major problems had been resolved in South Africa and reiterated his country's support to the Black majority.

26. The Government member of Syria expressed appreciation for the Special Report of the Director-General which stated clearly that apartheid continued to exist in the form of 14 discriminatory laws that had yet to be lifted and social and economic inequalities that remained. In addition, the police were encouraging violence against Black people. He considered that the trade unions have played a very important role in the process of eliminating apartheid. His Government supported the conclusions of the Harare conference, and in particular conclusion number 11 concerning the need to maintain sanctions to speed up the process of change. It was also necessary to continue to monitor the application of the Declaration until apartheid was completely eliminated. He noted that sanctions may adversely affect the people of South Africa and the front-line States, but Mr. Nelson Mandela had called for sanctions to be maintained even though people were suffering. The ILO could play a role in assisting trade unions and other non-racial organisations by monitoring the reform of the labour laws and ensuring respect for international labour standards. For decades, his Government had not maintained any relations at all with the racist regime of South Africa.

27. The Workers' member of Cyprus noted that although some progress had been made in South Africa, apartheid still existed. The delay in bringing about the end of apartheid could make the country ungovernable. He drew attention to the report of the Harare conference, and in particular the contribution of the PAC delegate, which raised doubts about the intentions of President de Klerk, which in certain quarters were seen as aiming to ameliorate and beautify apartheid, to delay its abolition and to maximise the cost of overcoming apartheid. He urged the Committee to endorse the conclusions of the Harare conference, in particular numbers 10 to 13, and 25. The ILO Declaration concerning Action against Apartheid should be retained, and the creation of an interim government should be encouraged.

28. The Government member of Cuba associated herself with the statements made by previous speakers concerning the solidarity of her country with the heroic people of South Africa and its national liberation movement. The speaker considered it necessary to change the regime fundamentally, because although there had been some reforms undertaken that had led to positive changes in the country, the Black population still suffered violence and the workers and the most important trade unions were pressurised. For that, it was necessary to maintain sanctions against South Africa and require that the recommendations proposed by the ANC be implemented: those recommendations were to install an

interim government and to set up a Constituent Assembly. Any ILO support and assistance to the workers in South Africa would be appreciated as well as any effort to strengthen trade unions and incite international solidarity. She declared that any step towards the elimination of racial discrimination would contribute to the creation of a united, free and democratic South africa.

29. The Government member of the United States began by stating that the goal towards which the Committee was working was a free and democratic South Africa. His Government expected an interim government to be in place before the end of the year. The question that remained was what the ILO could do to advance that goal. The report of the Committee should accurately reflect the progress made during the past year; anticipate and welcome an interim government; endorse the Harare conference's recommendation to permit ILO staff to work in South Africa; and adopt a positive stance in keeping with United Nations actions to eliminate apartheid. The United States Government wanted to see ILO staff inside South Africa working to promote free and democratic trade unions and employer associations which were essential elements in the creation of a functioning democracy. His Government was encouraged by the Group of Independent Experts' statement on the need to interpret ILO positions in line with United Nations resolutions. The United States approved of the Governing Body's decision to limit the mandate of the Group of Independent Experts and to possibly use those funds to support ILO activities in South Africa. It shared the concern of many speakers that the continuing violence in South Africa was a major threat to the peace process, and remained convinced that CODESA was the best forum for a peaceful transition to democracy.

30. The observer from the Government of Namibia explained that they had participated in the Harare conference in order to take a strong position on the issue of dismantling apartheid. His Government expressed its concern at the delay in bringing change to South Africa because South Africans had been subjected to oppression for too long. It was clear that the apartheid government had a hidden agenda, and that needed to be exposed. The South African Government had to be pressurised to continue the negotiations with the ANC and other progressive forces, and sanctions should not be lifted until apartheid had been completely abolished. In Harare his delegation had cautioned those organisations and governments that were eager to enter into trade, political, economic and diplomatic relations with South Africa, for if United Nations sanctions were removed it would give a licence to the South African Government to continue to encourage ethnic confrontation. The South African economy was designed to protect the interests of the White minority and there was no indication that the Government of President de Klerk was ready to share wealth with the Black majority. The ILO should therefore assist the people of South Africa to continue their struggle through their democratic organisations. He also reminded the Committee that the South African Government continued to illegally occupy the enclave of Walvis Bay, and to exploit Namibian workers under apartheid laws.

31. The Employers' Vice-Chairman introduced a number of draft conclusions that were to be considered in addition to those adopted at the tripartite conference in Harare. The Conference should express once again its strong aversion to violence and note with concern that violence in South Africa is still continuing. The Conference should urge the South African Government to implement fully the National Peace Accord and to take drastic measures to curb the still prevailing violence. The Conference should note with concern that the negotiations of CODESA II have failed to lead, as yet, to an agreement on a new Constitution for South Africa. It should urge the parties concerned to make every effort to conclude such an agreement and to set up as soon as possible a non-racial democratic interim government. The Conference should endorse the report of the ILO Tripartite Conference on Southern Africa, held from 5 to 8 May 1992 in Harare, and in particular the conclusions contained in paragraph 62 of this report. The Conference should note with interest the decision of the Governing Body, taken at its 253rd Session, to extend the term of office of the Group of Independent Experts by one year, with a renewed mandate focusing on the monitoring of the implementation of the Declaration concerning Action against Apartheid in South Africa. The Conference should express the wish that all funds becoming available as a result of this decision be spent on the preparation of technical assistance projects as described in conclusion 25 of the report of the Harare meeting (May 1992). The Conference should note with interest that the Governing Body of the International Labour Organisation had taken note of the report of the Fact-Finding and Conciliation Committee. It should express the wish that the ECOSOC will follow up the implementation by the authorities in South Africa, in consultation with the parties concerned, of the conclusions and recommendations contained in this report.

32. The Workers' Vice-Chairman drew the attention of the Committee to a number of suggestions and measures that his group wanted to see included in the final conclusions to be adopted by the Conference. These were in addition to the conclusions adopted at the Harare Conference. In addition, the Workers' group invited the Conference to consider a conclusion based on the message sent by the Harare Conference to President Banda of Malawi concerning the detention of the trade unionist, Mr. Chihana. The Workers suggested that the Conference should call on all governments, employers' and workers' organisations, as well as the ILO, to make a special effort to promote the total implementation of the recommendations contained in the updated Declaration of June 1988 and the programme of action appended to it. It was imperative that the constituent members make increased efforts, including special information campaigns, explaining that the little progress made so far towards the dismantling of apartheid had been halted by the South African Government's reluctance to hand over power to the majority. The Conference should further express its grave concern that the South African Government had failed to take measures to enhance the climate conducive to fruitful negotiations as called for by United Nations resolution No. 46/79A on international efforts towards the total eradication of

apartheid and support for the establishment of a united, non-racial and democratic South Africa adopted on 13 December 1991. The Conference should express regret that some governments had been too quick to lift some sanctions before major and irreversible changes had taken place as regards the eradication of apartheid. The Conference should appeal to these countries to re-examine their attitude and adopt new measures now that the process of dialogue had been blocked by the South African authorities. Maximum pressure, including sanctions, should be maintained on South Africa to guarantee the process of change, until the democratic trade unions and the broad liberation movement advise otherwise, with the exception of people to people sanctions involving institutions and organisations in South Africa which had become racially unified. In particular, the following sanctions should be maintained, in line with United Nations policy: the arms embargo and the prohibition of the supply of all types of technology and equipment, including nuclear technology, intended for use by South Africa's armed forces, arms-producing companies, or any cooperation with the South African Government in this respect; existing financial sanctions, including new loans and credits by governments and financial institutions, the IMF and the World Bank, whether to the public or private sectors; and the oil embargo. The Conference should call for all constituent members to launch campaigns to put pressure on the South African authorities to ensure the immediate release of the 450 remaining political prisoners, and for the unhindered return of political refugees and exiles in conformity with agreements signed in this respect. The Conference should note that the failure of the South African Government to take appropriate measures to end the violence had cast doubt on its responsibility as a serious partner in negotiations, and South Africa would have no prospect of peace and stability until the Government took stringent measures to demonstrate its determination to accept ultimate responsibility for bringing peace and security to the country by bringing to justice those destabilising the Black community by executions, assassinations, massacres and other human rights violations. All constituent members of the ILO should press the South African Government to take its full responsibility, as a signatory of the National Peace Accord, to enforce the measures agreed upon to curb the violence. The Conference should convey to the Government of South Africa a request to repeal the Bantu Homelands Citizenship Act which made people living in the so-called homeland republics foreigners in their country of birth. The total elimination of the homelands was a key component in the dismantling of apartheid, and the Conference should demand the immediate restoration of South African citizenship to all the peoples of Transkei, Ciskei, Venda and Bophuthatswana. The Workers' group wished to draw the attention of the Conference to the remaining effects of the acts of aggression and destabilisation that were committed by South Africa against neighbouring and front-line States, and noted that particular attention needed to be paid to a balanced and harmonised economic growth mutually beneficial to all countries in the southern African region. In this respect, the ILO should increase its support and assistance, not only to counter the destructive effects of the apartheid system in countries of southern Africa, but to ensure that there was sustained economic growth. The Conference should call on the Government of South Africa to dismantle every remnant of aid to destabilising forces in the southern African region and to work for mutually good relations with its neighbours founded on the principle of mutual respect for sovereign States. The Conference should note that investment will be needed to stimulate economic growth and job creation in South Africa during the transition and the post-apartheid period. Hence the Workers' group fully supported the democratic trade union movement in South Africa in developing policies and procedures for investors in the economy which would include guidelines on the use of appropriate technology and the preservation of the environment. Therefore, the Conference should recommend that a new, unified and comprehensive code be drawn up. Such a code should take into account the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. The code should embody provisions on the following issues, among others: (i) employment creation, equality of opportunity and treatment in employment; (ii) conditions of work and life; (iii) security of employment; (iv) trade union and worker rights; (v) occupational and environmental health and safety; (vi) training and educational needs; (vii) development of science and transfer of technology; (viii) disinvestment; (ix) and mechanisms for follow-up action. The Workers' group believed that the process of political change in South Africa must be accompanied by a parallel programme of affirmative action to achieve a rapid social transformation. In this respect, the Conference should urge workers' organisations to increase their assistance and support to the democratic trade unions in South Africa to expand and adapt their education programmes to the needs of the transition and post-apartheid period. The responsibility for organising education and training activities should rest on the trade unions themselves. Training courses should also address issues such as racial and sexual equality, occupational health and safety, environment and literacy. Given the inadequacies of the current educational system, the neglect of the problems of school drop-outs, the effects of the job reservation system over several decades and the denial of skills to Black workers, the ILO should support the efforts of the democratic trade unions in the fields of technical and vocational training and retraining aiming at upgrading the skills for those already in employment and to match skills with employment opportunities and programmes to deal with the particular needs of the long-term unemployed. The Conference should urge the Director-General to respond effectively and rapidly to requests from the democratic South African workers' organisations for technical cooperation assistance including in new areas within the field of competence of the ILO on condition that this assistance does not constitute in any way a breach of the policy of sanctions. The Conference should reiterate its call to employers in South Africa to form a non-racial employers' organisation. The Conference should express its highest appreciation for the work carried out by the Group of Independent Experts whose findings have been extremely useful to the Committee on Action against Apartheid. The Conference should call upon all ILO constituents to reply in detail to the questionnaire in future. In addition, the Conference should call upon the Director-General to do everything possible to ensure that the Group of Independent Experts continues to receive the necessary financial and human resources to carry out its task satisfactorily. The Workers' group welcomed the report of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body to examine the complaint of infringements of trade union rights in the Republic of South Africa, presented to the ILO by the Congress of South African Trade Unions in a communication dated 11 May 1988. The Conference should request the Director-General to take all appropriate measures to put pressure on the South African Government to implement the report of the Commission and thereafter to continuously monitor the effects to be given to the Commission's conclusions and recommendations. The Workers' group noted with satisfaction that the ILO had given effect to the recommendation made by the Committee on Action against Apartheid at the 77th (June 1990) and 78th (June 1991) Sessions of the International Labour Conference to hold a tripartite conference in and for the southern African subregion. The conference took place in Harare, Zimbabwe, from 5 to 8 May 1992, to review the situation in South Africa with a view to providing up-to-date information to the International Labour Conference in 1992 and making suggestions for further action to be taken in the light of prevailing circumstances. The conclusions of the conference had been very useful to the work of this Committee. Finally, the Conference should convey the following message to His Excellency President Banda of Malawi:

> The International Labour Conference, currently in session in Geneva, Switzerland, is gravely concerned at the arrest on 6 April, and the continued detention of Chakufwa Chihana, Secretary-General of the Southern African Trade Union Co-ordination Council, and for many years Secretary of the Workers' group on the Committee of Apartheid, and the closure of SATUCC offices in Lilongwe, Malawi. These are gross violations of fundamental human and trade union rights and the Conference demands the immediate release of Chakufwa Chihana, and for SATUCC offices to be reopened. The Conference also calls upon your Government to honour its commitments to respect human and trade union rights guaranteed under the Constitution of the International Labour Organisation and the Charter of the United Nations, both of which Malawi is a Member.

33. The observer of the Pan-Africanist Congress of Azania (PAC) made reference to the speech of the COSATU General Secretary who had questioned the need for the South African Government to spend vast amounts on covert operations during peacetime. At the same time there were crises in housing, education, health and employment that required billions of dollars to redress. He referred to the alarming levels of political violence which resulted in some 15 deaths each day, and wondered what the response would have been had the dead not been Africans. The PAC had supported the conclusion of the National Peace Accord in September 1991, but had not signed it as they did not believe that it could stop the violence because it lacked an independent arbiter. For this reason, the PAC had called for the establishment of an independent international commission of inquiry. Turning to CODESA, the observer from the PAC said his organisation could not accept the South African Government's objective of a drawn-out period of interim government. The deadlock at CODESSA II was only partly due to percentages and an unelected senate. As a newspaper of 22 May 1992 reported, the Constitutional Minister, Dr. Delport, stated that the breakdown of CODESSA II had not been about mere percentages but about basic differences of opinion over federalism and the representation of minority parties in the government executive. The Patriotic United Front set up in October 1991 had agreed that the transitional arrangement in South Africa should be referred to as an interim government/transitional authority, and he therefore proposed that paragraph 62, subparagraph 25, of the conclusions adopted at the Harare Conference be changed accordingly.

34. The Government member of Portugal observed that the Committee provided an opportunity for a solution to be found as to what future action should be taken by the ILO. The speaker indicated that he would take the opportunity to present the position of his Government, as well as that of the Government members of the European Community, at a later time and most probably during the deliberations of the Working Party. The aim of the Committee was to make a positive contribution to the position which would be taken by the international community as a whole. In order to meet that aim, it was essential to take into account the views of all delegations. The Harare Tripartite Conference had provided the basis for the work of the Committee. It ought to be possible for the work of the Committee to have a positive outcome, if regard were taken of the conclusions adopted at the Harare Conference, although he would need to reflect on the extent to which support could be given to all of these conclusions as neither his Government nor those of most member States of the European Community had been represented at Harare.

35. The Government member of the United Kingdom expressed some perplexity concerning the fact that the final interventions of the Workers' and Employers' groups had drawn very different conclusions as to the nature of the action to be taken by the ILO, whereas there had been a large measure of agreement on all sides during the Harare Tripartite Conference. The conclusions adopted by that Conference appeared balanced, objective, realistic and forward-looking. Participants at the Harare Conference clearly took the view that although it was premature to repeal the ILO Declaration, it was essential also to acknowledge the changes which had taken place since 1988 when the Declaration had been adopted. The Group of Independent Experts had taken the same pragmatic approach in its Eighth and Ninth Meetings, held respectively in March and April 1992. Problems obviously remained to be resolved in South Africa. It was apparent from CODESA II that a distinction had to be made between a stalling of the dialogue and its breakdown: both parties recognised that CODESA provided the best forum for future progress. Among the problems, many references had been made to the level of violence in South Africa, which was rightfully a cause of concern. However, there was no evidence to support the theory that the country's security forces had fomented the violence. On the labour front, the unemployment of some 5 million people, out of a workforce of 13 million, was by any standard far from satisfactory. In this respect, even COSATU had recognised, at its economic policy conference in March 1992, the influential

role played by multinational companies in world economies; and while supporting the continuation of sanctions, urged potential investors to be ready to move into South Africa as soon as the conditions for the lifting of sanctions had been met. The political change sought by all sides needed to be underpinned by economic growth and stability. It had to be recognised that investment, training and other forms of assistance could not be turned on and off like a tap. The forward-looking approach in paragraph 62, subparagraph 25, of the conclusions adopted at the Harare Tripartite Conference was welcomed because that paragraph recognised the importance of the ILO making preparations now for technical assistance to be undertaken after the creation of an interim government. In deciding how the present Committee should report to the Conference, the speaker urged the Working Party to bear in mind that it would be as bad to ignore the real and substantial progress made towards non-racial democracy in South Africa since the Committee's 1991 meeting, as it would be to deny the continuing injustices inflicted upon the Black population. Appropriate pressure should be kept on the Government, but there was also a need to support positive efforts at this stage. Trade and investment sanctions would disadvantage the poorest people. This year, there was a need to produce a report with realistic conclusions which reflected the changes which had taken place in South Africa and which would therefore command the largest possible degree of support at the Conference. The credibility of the ILO could only be damaged if the Conference were to adopt conclusions which were unrealistic or which differed markedly from those adopted elsewhere in the UN system, of which the ILO was an integral part.

36. The General Secretary of NACTU paid tribute to the comprehensive Special Report that had been produced every year since 1964 to enable the International Labour Organisation to remain informed on developments in South Africa and on the activities taken by various trade unions, employers and governments against apartheid. The reforms which had taken place in South Africa would not have been possible without consistent and sustained international pressure and, in particular, through the role played by the ILO. It was important to maintain the existing measures against the regime, as an indication that the international community would not be satisfied until apartheid was eradicated totally and a democratic constitution was in place. While a political stalemate existed, created deliberately by the regime, the South African Government had been restructuring the economy unilaterally through privatising natural resources. NACTU saw this as an effort by the regime to ensure that even if political power was lost, economic power would remain in the hands of the White minority. Moreover, the regime was increasing the public debt by borrowing from foreign countries. This was seen as a deliberate programme to ensure that a future democratic government would not have sufficient public resources at its disposal to address the inequalities created by apartheid. The ILO should request Western countries not to furnish loans to the regime. ILO support was also desirable concerning the call made by NACTU and COSATU for the establishment of a national economic negotiating forum. Delaying tactics were being used by the regime regarding the granting of basic worker rights to farm, domestic and public sector workers. It was hoped that the ILO would call for the regime to implement the recommendations of the ILO Fact-Finding and Conciliation Commission on Freedom of Association. NACTU had always valued the technical cooperation and assistance in the field of worker education provided by the ILO to the democratic trade union movement in South Africa; and it was hoped that this assistance would be expanded, consistent with the conclusions reached by the Harare Tripartite Conference. It was also important that this assistance be extended to the whole subregion which had borne the brunt of apartheid. In the light of changing circumstances, an Investment Code, which should include provisions of the SATUCC Social Charter and all other codes implemented in South Africa, would be an important measure. The speaker also appealed to the International Labour Conference to communicate a plea to the President of Malawi for the release of a colleague, Chokufwa Chihana, who was imprisoned for calling for the implementation of human and trade union rights.

37. The Workers' member of Norway associated the Nordic trade unions with the proposals made by the Worker Vice-Chairman. As the Special Report stated, a strategy was needed to deal with the realities of the present changed position in South Africa and to face up to future challenges. Though there had been some positive developments, the apartheid system still remained. The South African Government was responsible for the standstill in the negotiations. It was therefore important to put the maximum pressure on the Government to ensure both the creation of an interim government and the adoption of a new and democratic Constitution. In this regard, sanctions should be maintained in line with the decisions of the United Nations, particularly in relation to arms, oil and finances. Such sanctions and international pressure, in combination with domestic opposition, had led to the recent progress. The lifting of sanctions by industrialised countries, before the necessary conditions had been met, was to be regretted. The Nordic trade unions had long taken an active interest in the work against apartheid and had been in the forefront of support for the building of strong, democratic trade unions in South Africa. The movement was, moreover, committed to continuing its strong links with South African trade unions, so as to assist in the social and economic reconstruction of the country. The Harare Tripartite Conference had adopted important conclusions, which should be reflected in the report of the present Committee. They included the maintenance of pressure on the South African Government, the need to support the democratic trade unions and to strengthen workers' education programmes, the establishment of a tripartite negotiating body, assistance on employment and industrial relations matters and the development of an Investment Code for South Africa. The ILO had a major role to play in all these initiatives. The level of political violence was a human tragedy for which the South African Government bore full responsibility, and which it was obliged to bring to an end. The speaker called upon the Committee to join the trade union movement in its efforts to eradicate apartheid

and to assist the people of South Africa in recovering from the effects of a brutal and repressive regime.

38. The Workers' member of Japan stated that Japanese workers, unlike the Japanese Government and employers, considered the work of the Committee to be important. Over the course of many years, Japanese workers had opposed the inhuman apartheid policy that prevailed in South Africa and had developed anti-apartheid activities inside as well as outside Japan. They had also put pressure on the Japanese Government both to impose sanctions and to continue to respect the international campaign to isolate South Africa until such time as apartheid was abolished completely and full democracy was realised in the country. In spite of those demands, and in the face of international criticism, the Japanese Government had lifted sanctions and had established diplomatic relations with South Africa, with the excuse that South Africa was in the process of democratisation. Moreover, President de Klerk had visited Japan recently at the invitation of the Japanese Government and discussions had reportedly taken place between the South African and Japanese Governments, and with the business community, concerning the strengthening of economic cooperation. The Japanese workers, represented by the Japanese Trade Union Confederation (RENGO) would continue to put pressure on the Government of Japan to fight against apartheid until an interim government, supported by the majority of the people, had been established, and until there was a democratic Constitution and elections held on the basis of one vote for one person. The democratic trade union movement in South Africa had made a significant contribution to the fight against apartheid and would continue to receive the support of the Japanese workers, as would the liberation movements in South Africa, through the ANC office in Tokyo.

39. The Workers' member of Venezuela concurred with a previous speaker from the Workers' group that the work of the Committee had contributed to the elimination of racial discrimination in South Africa. A foundation of democracy and social justice was crucial for the country. While the Government had shown a certain opening, recent events were not sufficient to ensure the elimination of discrimination imposed by the White minority in political, economic, social and cultural life. As long as political prisoners were being held and trade union leaders and social activists were being prosecuted, the Committee had a reason to exist. For the same reason, pressure had to be maintained on the Government of South Africa.

40. The Workers' member of Togo expressed the hope that the session of the Committee would be the last one, as this would indicate that apartheid had disappeared from African soil. The workers of Togo felt whole-hearted sympathy with their sisters and brothers in South Africa, who had suffered so much humiliation. This situation had to change. The workers of Togo supported every step taken by the international community both to assist the Black population and to establish a free and democratic government. In this connection, the ILO had an important role to play, particularly in the area of workers' education, as South African unions needed help to strengthen their organisations, and to become better informed and trained to take on their future responsibilities. The speaker supported the continuation of sanctions and expressed the wish that the ILO would show greater courage and determination in precipitating the end of apartheid. After its liberation from the burden of apartheid, South Africa should be free and independent, and so be able to take part in and contribute effectively to the economic development of an African continent which was rich in resources.

41. The Workers' member of Tunisia, speaking on behalf of the General Confederation of Tunisian Workers, was pleased to note the divergency of views expressed in the Committee, as it was an indication of true democracy when each respected the opinion of the other. The speaker was confident that the Committee was ready to do everything necessary to ensure that South Africa would live under the best conditions and show a spirit of openness. If the necessary conclusions were not adopted and implemented, the work of the Committee would have been useless. An atmosphere of trade union solidarity prevailed in Tunisia. National liberation movements should be assisted throughout the world; in order to provide such assistance, Tunisia had just adopted a basic law which would be implemented and which was fully supported by the trade unions. Apartheid needed to be confronted directly; it was a worthless regime, incompatible with justice and human rights. It was thanks to democracy and human rights that it should be possible to bring an end to this odious regime and install equality for all human beings of different races and beliefs. The speaker considered that countries developed only through implementing democracy and human rights. Apartheid was the result of a complex, as those without complexes were able to adopt a positive and non-discriminatory attitude towards others. The Tunisian workers had always supported freedom and democracy. The speaker stressed the importance of educating children who should be taught to abhor such a system and to take the side of freedom and equality. It was the absence of respect for democratic values that engendered underdevelopment. It was necessary to struggle against violence and against everything that was harmful to human beings. The purpose of democracy was the expression of different opinions that could be expressed without resulting in confrontation.

42. The Government member of Pakistan recalled that Pakistan had been one of the countries which had consistently opposed the policy of apartheid. Pakistan's policy towards South Africa had been under constant review as the country moved towards a gradual dismantling of apartheid. The overwhelming mandate given to President de Klerk in the March 1992 referendum established clearly that South Africa had embarked upon a process of political transformation which would result in the eventual demise of apartheid. Even though all the problems would probably not be resolved immediately, the dismantling of apartheid appeared to have become an irreversible process. These positive political developments should receive a favourable response. Despite the official maintenance of sanctions, a number of Third World countries had been gradually establishing direct or indirect contacts with South Africa. The situation had reached a delicate stage. Until apart-

heid had been dismantled, there was a need to maintain pressure on the regime and yet a well-considered balance had to be struck between the application of pressure and its release. The speaker expressed optimism that the goals of the South African people would soon be realised.

43. The Committee set up a Working Party to prepare the conclusions of the Committee. It was composed of five Government members: Cuba, Egypt, Libyan Arab Jamahiriya, Portugal, the United States; five Employers' members: Miss Hak, Mr. Hernandez, Mr. Cheshire, Mr. Amonoo, Mr. Chanda; and five Workers' members: Mr. Brett, Mr. Bjornstad, Mr. Lescault, Mr. Mpangala, Mr. Trotman. The Reporter of the Committee acted as Chairman of the Working Party and subsequently introduced its conclusions.

44. In presenting the Working Party's conclusions, the Reporter observed that, unfortunately, the draft conclusions of the Working Party had not met with the unanimous support of all Government members of the Working Party even though it used twice the number of sittings than originally intended for its deliberations. On behalf of the Employer Vice-Chairman, the Employer member of the Netherlands observed that even though the Working Party's sessions had been intense, a good atmosphere had prevailed whereby all members had been willing to compromise to settle a text. She stressed that the Employers' Group had discussed and fully supported all of the draft conclusions. The Workers' Vice-Chairman echoed the remarks made by the Employers' spokeswoman concerning the spirit of compromise that had characterised the Working Party's deliberations.

45. The Committee then proceeded to a discussion of the draft conclusions. The conclusions set out in paragraph 48 below were adopted with certain reservations expressed by some members. It was hoped, however, that after further consultations, the conclusions would be adopted by consensus. Subsequently, the government member of the Russian Federation proposed an amendment to the second sentence of subparagraph 2(1) which was agreed. There was a clarification of the terminology in subparagraph 2(5) (ii) as referring to the policy of sanctions adopted by the ILO, including that contained in the Harare conclusions. The Government members of Finland, Portugal and the United Kingdom expressed reservations concerning sub-paragraph 2(4); the Government member of the United Kindom expressed a reservation concerning subparagraph 2(5) (ii); and the Government member of the United States expressed reservations concerning subparagraphs 2(2), 2(3), 2(4), 2(5)(ii), 2(5)(v) and 2(6).

46. The Government member of the United States called for a vote on the adoption of the conclusions of the Committee. The Committee then proceeded to a vote which resulted as follows: 922 votes for the adoption of the conclusions; 20 votes against; and there were 60 abstentions. The quorum was 456.

47. A number of members of the Committee explained their votes. The Government members of Finland and Portugal stated that, despite the efforts of all concerned to reach a consensus on the conclusions, it was regretted that this had not been possible; and their respective delegations would give a more detailed explanation in Plenary. The Government member of the United States said that, in the light of the progress made in dismantling the apartheid system, the negotiations to create a non-racial democracy in South Africa and the evolving situation in that country regarding worker rights and individual human rights, the United States could not accept any reference to sanctions except for UN security Council Resolution 418 on an arms embargo. Therefore, the United States Government could not accept those references in the Harare Conference conclusions (paragraphs 10 and 11) that refer to sanctions against South Africa and the continued viability of the ILO Declaration and Programme of Action on Apartheid. The latter document, which called for continued diplomatic isolation of South Africa, the need for strict economic sanctions and the calls for disinvestment, among other harsh measures, was obsolete in view of the developments in South Africa. Given that the United States' Government could not accept subparagraphs 10 and 11 of the conclusions of the Harare report, it could not accept subparagraph (5)(v) that would have the ILO draw "particular attention to the maintenance of sanctions". The United States Government did not accept the assertion that South Africa continued to hold 450 political prisoners nor that there was not a free political climate in South Africa. The United States Government believed that the time had come to focus international attention exclusively on the need to encourage the negotiating process that has been ongoing in South Africa and to encourage the channelling of assistance to the majority population in South Africa. The Government welcomed and considered essential those many provisions of the Harare conclusions concerning the provisions of training and other assistance to the workers of South Africa. There was much of benefit the ILO could do in South Africa. Until all references to sanctions were removed and the other changes referred to were made, the United States Government was unable to support the language of the Committee. The Government member of Senegal regretted that, for the first time, the Committee had proceeded to a vote for the adoption of its conclusions; and he wished that the action taken by certain countries to fight the apartheid system had been reflected in the position they had taken with respect to the conclusions and the work of the Committee.

Conclusions

48. The Committee examined the *Special Report of the Director-General concerning the Application of the Declaration on Action against Apartheid* and other documents submitted to it, including the reports of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other action against apartheid and the report of the Tripartite Conference on Southern Africa, convened by the Governing Body in Harare, Zimbabwe, from 5 to 8 May 1992.

49. In the light of its discussions, the Committee invites the Conference to approve the following conclusions:

(1) The Conference notes with concern that the negotiations on CODESA II have failed to lead, as

yet, to an agreement on a new Constitution for South Africa. The Conference further expresses concern at recent development in South Africa since the holding of the All-White referendum of 17 March 1992, which are not conducive to the negotiations called for by United Nations General Assembly resolution No. 46/79A of 13 December 1991. It urges the parties concerned to make every effort to conclude such an agreement and to set up as soon as possible a non-racial democratic interim government.

(2) The Conference once again expresses its strong aversion to violence, and notes with concern that violence in South Africa, in particular the tragic loss of life, is still continuing. The Conference is concerned that a climate of free political activity cannot exist in such an atmosphere of violence. The situation will remain volatile until the South African Government takes stringent measures to demonstrate that it is determined to accept its ultimate responsibility for bringing peace and security to the country. The Conference therefore calls on all constituent members of the ILO to press the South African Government to take its full responsibility, as a signatory of the National Peace Accord, for the enforcement of the measures agreed upon to curb the violence that still prevails.

(3) The Conference regrets that a substantial number of political prisoners remain incarcerated. Therefore the Conference calls with renewed urgency for all constituent members of the ILO to continue to put pressure on the South African authorities to ensure the immediate release of all remaining political prisoners. It also calls for the unhindered return of political refugees and exiles in conformity with the agreements reached in this regard.

(4) The Conference takes note of the report of the ILO Tripartite Conference on Southern Africa, held from 5 to 8 May 1992 in Harare, and in particular endorses the conclusions contained in paragraph 62 of that report. (The conclusions are attached hereto as an appendix to this report.)

(5) Developments since the Harare Conference in May 1992 reinforce the need for certain action and assistance set out in the conclusions of that Conference. Specifically, the Conference is therefore asked to endorse the following supplementary conclusions:

(i) The Conference urges the ILO to increase its support and assistance to neighbouring and front-line States to ensure that there is sustained economic growth to counter the effects of previous policies and actions of the South African Government. The Conference further calls on the Government of South Africa to review its policies and actions in the southern African region in order to ensure mutually good relations with its neighbours, founded on the principle of mutual benefit for sovereign States.

(ii) In line with conclusion No. 25 of the Harare Conference, the Conference urges the Director-General of the ILO to respond effectively and rapidly to requests from the democratic and non-racial South African employers' and workers' organisations for technical cooperation in areas within the field of competence of the ILO, on condition that this does not constitute a breach of the policy of sanctions.

(iii) The Conference recognises the vital role of education and training in the transition process towards a democratic South Africa. The Conference urges accelerated skills training and education for the Black population; cooperation from employers; and flexibility in adjusting to changing needs. Further, this training and education should be conducted in consultation with the democratic and non-racial employers' and workers' organisations. The Conference urges the Government of South Africa to strengthen the process of immediate and rapid desegregation of all existing and future education and training facilities.

(iv) The Conference notes that investment will be needed to stimulate economic growth and job creation in South Africa during the transition and the post-apartheid period. The Conference, in line with conclusion No. 23 of the Harare Conference, encourages the South African tripartite bodies to develop policies and procedures for investors in the South African economy. Therefore, the Conference emphasises the need for a comprehensive code of investment for South Africa to be negotiated by the parties concerned in that country. This should be part of a broader economic and social programme.

(v) The Conference draws particular attention to the maintenance of sanctions as set out in paragraph 11 of the conclusions of the Harare Conference.

(6) Recognising the importance of the recommendations contained in the updated Declaration of June 1991 and the Programme of Action appended to it, the Conference calls on all governments, employers' and workers' organisations, as well as the ILO, to make all efforts and take such actions as are required to bring about the total eradication of apartheid.

(7) South African citizenship should be enjoyed by all the people of South Africa, including those of Transkei, Ciskei, Venda and Bophuthatswana. The Conference notes that the Government of South Africa is committed to the repeal of the Bantu Homelands Citizenship Act which made people living in the so-called homeland republics (*bantustans*) foreigners in their own country. The Conference conveys to the Government of South Africa with a sense of renewed urgency its request to accelerate the process of repeal. *Bantustans* constitute a basic subsystem of apartheid. Their basic elimination is a key component of the current process of the eradication of the whole system of apartheid. The reincoporation of each *bantustan* into the South African State is the sole responsibility of the central Government.

(8) The Conference expresses its appreciation of the work of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other action against apartheid, whose findings have helped considerably the work of the Committee on Action against Apartheid. The Conference supports the decision of the Governing Body taken at its 253rd Session in May 1992 to extend the term of office of the Group of Independent Experts by one year with a renewed mandate focusing on the monitoring of the Declaration concerning Action against Apartheid in South Africa. The Conference recognises that the Governing Body will review its position, as indicated in paragraph 38 (b) of the report of the Committee on Discrimination at the 253rd Session of the Governing Body, and should the conditions then exist that would allow for the termination of the work of the group, there would remain a residual amount of budgeted expenditure. The Conference expresses the wish that, in that event, such funds be spent on the preparation of technical cooperation projects as described in paragraph 25 of the conclusions of the Harare Conference in May 1992.

(9) The Conference notes with interest that the Governing Body of the ILO took note of the report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the complaint by COSATU against the Government of South Africa. The Conference recommends that the Governing Body decide what follow-up should be given to the recommendations in the report following its examination by the Economic and Social Council of the United Nations. The Conference expresses the hope that the conclusions and recommendations contained in the report will be implemented expeditiously by the South African authorities in consultation with the non-racial and democratic employers' and workers' organisations.

50. In addition, the Committee recommends that the Conference should send the following message to the Government of Malawi:

> The International Labour Conference, currently in session in Geneva, is gravely concerned at the arrest on 6 April, and the continued detention of Chakufwa Chihana, Secretary-General of the Southern African Trade Union Coordinating Council, and for many years Secretary of the Workers' Group of the Committee on Action against Apartheid, and the closure of SATUCC offices in Lilongwe, Malawi. These are gross violations of fundamental human and trade union rights and the Conference demands the immediate release of Chakufwa Chihana, and that SATUCC offices be reopened. The Conference, noting that Malawi is a member of the United Nations and of the ILO, calls on the Government of Malawi to honour its commitments to human and trade union rights guaranteed under the Constitution of the International Labour Organisation and the Charter of the United Nations.

Geneva, 15 June 1992.

(Signed) J. L. NKOMO,
Chairman.
H. HALINEN,
Reporter.

APPENDIX

Conclusions of the Tripartite Conference on Southern Africa, Harare, Zimbabwe, 5-8 May 1992

Social, economic and labour aspects of subregional integration in post-apartheid southern Africa

1. Good relations should prevail between all States in the subregion, founded on the principle of mutual respect between sovereign States. The Conference calls on the South African Government to refrain from any actions which harm stability in the southern African subregion.

2. In southern Africa, priority should be given to supporting efforts aimed at balanced policies for economic and social growth, social justice, and basic human and trade union rights in all the countries, to the benefit of the whole region.

3. The Conference expresses the hope that – in line with further positive political developments in South Africa – the integration of South Africa in SADCC, PTA and SALC will be favourably considered by governments of the countries in the subregion, in cooperation with employers' and workers' organisations.

4. The Conference notes with appreciation the work of the Southern African Trade Union Coordination Council and calls on governments of the subregion to implement fully the social charter of workers' rights adopted recently by the Southern African Labour Commission (SALC) in Lusaka, Zambia.

5. The following areas should be covered by the ILO Programme of Action in southern Africa: (i) job creation; (ii) promotion of small business and cooperatives; (iii) vocational education, training and retraining; (iv) improvement of labour laws and upgrading of labour standards; (v) promotion of equality of opportunity; (vi) improving working and living conditions and organisation of rural workers; (vii) occupational health and safety; (viii) migration of labour.

6. The ILO should continue to support assistance to migrant workers in southern Africa and provide more resources to technical and vocational training and the creation of employment opportunities for returning migrant workers. Such programmes should be conducted in conjunction with trade union organisations of the subregion and particularly through the coordination and cooperation of the Southern African Trade Union Coordination Council. The governments in the subregion should also give immediate priority to the initiation of specific programmes providing job opportunities for migrant workers and provide for regular consultation and collaboration with workers' and employers' organisations in the formulation and implementation of policies affecting migrant workers.

7. The ILO should effectively assist the countries in the subregion in setting up adequate mechanisms for social and economic dialogue; for constructive industrial relations and for tripartite consultation and cooperation. They are essential pillars in the building up of national infrastructure, which is indispensable for the preparation and implementation of economic and social programmes.

8. The ILO should play its full role with the international financial institutions as well as with the national governments in the subregion, to make sure that the concerns of workers and employers are effectively taken into account and that their organisations are involved when programmes and policies for structural adjustment are planned and implemented.

9. The Conference urges governments, employers' and workers' organisations and multinational and national enterprises operating in southern Africa to observe the principles embodied in the ILO Tripartite Declaration and Principles concerning Multinational Enterprises and Social

Policy. In this respect, particular attention is drawn to the provisions in the Declaration on employment, training, equality of opportunity and treatment, conditions of work and life, safety and health, freedom of association and the right to organise and collective bargaining.

Recent development concerning apartheid in South Africa

10. The Conference considers that it is premature to repeal or revise the ILO Declaration concerning Action Against Apartheid in South Africa. It expresses the hope that future developments in South Africa will, in due time, make the content of the Declaration obsolete.

11. Sanctions should be maintained on South Africa to speed up the process of change, in line with the decisions of the United Nations.

12. The ILO should continue to support the democratic trade unions' struggle to extend basic trade union rights to all workers in South Africa. Particular attention should be given to farm, domestic, public sector workers and those in *bantustans* who continue to be denied basic trade union rights.

13. The ILO should continue to support the efforts of the democratic trade unions to ensure that basic human and trade union rights, such as the right of workers to belong to trade unions, trade union independence from government, employers and political parties, the right to resort to strike action, freedom of association and expression, are entrenched in a new South African Constitution and should urge the Government of South Africa and all political groups to respond positively to this demand.

14. The Conference strongly urges full implementation in South Africa of the principles laid down in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The removal of all discrimination and the promotion of equality are of particular interest to the further development of a non-racial South Africa.

15. The Conference notes with appreciation that the IOE, PEC and their members have undertaken the effort – in line with the conclusions of the 78th Session of the ILO annual Conference – to convene a meeting with the South African employers' organisations, i.e. FABCOS, NAFCOC and SACCOLA. At a meeting which took place in Harare in January 1992, FABCOS, NAFCOC and SACCOLA "expressed their agreement on the principle of the creation of a unified and representative non-racial umbrella employers' organisation in South Africa able to represent and defend the common interests of its constituents while preserving their specificity and identity". The Conference expresses the hope that the creation of such an organisation will pave the way for the inclusion of South African employers into the ILO, once South Africa becomes a member State of the ILO.

16. The Conference stresses the importance of education and training so that the transition process can lead to improved working and living conditions, equality and social stability. In particular, the Black population should be able to occupy positions crucial to the building of non-racial democratic institutions throughout society. They must be equipped with the skills needed for an expanding economy, which should include basic literacy education, technical and vocational training and retraining.

17. Employers and employers' organisations are requested to provide adequate in-house training in order to upgrade the skills of workers.

18. The democratic trade unions have an important role to play in this area and have to be involved at the planning and implementation stages.

19. Assistance programmes on workers' education should be expanded and adapted to the needs of the transition and post-apartheid period. Maximum support should be given to the non-racial democratic trade union movement through ILO Workers' Education Activities. Assistance programmes should also be developed for non-racial, democractic employers' organisations.

20. The Conference strongly urges that measures should be taken to ensure that domestic and farmworkers and workers in the public sector are covered by labour legislation. This legislation should be in accordance with the principles laid down in ILO instruments.

21. The Conference regrets that the National Manpower Commission is at present not able to function in a proper way.

22. The Conference recommends that the creation in South Africa of a tripartite economic and social body should be seriously and expeditiously considered.

23. The Conference recommends that in this tripartite body negotiations be held on an investment code for South Africa, which could be part of a broader economic and social programme.

24. The Conference deplores the practice whereby the South African Government recruits skilled and semi-skilled workers, particularly from Eastern Europe and Hong Kong, as well as the preferential treatment and job opportunities given by employers to White immigrant workers even in circumstances where local workers are qualified and available or could be readily trained; in addition, immigrant workers are paid more than local workers, the latter being subjected to strict tests when applying for jobs. The Conference recalls the conclusion adopted in this regard by the International Labour Conference at its 78th Session (1991) (paragraph 64 (i)) of the report of the Conference Committee on Action Against Apartheid.

25. The Conference recommends that the 79th Session of the International Labour Conference (June 1992) takes the following decision:

> The ILO should – in line with other UN agencies – prepare projects for technical assistance to South African employers' and workers' organisations, on the understanding that these organisations are non-racial, democratic and are willing to accept international labour standards. For this purpose the ILO should, in accordance with the usual procedure for consultation with workers and employers, respectively, meet with representatives of these organisations and consult with them on the nature and content of proposed projects in South Africa. Such projects could then be implemented after the creation of an interim government.

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Twenty-second sitting

Wednesday, 17 June 1992, 10.15 a.m.

Presidents: Mr. Nascimento Rodrigues and Mr. Mugalla

Tenth report of the Selection Committee: Submission and adoption

Original – French: The PRESIDENT – The first item on the agenda is the tenth Report of the Selection Committee, which can be found in *Provisional Record* No. 61. This has been submitted by the Chairman of the Selection Committee and contains only changes in the composition of committees. It is submitted to you for adoption. If there are no objections I will take it that the report is adopted.

(The report is adopted.)

Reports of the Governing Body and the Director-General: Discussion *(cont.)*

Original – Portuguese: The PRESIDENT – Let us move on to the discussion of the reports of the Governing Body and the Director-General.

Mr. CLARKE *(Government delegate, Barbados)* – I wish to join with other delegates who preceded me in offering the President my warm congratulations on his election to the high office of President of the 79th Session on the International Labour Conference. I wish him and the Vice-Presidents every success during these proceedings.

At the outset, I wish to reaffirm the commitment of the Government and people of Barbados to the principal objective of the ILO, which is to secure universal peace through social justice. We certainly are appreciative of the assistance rendered by the ILO over the past years, especially in the important fields of human resources development, social security, labour administration, training, and occupational safety and health. This collaboration with the ILO has contributed significantly to the social and economic development of my country.

The Barbados delegation wishes to support the views expressed by the Director-General in his Report, *Democratisation and the ILO*. His views provide some useful insights for countries now engaged in developing the democratic process. Barbados is among those countries which share a long history with this process. I therefore welcome the new States which have recently embraced the democratic process and encourage them to work assiduously to ensure that they attain the desired transformation in their economies and societies.

The three items on the agenda of this session – protection of workers' claims in the event of the insolvency of their employers; prevention of industrial disasters; and adjustment and human resources development – hold great significance for the participants at this Conference. Not only do they rest at the heart of labour-management relations in general, but collectively, and especially at this time of worldwide economic uncertainly, the impact of these triple difficulties on developing countries could be devastating if they are not recognised and early action taken to mitigate them.

Over the past two years the economy of my country, Barbados, has registered a negative rate of growth as a direct consequence of recession in the economies of our major industrial trading partner countries. As a direct consequence, Barbados has entered into an arrangement with the International Monetary Fund, aimed at stabilising the economy through the strengthening of the external sector. The programme also provides for a structural adjustment component/approach which will be undertaken with technical and financial assistance from the World Bank and the Inter-American Development Bank.

Invariably, programmes of this nature bring with them certain social costs and Barbados is no exception. We are already experiencing some of these adverse social effects, in that our unemployment numbers have increased and overall economic activity has slowed down. Because of these factors, there is now a clear urgency for a new direction to be taken to get the productive sectors active again.

My Government has long recognised that employers and workers alike have a significant contribution to make in the task of turning the economy around. It has therefore engaged in continuous consultation with the social partners to elicit their cooperation in getting our economy moving again. It is our firm belief that this tripartite approach is essential for success.

My delegation looks forward with much interest to the discussion on the agenda item on adjustment and human resources development. It will provide a unique opportunity for governments, workers and employers to share perspectives and experiences with countries which have implemented, or are in the process of implementing, structural adjustment programmes. We believe that the focus on education and training, in the ILO document now before the Conference, is most timely. My Government is now putting in place a special education and training programme, having as its main objective the upgrading of the quality, effectiveness and efficiency of technical and vocational training. This programme is structured specifically to meet the needs of displaced workers; we look forward to assistance from the ILO, especially in the area of retraining.

My delegation also believes that in the whole complex of training and retraining programmes, there is an urgent need to highlight the area of productivity. We have already approached the ILO for technical assistance in this specific area for Barbados and the Caribbean region, and we appreciate early action on this our very pressing request. We see the urgent need to reorient both workers and employers to the primary role of productivity, both of labour and capital, in achieving real growth in the economy.

The Barbados delegation also welcomes the discussion on the proposed Convention and Recommendation on the protection of workers' claims in the event of the insolvency of their employer. This discussion started at the 78th Session last year and since then the international economy has been subjected largely to further and rapid deterioration. The international recession has resulted in widespread insolvency, business failures and unemployment. The pressures created by these situations have a severe impact on all workers, but especially those in developing countries who have nothing but their wages to rely on for the maintenance of their families. The need to make adequate provision for the protection of workers is therefore all the more necessary and urgent in the prevailing economic circumstances.

I now turn to another important item, the prevention of industrial disasters. Let me state unequivocally that Barbados highly appreciates the efforts that the ILO is making to reinforce existing standards in this area. Discussion on this topic fortuitously coincides with the United Nations Conference on Environment and Development, recently concluded in Rio de Janeiro, Brazil, in which I have just participated as Minister with responsibility for the environment. That Conference examined a whole range of issues dealing with environmental protection, conservation and especially sustainable development. Undoubtedly, the issue of a safe and healthy work environment must be seen as an integral part of the development process for all countries as it directly relates to and affects productivity and performance.

As you are well aware, Barbados is a small developing State; it has to be extremely sensitive to environmental matters, and must do everything to prevent or otherwise mitigate the effects of disasters, both natural and man-made. Our industrial sectors mainly centre around agriculture, light manufacturing and tourism. We must therefore be most concerned with any practices which may have a negative impact on our fragile ecology.

We are very mindful of the fact that all industrial activities have their associated dangers and potential for disaster. Indeed, the record of tragic disasters from chemical leaks and oil spills in recent times stands as a grim reminder to us that international action in this area by the ILO is a step in the right direction. At the national level, we have to plan carefully, upgrade our own awareness levels and implement training programmes to equip ourselves with contingency arrangements to deal with hazards at industrial sites, for the safety and protection of the human and physical environment. No less should be our concern for the plight of workers and the environment as a result of natural disasters such as hurricanes and floods.

The area of occupational safety and health is too dynamic to permit any feeling of complacency to develop. Developing countries in particular, which import both the processes and technology, invariably do not have the skills to carry out adequate monitoring schedules to ensure the proper performance of the imported equipment. My delegation therefore wishes to stress that it is vitally important that some measures should be worked out to supply developing countries with the technical assistance and the training needed for the establishment of adequate local monitoring capabilities. And here I must emphasise the need for the transfer of technology from the developed to the developing countries.

The Barbados delegation has noted recent developments in the ILO Caribbean Office located in Trinidad and Tobago. Specifically, we are happy with the appointment of an officer to coordinate and strengthen relations between employers in the region. We believe it is vital that the other outstanding concerns of the Caribbean region which have already been raised by my Caribbean colleagues be addressed at the earliest opportunity.

We in the Caribbean area wish to reaffirm our support for the activities being carried out at the regional level, particularly in the areas of employment generation and labour market information. We are well aware of the resource constraints affecting the ILO, but we wish to stress that the needs of our region should not be relegated under the guise that others might be worse off than we are.

My delegation notes the situation in South Africa. We confidently expect that notwithstanding the immediate difficulties, the dialogue will continue and a solution which is in conformity with equity and social and economic justice will be achieved for all races.

Finally, I wish to express my personal pleasure at being able to participate in this 79th Session and wish the Director-General and his staff every success as they go about their difficult task of seeking to improve the level of living conditions of all peoples.

Mr. CROSS *(representative of the Federation of International Civil Servants' Associations)* – I am pleased to address this body today on behalf of 32,000 international civil servants. We appreciate this opportunity to present our views and receive the Conference's reaction. As representative of the Federation of International Civil Servants' Associations, I will be providing a view of the relevance of some of the issues being discussed by this Conference on the international civil service.

Staff members do not understand why it is that a renewed dependence on the United Nations system coincides with attempts to cut back staff salaries and strength. These actions lead staff to believe that their governing bodies are unduly influenced by political considerations brought to bear by a handful of the wealthiest countries whose leaders would rather not see a unified and strengthened international civil service. For, as we all know, a strengthened United Nations system is not considered by some countries to be in their best interest as it will lead to a weakining of their power on the international stage.

Staff do not see the United Nations system's primary role as a conduit of funds from wealthy to poor countries. Rather, staff promote the concept of a global community wherein each national participant has an equal say in matters that ultimately affect all. A nation's wealth should not determine the extent of a nation's influence within the United Nations. Nations, as individuals, are equal in voice and merit equal consideration. When staff see that political factors carry the most weight in decisions about their terms and conditions of service, they feel deceived and disappointed. The principles to which they give countenance, that they strive to exemplify in their work in every country of the globe, are betrayed by the body for which they perform that work.

Staff are too often accused of being concerned only with the "bread and butter" issues. Nothing could be further from the truth. These issues are merely the most visible manifestations of the underlying precepts of staff-management interaction – honesty, transparency, democratic process and equality of influence based on integrity, morality and justice. Some of our decision-makers seem unable to see the relationship between these lofty concepts and staff salaries and pension. Therein lies the difficulty. True leaders will work hard to transform principle to reality. False leaders manipulate reality to a politically expedient, and often times, self-serving end.

Unfortunately, what we are experiencing today in our deliberations with the inter-agency bodies, particularly in our sessions with the International Civil Service Commission, is leadership based on political expediency. ICSC is a powerful body; its recommendations are generally accepted with only perfunctory debate at the United Nations General Assembly. Consequently, decisions made by the Commission determine, directly or indirectly, the way in which staff will carry out their work, the levels of compensation for that work and the number and quality of people who will be available to implement programmes mandated by member States. Given the extent of the Commission's influence, staff would expect technical excellence and objectivity on the part of the commissioners, as ultimately their role is to ensure the excellence of the common system and propagation of the concept of global community.

Our experience with the Commission has betrayed our hope and trust in their ability to lead. There, arguments are made based on faulty data; correct data are manipulated to support pre-decided objectives; conclusions are not drawn through logical and democratic process; rather an "end" is simple "reached".

Yet, until staff are given the opportunity to negotiate direct with our employers, we must continue to make our voice heard in ICSC and try to awaken the commissioners to the need to uphold the principles on which the work of the international civil service is based. Our voice as workers is equal to theirs and our influence is also equal, for there would be no common system without the people who carry out the work. As individuals, we may each be expendable, but we would only be replaced by others who, after a short while, would also balk against the Commission's recalcitrance and intransigence. You see, the major characteristics of the international civil servant – integrity, idealism and dedication to principle – make it difficult for decision-makers to deceive us. Herein lies our strength and the source of our influence.

Our salary system is based on principles – enunciated by Mr. Noblemaire and Mr. Flemming – to ensure that our conditions of service remain competitive enough to keep us on the job and, more important, for our organisations to be able to recruit the best people. Just as they have lost sight of other principles, some of our decision makers have chosen to close their eyes to these principles. In word, they invoke the principles' names; in deed, they ignore the principles' content to reach a predetermined reduction in our salaries and pensions. Thus, staff cannot listen to their words but must see to their acts. We must work hard to counteract the deterioration of our conditions of service and show that we stand for those two principles as well.

As words alone have lost their power to affect decisions deemed crucial by staff, staff have chosen to act; it is for this reason that FICSA's member associations and unions have opted for a strategy of industrial action. I think this forum understands the need for workers to unite in an affirmative action to defend their rights. I am certain that each of you has individually experienced that turning-point when talk no longer suffices, when workers have no choice but to stand up and walk in support of their principles. When we as staff stand up to our employers, we are in reality standing up to the member States of the United Nations General Assembly which, in fact, determines for all of us, on your behalf, the common system's conditions of service. However, the way the common system works, we must stand up to many others first before reaching this centre of our labyrinthine system. Thus, any action which the staff feel compelled to take at the local level is in reality an appeal for your support for staff positions and for you to request your representatives to inter-agency bodies and the United Nations General Assembly also to come out in support of staff positions. In particular, staff expect the International Labour Organisation to be especially sympathetic to their views, as well as their strategy of industrial action and to speak on our behalf.

There are very serious attempts at the moment to cut General Service salaries and pensions; if successful, the cuts would be substantial. This would eventually undermine the ability of the organisations to recruit and retain the highly qualified local staff needed to carry out the Organisation's programmes. Staff in the Professional and higher categories are still awaiting restoration of purchasing power lost over the past 12 years. Further, the purchasing power of pensions of staff in this category has still not achieved parity with that of New York. This continued erosion of conditions of service affects recruitment and retention of Professional staff, and I think you know what this implies for the quality of work carried out in and for your countries.

Another important issue is career development. It is important to offer staff the opportunity to commit themselves in the long term to humanitarian work. The advantages are obvious. Stability of career offers our organisations consistency of effort gained through experience. At the present time, however, there is a troubling undercurrent. In times of economic crisis, management may turn to reliance on temporary assistance rather than fund a post with the accompanying expense of benefits such as health insurance, pension, etc. Thereby staff can be engaged temporarily with no prospect of career at all. We have seen this happen numerous times with projects that rely on extra-budgetary funds. Staff worry that this approach might be expanded and consider it to be detrimental to our organisations.

Career development entails not only security of tenure but also the assurance that opportunities will be offered to update skills and learn new techniques through training. Unfortunately, in times of economic crisis training programmes are cut back in the name of economy. Staff see this as false economy, a withdrawal of investment in their system's most valuable resource.

Another resource that is still underutilised in the common system is women. Percentages of women in our organisations are still very low, particularly at decision-making levels. We cannot still believe that women are indecisive. Our women colleagues must not suffer the indignity of such a caricature and mockery of their qualifications and aptitude for highly responsible posts. Our system must do away with the time-worn sexist perspectives that have deprived our organisations of the talents of highly competent people.

I would now like to turn to an issue that has not received the prominence it deserves. Recent news reports hail the imminent release of the last Western hostages in Lebanon. If this were only true. A recent list published by the Association for the Security and Independence of International Civil Servants indicates that five international civil servants are considered abducted or missing in Lebanon. The list details the situation of nearly 125 international civil servants whose basic rights have not been observed by 16 member States or who have been abducted by unknown elements. It is small consolation that no ILO staff member is on the list at present. As representatives of the population and governments of your respective countries, I implore you to apply whatever pressure is possible to ensure that the basic rights of international civil servants in particular, but of all the peoples of the world in general, are respected and protected.

In point of fact, as I conclude this address, there is really only one issue at hand – the excellence of the international civil service. Inherent in this concept of excellence is our organisations' ability to deliver top-quality programmes to our member States. You cannot ask staff to help your countries without also enabling them to do so through adequate support and financial commitment.

(Mr. Mugalla takes the Chair.)

Mr. FRISO *(representative of the International Confederation of Free Trade Unions)* – I begin by congratulating the President on his election and on the manner in which he has guided the discussions of the last two weeks.

The International Confederation of Free Trade Unions welcomes the Director-General's choice of subject for his Report to the Conference. It corresponds closely to our own priorities. Indeed, the role of free trade unions in the construction of a democratic world order was a major theme of our World Conference held in Caracas in March.

This is no casual coincidence. Rather it reflects the common values and objectives that for decades have united the ICFTU and the ILO in the pursuit of the indivisible goals of social and economic justice and democracy.

Trade unions are and must be advocates and practitioners of democracy. Our own structure, practices and policies are examples of democracy in action with which our detractors generally bear poor comparison. Moreover, the role of trade unions in the global process of democratisation of recent years, played out with courage in the face of cruel adversity, is something in which we take justifiable pride. The presence of President Chiluba at this Conference was a living symbol of the truly historic achievements of working people.

For it is true that democracy has made dramatic strides forward. But legitimate satisfaction must be tempered by the realisation that what has been constructed is fragile. That the formalities of political democracy, hard won and jealously guarded as they are, do not signal the end of the struggle for the ideals of economic and social justice and a better future for every person in every society. Nor do they relieve us of the obligation to prosecute it with vigour.

The architects of democracy have uprooted the criminal military dictatorships that disfigured the American continent. They have transformed the face of long-divided Europe. They are doing the same from one end of Africa to the other. They have written the prologue. And the role of the ILO is, I believe, to lead the way in writing the chapters that must follow if the book of democracy is to be completed.

Doors to progress, long held shut by dictators living in mortal fear of the peoples they held in subjugation, have been swung open, but real obstacles still prevent millions of workers from crossing the threshold of liberty to advance along the path of social justice.

Today whole societies, which have no wish to turn back to the cruelty, repression and failures of the past, still see no way to achieve the better future they had believed to be in reach.

This is the dangerous reality that together we must confront and overcome. The price of failure is, frankly, too terrible to contemplate, whether measured in economic and political dislocation or, more simply, in terms of massive human misery.

Let us be clear. Global interdependence means that we are all involved. If the rich of the North continue to turn their backs on the developing South, and if the settled societies of the West do not meet their responsibilities to those undergoing change in the East then they too will pay the price.

International solidarity is not only the guiding principle of the ICFTU. It is the common sense imperative upon which all must act in their own interests and those of others.

The need for action then is urgent and for this reason the Director-General is to be congratulated for identifying some of the crucial elements of the contribution which the ICFTU calls on the ILO to make.

He is right to emphasise the role of the ILO in assisting the process of establishing and consolidating strong, free and independent trade unions and employers' organisations. They are the preconditions for tripartism and are indispensable if the fruits of social justice are to be brought forth from the fertile soil of democracy.

He is likewise to be commended for insisting that the ILO should continue its efforts to influence other international agencies, notably the International Monetary Fund and the World Bank. To have them understand that prescribed programmes of structural adjustment will bring intolerable social costs and simply fail if they are not reworked so as to encompass the ideals of this body and the expressed interests of the population to whom they are applied.

Yet I feel obliged to state that the Report before us says some things with which the ICFTU does not agree, and fails to say others that we had expected to find in a document of this importance.

By way of example, it seems to us both incorrect and dangerous to suggest, as the Director-General does, that countries subjected to totalitarian regimes today regard "the free operation of supply and demand in markets open to international competition" as alone being "capable of ensuring efficiently the production and distribution of goods and services" or that they regard "the market economy as (...) a guarantee of prosperity".

This line of thinking gives rise in the Report to a worrying underlying analogy – that positive movement along the political spectrum to the ideal of unrestricted democratic freedoms is mirrored in the economic sphere by transition to the unrestricted operation of the market. It is this false and dangerous parallel that the ICFTU is fighting to dispel and we would welcome a more careful analysis of this question.

The ILO has at its disposal a body of international labour standards whose application we believe to be absolutely indispensable to the struggle to ensure that transition towards market-based systems embodies the social dimension that is no more and no less than the definition of its success. It is crucially important that these standards, and notably those on freedom of association, are seen by each of the ILO's tripartite constituents as the valuable tools for social and economic advance that we know them to be. To label them as unwelcome impediments to the free workings of the markets would be simply to rob the ILO of its most basic rationale and to set it adrift of its historic objectives.

The ICFTU has every reason to believe that the Director-General regards the promotion and application of international labour standards as central to the ILO's role in regard to democratisation. They provide the necessary infrastructure within which market forces can be harnessed to social goals and entrepreneurial activities channelled to the maximum advantage of all sectors of society.

In concluding my speech, in which optimism and apprehension stand side by side, I am left with the uneasy feeling that to very many working people this debate can be of only the purest academic interest. They are the countless millions whose rulers have chosen the path of oppression over that of democratisation and for whom the most fundamental democratic freedoms are still an unfulfilled objective.

This month the third anniversary of Tienanmen Square massacre has brought further evidence that the regime that rules over the most populous nation on earth remains firm in its endeavour to deny the Chinese people their basic human rights...

The PRESIDENT (Mr. Mugalla) – I give the floor to Mr. Wang, Government adviser, China, on a point of order.

Original – Chinese: Mr. WANG *(Government adviser, China)* – The speaker just now tried to attack the Chinese Government. We have to express our protest. The ICFTU is a very influential organisation. As leader of that organisation, he should not base himself on distorted information to attack other governments. So we have to express our regret and I would like to reserve my right of reply.

Original – French: Mrs. AHOYO *(Government delegate, Benin)* – It is a real pleasure for me to join those who have extended well-deserved congratulations to the President on his election to the Chair of the 79th Session of the International Labour Conference.

On behalf of the Government of my country, Benin, and the members of the delegation which it is my honour to head at this session, I would like to extend my warmest congratulations to him and to the distinguished officers and I hope that under their authority our proceedings will be brought to a successful conclusion.

We are here once again in Geneva giving consideration to the Director-General's Report on *Democratisation and the ILO* which has been submitted for our consideration.

I very much appreciate the choice of this theme.

The respect of human rights, the fight against discrimination in all its forms, the transition to the market economy and a true employment policy based on the creation of viable enterprises, the primacy of social protection over social security, the strengthening of tripartism as a vehicle of development make up the broad thrust of this Report.

On this point I would like to express the gratitude of my delegation for the objective arguments advanced in the Report, as well as the relevant conclusions which it has reached.

However, allow me to remind our Conference that, as we draw towards the end of the second millennium, the world has experienced the greatest social, political and economic upheaval since the last World War.

It is for this reason that I believe that the subject of the Director-General's Report is so relevant, and this is why we must give it profound consideration because of the implications which democratisation may have for our respective countries.

At a time when Africa is opening up to democracy, tens of millions of people have laid all their hopes on the rapid development of democracy towards greater freedom and social justice.

Our rural peoples are still impatient, and in particular our young people are vulnerable, and workers' trade unions are demanding better living conditions.

It is against this background of sharp contradictions that the democratisation of our national institutions is taking place.

While we are convinced that only democracy can ensure the respect of fundamental human rights, we wonder whether democracy without financial and technical support can promote the integral development of our States.

But beyond these concerns, my country is among those which believe that democratisation is a lengthy process. Not so long ago it was almost trampled underfoot in Africa and it is a new phenomenon on the continent which requires a new attitude as it develops.

Democracy is a value, an attribute of the human race.

I do not believe that there is a democracy for the North and a democracy for the South.

However, one should recognise that each democratic movement, whatever its nationality, has its advantages, its constraints and its weaknesses which must be overcome as time goes by.

And this is why, as the crisis in democracy draws to an end and is accompanied by free elections and the establishment of constitutional institutions, the move towards a market economy, the emergence of the private press, trade union freedoms, the ILO must prove its ability and desire to adapt its structures to the new socio-political contingencies.

On a similar note, the ILO must try always to be the catalyst behind progress, justice and freedom by fighting against poverty and deprivation in all its forms to satisfy the legitimate rights of the peoples of our respective countries.

How can we promote and strengthen democracy in our African States while they are still so affected by fluctuations in commodity prices, and consequently, by the dizzying drop in their export income, and the chronic deficit in the balance of payments as well as overwhelming debt?

This is why, from this rostrum, I would like to restate that democracy implies social justice, that is solidarity and frank cooperation among peoples. As you know, the Republic of Benin has indeed turned a page in its political history since the National Conference and the democratic elections of 1990 and 1991. The constitutional institutions are working. There is free initiative and the growth of the GNP in December of 1991 was 3 per cent compared to approximately 0.6 per cent in 1990. No one doubts that the road ahead is long and fraught with danger, because our country, like most other African countries to the South of the Sahara, has very restricted financial abilities and enormous requirements, and still has to face many great difficulties.

Since our last meeting, despite the unceasing efforts of the Governments of our African countries to relaunch our national economies, urban unemployment and poverty in the rural areas is still a cause of great concern.

That is why, in the light of this increasingly critical situation, the international community must take tough measures to support the young emergent democracies of Africa, both financially and technically, if they are not to be seriously damaged in the short, medium and long term, thus thwarting our legitimate and final hopes.

Here I believe that the international community must, within a reasonable time period: provide the necessary logistical support to the nascent democracies, particularly in Africa; take necessary steps with a view to supporting employment policies at the national level to make the definition and application of structural adjustment policies more flexible in our countries by strengthening the social dimension of these programmes; democratise the policy governing commodity prices with a view to improving the balance of payment in our States; define a system for the cancellation, pure and simple, of the debt of the African countries; promote aid for training programmes; and strengthen the private press so that it can play its role in the vanguard of democracy.

All these proposals are an attempt to prevent Africa from continuing to be the weakest link in the chain of international interdependence.

As you know, the world has recently borne witness to certain events in South Africa, and I hope that the ILO will continue, as in the past, to use all its influence so that the process of democratisation in this part of Africa becomes a reality. My country will spare no effort in ensuring the progressive dismantling of the odious system of apartheid.

It is above all here, in this body, which serves as mankind's social conscience, that the suffering peoples can best raise their voices and speak of their pain, hopes and aspirations.

It is therefore my ardent wish that the ILO should remain a privileged forum of dialogue and international cooperation. The Republic of Benin, through myself, commits itself to making its own modest contribution to the building of a new international, democratic order, one which is fairer and more humane.

With these words I would like to wish every success to the 79th Session of the International Labour Conference.

(Mr. Nascimento Rodrigues takes the Chair).

Original – Arabic: Mr. SAHBANI *(Workers' delegate, Tunisia)* – In the name of God, the Merciful, the Compassionate! It is a great honour for my organisation and for myself to be able to address the various social partners and governments of the world at this 79th Session of the International Labour Conference.

Before addressing the Report of the Director-General and the Report of the Governing Body, I would like to offer the congratulations of the Tunisian General Trade Union to the President on his election. We are sure that his wisdom and experience will permit the Conference successfully to complete its work.

It is also a pleasure for me to speak to a gathering of people representing the dynamic currents at work throughout the world at this historic juncture, which is beyond any doubt one of the great historic turning points of humanity. In recent years, changes have taken place which have profoundly altered the aspect of our world, relegating dictatorships and totalitarian regimes which had oppressed their peoples to the pages of history. Perhaps the most outstanding of the winds of change that have swept our world during the past three years has been democratisation, which has affected many of its regions, in the north, south, east and west.

While some of the old democracies have quickly adapted to the international situation, the newly independent countries of the south have encountered great hardship reconciling the demands of democracy with those of development. The Director-General's Report is particularly timely this year, as it places the ILO at the very heart of this new worldwide movement.

I would like to take this opportunity to state that my country began a unique and innovative democratisation process in November 1987, which gathered all the democratic and popular currents of the country together with all its dynamic forces. Among the latter was the trade union movement, symbolised by the Tunisian General Trade Union, the largest popular organisation in Tunisia.

This change of course enabled my country to abandon the one-party, one-opinion system and to adopt a democratic, pluralistic system based on freedom and respect for human rights. We in the Tunisian General Trade Union believe that this innovative experience cannot be consolidated if we do not resolve our economic problems, poverty and unemployment. In this field, the International Labour Organisation should not limit its activities to the organisation of seminars and meetings and the adoption of recommendations. It should take measures to establish projects as well. Our experience has shown that economic and social hardship creates conditions conducive to the emergence of fundamentalism, while weakening moderate and tolerant social and political forces. Such a state of affairs can weaken or even destroy democracy and multipartism. We are therefore firmly convinced that, just as democracy and social justice are closely related, so are democracy and development. The ILO has a decisive role to play in the field of social reform, a precondition if democracy is to thrive. I should like to take this opportunity to invite the World Bank and the IMF to cooperate with our organisation in developing balanced and objective reform programmes, which give their due to matters of social concern. That aspect is indispensable if these programmes are to succeed and these countries are to remain stable.

The workers of Tunisia, who have fought for freedom and democracy throughout history, are again ready to wage a struggle for social justice, without which there can be no democracy.

Our struggle for political and economic democracy at the national leval should not prevent us from carrying on our campaign internationally. Today, it is a disgrace to see the gap between the North and the South widening day by day. The world economic order is unfair and does not serve the interests of the smaller peoples. Consequently, all the democratic and progressive forces of the North and South must stand united to create a more balanced world, with greater solidarity. If democracy can vanish owing to a lack of social justice within a given country, the same can happen at the international level if all peoples are not able to aspire to the same standards of development and prosperity. We want to live in a new world where peace reigns and the rights of all peoples are respected without exception. This objective appears out of reach to us because of the incessantly growing gap between international justice and international legitimacy. The credibility of the latter will suffer as long as there is a double standard applied to problems of a similar nature, such as the right of peoples to self-determination and the right to security.

We congratulate the Director-General on his choice of democratisation as the main theme of this session of the Conference. It will make it possible to emphasise this principle for which millions of people have sacrificed their lives throughout the world. Furthermore, it serves to strengthen the confidence of the workers and helps them in their just struggle for democracy.

In conclusion, I should like to address a very important question which is of particular concern to us as workers from North Africa. It has to do with the issue of immigrant workers, and particularly North Africans living in Europe. A few months ago, an historic event took place. Today, we do not know what fate is reserved for more than 3 million North Africans who are permanent residents in Europe. These millions of people may find themselves deprived of a fundamental right, the right of freedom of circulation.

I ask the ILO and the Director-General of the International Labour Office to make an extra effort to settle the question of these immigrants, applying the principle of equality, which is one of the cornerstones of democracy.

Original – German: Mr. THUSING *(Employers' delegate, Germany)* – Allow me, first of all, to congratulate Mr. Nascimento Rodrigues on his election as President of the 79th Session of the International Labour Conference. It is a great honour, under his presidency, to speak on behalf of the German Employers on the Report of the director-General.

This Report deals with democratisation; and I would like to congratulate the Director-General on his choice of a subject and also – and above all – on the way he has handled it.

The Report shows that the ILO is fully aware that democracy and social justice are inextricably linked – and that social justice only stands a chance in a political democracy. But this relationship works both ways; in other words, democracy can only develop and be truly established if – and as long as – the hopes of citizens for more social justice are not dashed.

Let us not deceive ourselves that the process of democratisation can take place in isolation. It is undermined and jeopardised by the inevitable difficulties of transition, which for many people do not initially bring about an improvement but a worsening of their economic and social situation. People are impatient to have their needs met and their hopes fulfilled; and there is a danger that the pains of a rescue operation might make them forget their year-long suffering.

The Report by the Director-General identifies these dangers that accompany democratisation in a very realistic way; and the conclusions he draws for the work of the ILO are also marked by this pragmatism. He offers no pat solution to these problems but advocates assistance and counselling as a corollary of democratisation. Without wishing to enter into details, I should merely like to say that we see this as a positive sign for a new approach to the work of the International Labour Organisation. The energy and the means which were paralysed for decades on account of political divergencies have now to be used to stabilise democracy. As the Director-General's Report firmly points out, these "dividends of peace" should not be invested in a social Utopia, but used in a realistic way to make imperfect situations less imperfect and to prevent dangerous situations from becoming even more dangerous.

But one thing is the Director-General's Report – and another is the day-to-day running of the Office. Large organisations – like tankers – only change course slowly and the ILO is, by definition, a large organisation. I am not making a criticism but I would like to make a plea to all staff members of the Office, whatever their position: only with their work and their commitment can they contribute towards consolidating and maintaining the process of democratisation. It will depend on them, on their readiness to take up a new course, whether the ILO will be positive force of social progress, or whether it will be overtaken by changes in the world. I repeat: this is a plea and an appeal I make to them.

The Report of the Director-General allocates new, unusual tasks to the ILO. Commitment to democracy and social justice is no longer enough. Both concepts remain abstract unless they are accompanied by a commitment to a market economy system. And this, precisely, is the linking factor: only in a market economy system is democracy viable and only in an efficient market economy system can there be social progress.

The State, as a rule, is a squanderer of economic resources, which cannot thus be earmarked for social progress. An important task for the ILO would be to try to clarify the complex relationships inherent in the market economy, as part of its programme to support the democratic process. This is a new, unusual task; but it is not all. The ILO must also become the champion of private property.

The importance of private ownership of production, as a vital factor in a market economy system, is mentioned in the Director-General's Report. But as to its urgency, it is given less priority than other issues discussed. Yet, it represents one of the most difficult problems encountered in the transition from a centralised, planned economy to a market economy. Without the privatisation of enterprises, the market economy – and, in the final analysis, democracy – stands no chance. The idea that competition between state-run enterprises can be simulated has already proved to be an error.

I am fully aware of the tremendous difficulties involved in privatisation; and I am aware also that there is no standard recipe that can be applied to all countries. I also know that privatisation takes time and that it should not necessarily be applied to all areas of the economy. But whenever our sights are not clearly set on privatisation – clearly and in a decisive way – the chances for a market economy and social progress are lost.

Of all the conclusions that might be drawn from this statement, I should like to mention one. The assistance provided by the International Labour Organisation to employers' associations should first and foremost be used for the development of private employers' associations; employers' associations whose spirit and policy are dictated by state-owned managers cannot, by their very nature, be defenders of a market economy. In the same way that tripartism is dependent on trade unions free from State influence, so is it dependent on employers' associations which are free from State influence.

The ILO has opted for a new, difficult course. On behalf of the German employers, may I say that we shall willingly accompany the ILO on this course.

Original – Russian: His Excellency Mr. KEBITCH *(Prime Minister of Belarus; Minister attending the Conference)* – At this, the 79th Session of the International Labour Conference, it is a great honour for me to represent my country, a new sovereign State, the Republic of Belarus, which has chosen to take the path of democratic development.

I would like to congratulate the President and the Vice-Presidents on their election to these very high posts.

We firmly believe that your diplomatic and professional skills will enable us to reach the necessary compromises and be successful in our work.

We also have every confidence in a fruitful conclusion, since the ILO and the Director-General, Michel Hansenne, have done a great deal of preparatory work, which is a guarantee of success. I should like in particular to underline the relevance and importance of the Report *Democratisation and the ILO* and that on adjustment and human resources development. They are valuable not only because of the importance of the topics covered, for my country among others, but also because of the philosophical depth of the approach and the conclusions. Like the Director-General, we too believe that it is precisely democratisation that can bring about progress in our country and help us to fulfil our hopes for a brighter future.

We would like to congratulate the Director-General on his success. This session comes at a period which I am sure will go down in history as the era when many totalitarian regimes were eliminated, when the Cold War and confrontation came to an end and when many countries achieved sovereignty, freedom and independence.

Two years ago, the Republic of Belarus declared itself a sovereign State. But to arrive at that stage, the people of Belarus had to go through their share of tragedy. For centuries my fatherland, although it did not invade any other country, and since it was located at a geographical and historical crossroads, often became the battleground of devastating war. And this is why, in our Declaration on state sovereignty we have a clearly state aim: to make our Republic a neutral State and its territory a nuclear free zone. This is the goal which we are determined to achieve.

When we embarked upon the path to independent development we affirmed our commitment to the principles of the International Bill of Human Rights, the Universal Declaration of Human Rights and other international instruments on civil, political, economic, social and cultural rights. The Republic's coherence to the pan-European process is, we feel, at a very important stage in our return to the family of European nations.

The Parliament and Government of my Republic believe that the cornerstone for democracy and democratisation is the market economy and this we believe is incompatible with a command type administration. We are firmly committed to the market economy approach. We have already created the legal and administrative basis on which to build a socially oriented market economy. We have passed the appropriate laws. We are working methodically to establish a State based on the rule of law, to share out power and to improve our executive bodies.

I would like to point out that in my country, like in other countries of Central and Eastern Europe, the transition to a market economy is very complex and full of contradictions. The greatest difficulties arise in the implementation of privatisation, in the dismantling of monopolies and in stabilising the monetary and financial system. Many problems arise because the rouble is still not convertible and a deficit in the money in circulation has at the same time been artificially generated. The State, furthermore, has a very heavy domestic and foreign debt burden and this causes a budgetary deficit and inflation.

Our situation is further aggravated by the fact that we have basically left to deal alone with the consequences of the catastrophe at the Chernobyl atomic power station and also by the fact that we have inherited an economic structure with a disproportionately large military-industrial sector.

Nevertheless, my Government has developed both a long-term and a short-term programme to enable us to find a way out of this crisis.

Under our short-term programme, we intend to move swiftly to improve economic links, to increase incentives, to convert industrial plants, to strengthen our currency and, together with our foreign partners, remedy the fall in production system.

Under our long-term programme, we plan structural adjustment for our economy to bring it into the world's system. We also plan to implement privatisation, to give civilised form to and expand entrepreneurial activity and raise living standards.

One of the most difficult tasks included in these programmes is to gain support for the programme from the people by achieving compromise and agreement from the various political tendencies and parties. For this, we need to overcome the psychology which has been cultivated for so many years – that of levelling down. You must remember that, even to this very day, nearly one-half of the income of our people was transferred in the form of wages, which had no relation to the fruits of their labour.

This is why my Government considered and still considers the radical improvement of the distribution system to be one of the major problems to be resolved.

Here, we are making every effort to deal with three interrelated tasks.

First of all, we are radically reforming wages, having moved away from a centralised system of setting wage levels and rates, now leaving such decisions to enterprises themselves – that is to the representatives of the workers and the employers. But our State expects the employers – and indeed this is something which is enshrined in our legislation – to observe a guaranteed minimum wage, ensure equal pay for work of equal value and to establish and observe agreed conditions and hours of work.

Secondly, we are reforming the entire social services sector, along with rules for the provision of such services, by basing their allocation not on the principle of equal distribution but on individual labour contribution. Thus we hope to bring to an end the phenomenon of social parasites and to ensure that there is social justice.

Thirdly, my Government realises that, in spite of all the difficulties which have arisen, we cannot afford to ignore the need for social protection for the most vulnerable sectors of society, that is the unemployed, women, the young, the elderly, and those unable to work, since what is at stake here is democracy itself and political stability.

To this end we must have a fundamental restructuring of our entire social security and insurance system. We have already taken the first steps in this direction. We have an employment service and a pension fund in operation. We are holding tripartite consultations, although I must say that social partnership is still in its infancy.

On the whole, the Government of the Republic is trying to resolve through dialogue the most pressing problems facing the population. This has gone a long way towards helping and forming the situation today whereby relations are on a surer and sounder basis.

As we reform our distribution system and in order to consolidate our reforms, we must create a completely new institutional framework. We intend to strengthen the role of the State in implementing a policy of social insurance on a tripartite basis.

I am happy to note that our relationship with the ILO has become greatly enriched. Our Republic of Belarus wishes to make full use of this international organisation's experience. In this connection, I would like to make a comment and perhaps formulate a request as well. In the light of the fact that a special session of the Governing Council of the United Nations Development Programme has taken a decision that the Republic of Belarus should be transferred from the list of donor countries to the list of countries which receive technical assistance from the United Nations, it would be very useful for us if the ILO could provide concrete assistance in implementing economic reform projects in our Republic.

The International Labour Organisation has been very receptive to the political and economic changes which have occured in the world. It is because it is so receptive that the ILO can improve constantly its work and take new, constructive initiatives, which account for the great interest in the organisation held by the countries and the nations of the world. I should like to congratulate the delegations of all those countries which have become new member States of the ILO and which have been drawn to it by this magnetic attraction.

In conclusion, permit me once again to express my very great respect for the ILO and reaffirm our readiness to do all we can to cooperate further with this Organisation.

Mr. **MOTHAKATHI** *(Minister of Employment and Social Welfare, Lesotho)* – Permit me, on behalf of the Government of the Kingdom of Lesotho, the tripartite delegation of Lesotho to the 79th Session of the Conference and on my own behalf to congratulate the President on his unanimous election to the Presidency of this Conference. We are confident that he will guide our deliberations to a successful conclusion. Our congratulations extend equally to the Vice-Presidents. We want to assure them all of our cooperation.

Allow me also to congratulate the Director-General for his concise and lucid report on democratisation. This theme could not be more timely because at this Session we welcome the newly emerged democracies from Central and Eastern Europe to our Organisation. We congratulate the new members whose presence will enrich and strengthen our Organisation.

The democratisation storm, which is sweeping through the world, has also touched my country. The military government had always maintained its objective of returning power to political parties through free and fair elections. I am happy to inform this august assembly that the Government has fulfilled its promise to return the country to civilian rule in 1992, because multiparty elections will be held on 28 November 1992. It is for us to ensure that there is smooth and peaceful transfer of power to those duly elected.

Last week this Assembly was addressed by His Excellency Mr. Chiluba, President of the Republic of Zambia, a living testimony that there can be peaceful transfer of power through the ballot box. Next door to us, our neighbour, South Africa, is in the throes of shedding the mantle of apartheid and ushering in participatory democracy for all. We want to wish them well in their negociation process through Codesa, the Convention for a Democratic South Africa, and express our hope that a full, non-racial and democratic South Africa will be readmitted to the folds of the world community and to this Organisation during the 80th Session of the Conference.

The democratisation process is not easy. It is full of pitfalls and setbacks. I am proud to say that although we were not able to uphold the cardinal principles of this Organisation throughout military rule, we nevertheless made further advancement. By the time we hand over power, we shall have promulgated a new labour code, which has not only consolidated the laws into one text, but has updated these laws and strengthened tripartism. We take this opportunity to express our gratitude to the International Labour Organisation for providing us with invaluable assistance in the drafting of the said code.

The positive developments with regard to the democratisation process are unfortunately not matched on the employment scene. As you may be aware, southern Africa has been hit by the worst drought in living memory. There is absolutely nothing to harvest. Hence we are faced with hunger, malnutrition and consequential diseases, particularly in the remote mountain areas where the need is paramount.

This problem of famine is compounded by that of thirst. There is simply no water for basic human and animal consumption. our capital city, which is also the centre of economic activity, is due to run out of water within a month's time. We urgently need assistance to bore water for consumption and build dams to store the water for future purposes. From the employment point of view, many wet enterprises have had to shut or dramatically cut back production due to shortage of water, resulting in hundreds of workers being discharged.

These problems are further compounded by the massive retrenchments of Basotho workers from South African mines. It is worth noting that Lesotho's economy depends heavily on the remittances of miners working in South Africa. These massive retrenchments not only create unemployment, but have a negative effect on the whole economy. The purchasing power of the economy is reduced, likewise the national income.

It is at times like these that this Organisation, and indeed its Members, should come to our aid and assistance, because we have got a point where we are not able to help ourselves.

Original – French: Mr. DUC *(Employers' adviser, Switzerland)* – I would like to express the satisfaction of the Swiss employers with the Director-General's very innovative report on democratisation, a subject dear to Switzerland. As the world changes the ILO must too change and adapt; this is of course also true of its partners – the State and governments, the organisations of employers and workers. In this respect the Report expresses good ideas with unusual clarity.

The formal recognition of the market economy as a precondition of social progress, the recognition of the fundamental role of the individual who is responsible for his or her own destiny – all of these factors should contribute to the democratisation that we wish for.

It is understood that in the general interest, this market economy must also include a social component. In fact, it is the only type of society which has made it possible in the advanced countries to have true social progress, not just empty words. We support the ILO in its task of spreading it throughout the world. We must, however, accept a logical priority: and its social ideal must also respect the freedom of enterprise, and its efficiency and profitability.

People often forget that before you can begin to distribute, it is necessary to create, and that a cake can be shared only after it has been mixed and baked.

Democratisation also implies freedom of thought and action, by the citizen as well as the enterprise. States grappling with this difficult policy must accord an essential role to small and medium-sized enterprises. These enterprises have to be able to multiply without bureaucratic straitjackets. Hundreds of laws need to be repealed urgently so that small and medium-sized entreprises may develop and play their creative role. Democracy must not remain a simple proclamation in these countries, with reservations immediately applied because of the fear of economic consequences. During a recent mission to an Eastern European country, I was able to see personally how civil servants, even though convinced of the superiority of the market economy, nevertheless longed for a past which gave them privileges, special rights and power over ordinary citizens and the economy. Many of them complained that they had to look after thousands of small and medium-sized enterprises which were badly organised and unaware of the sacrosanct rules and regulations, and whose managers often objected to the civil servants' interventions and, shockingly, made a profit. They missed the time gone by when ideology concentrated the economy into a few hundred dinosaur enterprises, with which it was easy to get along since the public authorities, the managing directors and the trade union leaders all belonged to the same party.

In fact this bureaucratic phenomenon, pushed to extremes by communist planners, dates back far longer than 1917 or 1945. In fact it originated in the feudal officialdom of the tzarist empire, in the rigid and proverbial bureaucracy of Prussia and in the former Austro-Hungarian and Ottoman empires. I am saying this in order to remind those who hope for a quick reform of the economies and attitudes through well-intended management courses that a great deal of patience is needed, for it is necessary to change ways of thinking which have developed not during the last decades, but over centuries. The reform policies advocated by the ILO will therefore only bring tangible results in the very long term.

The path leading to a market economy is fraught with obstacles. Even Switzerland, usually considered as a good student in the economic field, has not been able to avoid throughout the last 30 years inappropriate policies which clearly show the path which must not be chosen. While many countries of the world were dismantling their interventionist regimes and moving towards a market economy, the Swiss Parliament went in the opposite direction and approved economic and social legislation which hindered the development of enterprises. The result is that fewer young people become enterpreneurs.

The Swiss employers appealed to the authorities as well as the parties and workers' organisations to give priority to competitiveness. These warnings went unheaded and the consequence for Switzerland is that we are now suffering from recession. We need a radical turnabout in order to safeguard the future. Switzerland allowed itself to fall into the complacency of systematically protecting the status quo; this delays innovation. Moreover, it guaranteed social benefit above and beyond what is economically reasonable. The remedy will consist in the abolition of protectionist measures and useless subsidies, and a return to the virtues of the market and competition, effort and acceptance of risk.

The economic forces in my country nevertheless remain liberal at heart. They can play an active role in favour of the countries which are now democratising, and not only as regards assistance and credits, but especially in the fields of training and investment.

We know that the ILO is well prepared in this field and has vast experience at the international level. But in order to keep theory in check and to be closer to the "front", we would suggest that through the employers' organisations and the multinational enterprises, the ILO should also gather accounts of experiences, both good and bad, of enterprises which have gambled on the successful transition of the former socialist countries.

We would also like to propose that in setting up the policies of democratisation, more room should be given to federalism. According to Swiss tradition, true democracy cannot be achieved if the authority of the State is concentrated in the capital of the country. True democracy will satisfy the people only if the authority is close to the citizens, and only if they are able to control it where they live. We also have the principle of subsidiarity, in which the State limits itself and gives the citizens as much freedom and autnomy as possible, delegating many important tasks to intermediate bodies, such as employers' and workers' organisations. These forms of citizens' participation have been used successfully for many years in Switzerland which is a country with many different races, languages and religions. This system has the name of direct democracy and it has certainly contributed to Switzerland's prosperity, and its political, monetary and social stability.

Mr. **BARAK** *(Government adviser, Israel)* – Allow me to congratulate the President on his election. I am sure that under his guidance the work of the Conference will be conducted smoothly and successfully.

In reviewing the agenda of the present session of the Conference and studying the Reports provided by the Director-General, one could not help but be struck by the importance of the subjects covered to all our countries. ILO activities in the fields of human rights, promotion of equality and social justice, labour standards and employment policies involve issues which are of the utmost interest and concern to us all.

We fully endorse the theme chosen for the Director-General's Report to this session of the Conference, namely *Democratisation and the ILO*.

The Director-General outlines in his Report the means by which the ILO can and should contribute in all areas within its competence to the democratisation process. Quite rightly, the ILO's assistance is and should be channelled primarily to those member States which have to make the necessary structural adjustments on the path to democracy.

Another important topic on our agenda is contained in a Report prepared by the Committee of Experts on the Application of Conventions and Recommendations on minimum wages.

The right to minimum wages is one of the most important factors in the conditions of work and life of workers, the improvement of which constitutes one of the ILO's fundamental objectives and is indeed linked to the question of democratisation.

While reviewing some international instruments such as the Universal Declaration of Human Rights, the Report points out that the right to a minimum wage is recognised by these instruments as a human right. I believe that this has always been the attitude of the ILO.

In Israel we established the right to a minimum wage years ago. At first it was provided in the form of "minimum income" by collective agreements. Then in 1987 we enacted a minimum wage law entitling every worker in Israel, notwithstanding his or her nationality, place of residence, citizenship, or country of origin, to minimum wages amounting to 45 per cent of the average wage in the country.

The need for the protection of workers' claims in the event of the insolvency of the employer is another facet of the employment and social difficulties created by recession and by the severe economic problems which confront many countries, developing and developed alike.

In Israel the question of the protection of workers' claims in the case of the insolvency of the employer was dealt with in 1976. In the event of an employer's insolvency, workers' claims are protected by a privilege, to be paid out of the assets of the employer before payment to ordinary creditors, but not before secured creditors. Further coverage is therefore provided by a guarantee institution – the National Insurance Institute. Employers' insurance contributions are obligatory and cover all categories of workers, regardless of their nationality, citizenship, place of residence or country of origin.

The claims thus guaranteed are in respect of all debts due to the worker relating to the performance of this work, including, among others, wages, holiday pay, severance pay and contributions for social insurance.

In the light of the serious problems of economic growth and unemployment existing in the world today, I would like at this time to touch briefly on Israel's employment situation and my Government's programmes and plans to encourage employment and to deal with the increasing joblessness.

The coming decade presents a great challenge to Israeli society. In the last two years, approximately 400,000 new immigrants arrived, primarily from the ex-USSR, representing an increase of 8 to 10 per cent in the Israeli population. Immigration in the next few years is expected to continue, and this, together with the rapid increase in the working age population and the very high unemployment rate, coupled with the difficulties encountered in preceding years in setting the economy on a path of sustained economic growth, has resulted in a very thorough review of economic and employment policy by the three social partners – the Government, the Histadrut Labour Federation and the employers' organisations.

In the light of the conditions described above, the principal objectives of current economic, social and employment policy are: first, the stimulation of rapid economic growth, mainly through the encouragement of private investment, together with the reduction of public sector involvement in economic affairs, and the expansion of the country's economic infrastructure as a basis for absorbing new immigrants and preventing increases in unemployment; and secondly, devising short-term, stop-gap measures for the transition period by means of special educational and vocational upgrading and training programmes. These programmes include courses providing skill adjustment and updating, and, where necessary, retraining, the expansion of basic technological training for young people and the development of internship of semi-apprentice-type training.

Another component of the programme is direct employment promotion through the subsidisation of incremental employment increases in the private sector and institutions of applied research. A closely monitored increase in public sector employment primarily in health, education and welfare as also been proposed.

The third element in the programme are special measures aimed at assisting the most vulnerable sectors of the population – the long-term unemployed, elderly workers facing dismissal and unemployed workers in areas which have been especially hard hit by the current situation.

We hope that the measures which are being taken towards achieving rapid sustained economic growth, together with the short-term programme I have outlined, will increasingly lead, over the coming years, to a significant expansion of employment and will enable us to lighten the difficulties which will face us in the coming years.

Before concluding, let me turn back to the subject of democratisation. From a historical viewpoint, the democratisation process has been influenced by many factors, but the most important single factor which may encourage the movement towards democracy is peace that will, in its wake, divert resources from military expenditures to economic and social development; peace that can and should lead to regional cooperation and to its social and economic development.

The Middle East is an area of great potential, and regional cooperation can contribute significantly to its realisation. Peace can also be utilised as an instrument in the war against poverty, intolerance and social injustice.

Israel is more than ready to work towards peace in our region and to cooperate with its neighbours in furthering these goals.

Original – Arabic: Mr. GAZARIN *(Employers' delegate, Egypt)* – In the name of God, the Merciful, the Compassionate! On behalf of the Confederation of Egyptian Industries I have pleasure in warmly congratulating the President of this session on his election. We are certain that his vast experience will have its imprint on the work of this Conference, leading to the adoption of resolutions that will fulfil our expectations. I would also like to extend my congratulations to the Vice-Presidents for their election.

I would like to take this opportunity, on behalf of the Confederation of Egyptian Industries, to welcome all the delegations which have just joined the ILO. I am sure that their contribution will reinforce the mission of the ILO in serving the cause of labour and workers.

I would like to congratulate the Director-General for his excellent choice of theme for his Report, *Democratisation and the ILO*. This theme closely reflects the recent changes and developments represented by the progress towards democracy in the international arena. We believe that democracy is an essential prerequisite for the implementation of social justice. Social justice, however, would be difficult to achieve without linking it to economic issues, including urban and rural development, increasing per capita income, combating unemployment and guaranteeing a decent job for every citizen.

It is against this background that the ILO, with its unique tripartite system has great responsibilities to take on vis-à-vis these rapid changes, and the concomitant economic problems facing developing countries in general and African ones in particular. African countries are experiencing great difficulties and undergoing structural changes. This responsibility is embodied in the need to increase material and technical assistance to these countries to enable them to cope with the problems caused by these changes, such as unemployment, training and retraining, the role of employers organisations and their contribution to such development.

To that end, we request the ILO to maintain and increase its material and technical assistance to African countries, without being influenced by the changes which took place in Central and Eastern European countries. We hope that the assistance to those countries will not come at the expense of aid to African countries.

I would like to point out here that the Egyptian Government was among the first in Africa to start to implement changes aimed at economic transformation from a planned system to a free-market economy. It has taken major strides in this respect in collaboration and consultation with workers' and employers' organisations. The outcome of this change was that the Egyptian private sector started to take positive steps to fulfil its role in economic development. The Government has also embarked on the necessary steps to liberalise the public sector, and has promulgated a law aimed at freeing this sector from government intervention which would constitute a transition period prior to the privatisation of state-owned enterprises. Such privatisation has already happened in the case of certain tour operators and a number of small enterprises in the provinces.

To face up to the possible manpower surplus, a social development fund, financed by international institutions and friendly countries, has been set up. This fund is intended to combat unemployment, to create new job opportunities and to train or retrain laid-off workers. I am glad here to mention the efforts made by the ILO to support this fund, particularly in the areas of training and retraining, the setting up of an information centre on Egyptian unemployment, assisting small businesses and in supporting our confederation to enable it to cope with its increased responsibilites. I have every hope that this fruitful cooperation will continue between the ILO and the social partners in Egypt, who are working together to foster economic liberalisation based on democracy, freedom and respect of individual rights.

Before concluding my intervention I would like to express the hope that the measures taken by the De Klerk Government in South Africa will be a serious step towards the eradication of the despised system of racial discrimination, so that Black and White Africans will have equal rights and duties. We also look forward to the release of all political prisoners in South African jails, so that all citizens can enjoy true freedom and real democracy.

In conclusion, I wish this Conference every success and we hope that it will produce resolutions and recommendations that contribute to reinforcing the work of this Organisation in its efforts to create a better future where freedom, democracy and social justice shall prevail.

Original – French: Mr. GLELE *(Employers' delegate, Benin)* – I would like to associate myself with previous speakers in congratulating all the Officers of the Conference and, in particular, President Nascimento Rodrigues, on his unanimous election which he has deserved in full measure. His election augurs well for the success of our work.

Now that democracy has been restored to its rightful place among peoples formerly oppressed by totalitarian regimes and dictatorships, now that the wind of freedom prevails over our continent and over Eastern and Central Europe, the great relevance of the topic before us at this 79th Session of the International Labour Conference is to be warmly welcomed.

Democratisation is an ongoing concern for the ILO. It is the very essence of its mission to establish tripartism and social justice, goals which cannot be attained without democracy.

I shall address only one aspect of the Director-General's Report, namely democracy and structural adjustment.

Can there be development without democracy if democracy means government of the people, by the people and for the people?

In other words, every development programme must involve the people. We have very many examples to show that measures taken without the support of the people have been doomed to failure and have indeed failed. That is why structural adjustment programmes developed without those chiefly concerned bear within them the very cause for their failure. Indeed, over the decade that these programmes have been under way in our countries, they have continuously failed. Poverty has worsened. Development potential in our countries has been destroyed and social turmoil has become widespread.

A professor of economics at the University of Ibadan quite rightly stated at the 15th annual meeting of economic and social circles on 3 November 1991 in Brussels that these adjustment programmes, as designed and deployed, are surely merely a reincarnation of colonisation, as evidenced by the fact that the afflictions which disappeared from the continent a decade ago have reappeared.

This is the inevitable outcome of programmes in which man is ignored. This is why the efforts to democratise these programmes must become widespread; we are happy to note that such democratisation has already taken root with some of our development partners. The representative of the World Bank at the ACP/EEC meeting I referred to above publicly recognised the seven errors contained in these programmes.

Thus, it is very important that our Governments should pursue a course of genuine and full democracy by associating employers and workers fully in the design stages of economic and social development programmes.

They only stand to gain popular support for such programmes, in which the entire population would be involved. In developing an economic policy with a strong social component, what better assistance can our States hope for than that provided by the ILO?

In spite of this, there are still many pockets of resistance to democracy throughout the world, and especially in our continent. This is why we are happy that the ILO will cooperate more intensively with the IMF and the World Bank, as promised by the Director-General in his Report, to ensure that social policies reflect the concerns of the social partners.

As regards the development of employment, we believe that in a period of crisis and structural adjustment the creation and promotion small and medium-sized enterprises must be accompanied by assistance to enterprises which have not yet gone under. This would make it possible to reabsorb those left unemployed by structural adjustment.

Along the same lines we feel that those countries which are emerging from a long experience with a centralised economy need specialised financial assistance to jump-start their economies. The political and institutional environment, marked by a progressive establishment of a State governed by the rule of law in these countries, should encourage such efforts.

This implies that the problem of our debt should be reviewed with a view to partial or total write-off, and the establishment of a guarantee fund with the participation of our partners in development to stimulate our economies.

As regards the items on the agenda of the 79th Session, I wish to comment only on human resources development.

Human resources development depends on continuous training in the light of the quick pace of technological change. But this brings us back to the question of financial means. Look at our States labouring under a heavy debt burden and confronted with structural adjustments. What do we have left over for manpower development? Nothing.

Although the ILO is doing a great deal to help us in this field, we need even more assistance to achieve the neccessary improvements. We have a great deal of training to do, in particular in small enterprises, the rural sector and the informal sector. Also, we have to be able to help our manpower to diversify their skills in order to enhance their occupational mobility.

Social and professional organisations also have to continue to consolidate their training structures and equipment so that they can contribute to human resource development. It would be very useful to have assistance of all forms for those organisations, which are underfinanced and underequipped. Such assistance would enable them to continue with their training work.

In conclusion, democracy is not won once and for all. It requires a daily struggle because it is the foundation of freedom. Every freedom requires ongoing effort. There are still very many pockets of resistance to democracy on our continent. We must remember that democracy and structural adjustment are one thing, but mean little to an empty stomach.

Thus, without the necessary assistance from the international community, without the essential assistance from the ILO in developing social policies and structural adjustment programmes, democracy will always be threatened. It is one thing to help us to establish democracy, but it is another thing to help us to maintain and consolidate it.

Therefore we appeal to international solidarity to ensure that the Director-General's excellent ideas will be put into practice for social justice and peace throughout the world.

Ms. PEDERSEN *(Workers' delegate, Norway)* – Allow me to congratulate Mr. Nascimento Rodrigues on his election as President of this session of the International Labour Conference. The main theme for discussion this year is indeed the right one. Having read the Director-General's Report *Democratisation and the ILO* with great interest, I would like on behalf of the Norwegian Confederation of Trade Unions to underline the following.

In assisting the numerous countries around the world that are in the transition process from a planned economy to a market economy, the ILO should bear in mind that the law of the market cannot be the law of the jungle, and the Organisation should assist in pointing the way to prosperity for all. The act of governing in a free democratic society is not just a question of administering public affairs efficiently. It is also a question of good use of democracy, inter alia, in involving the social partners in shapping the common destiny.

We fully agree with the view of the former Secretary-General of the United Nations, Mr. Pérez de Cuellar, that genuine political democracy has little chance to survive without social justice. Indeed, democracy needs support from all quarters. Democracy and social justice must go hand in hand.

Economic efficiency is intimately linked to dialogue between the social partners. The important lesson is that the success of structural adjustment policies depends to a great extent on the dialogue whereby these policies are worked out and on the social measures accompanying them.

Fortunately, the political situation and détente now make it possible to effect substantial savings on defence budgets and to allocate these resources to social protection schemes and to investments which promote economic and social development that may meet real needs. This must be done without delay. What is at stake is not only the survival of the poorest but also the economic and political viability of both the new and the old democracies.

It is scarcely necessary to state that the social dimension should be integrated in all activities of the ILO. The Organisation must continue to work out labour standards and to help its member States to establish institutions that respect trade union and human rights and, above all, freedom of association and the right to organise, and to bring their legislation into line with these international standards.

The ILO must take a keen interest in civil and political rights, for without them there can be no normal exercise of trade union rights and no protection of workers. The enjoyment of trade union rights is closely bound up with the enjoyment of other civil liberties and the Freedom of Association Committee has always held that a genuinely free and independent trade union movement can only develop where fundamental human rights are fully respected and guaranteed. Surely, it is unnecessary to repeat that the denial of the civil liberties set forth in the Universal Declaration of Human Rights and in the International Covenant and Protocol on Civil and Political Rights makes a mockery of the very notion of trade union rights. The normal exercise of these rights requires respect for the individual's right to freedom and security, protection against arbitrary arrest and detention, freedom of opinion and expression, freedom of assembly, the right to an equitable trial by an independent and impartial court and the right to the protection of trade union property.

The ILO must take a keen interest in assisting trade unions to build up their organisations in the process of democratisation. The Organisation should continue to assist trade unions that are establishing themselves to reform their structures, to conduct their activities and to prepare workers' education and retraining programmes.

The Organisation should further endeavour to influence the approach of the international financial institutions and to accentuate the advantages of tripartite discussions in developing social cohesion and enlisting broad support for national development policies.

The ILO should continue to assist in the planning of the policies and programmes that mitigate the social costs in times of transition and restructuring and protect those in the most difficult circumstances.

The ILO should also continue to develop international labour standards on the working environment, security, health and safety at the workplace and to assist member countries in implementing them. It must also continue to support efforts to eliminate discrimination in all its forms. This includes promoting equality between men and women in employment and occupation, as well as the development of human resources. In this connection one should bear in mind that women suffer all kinds of disadvantages, and are frequently victims of discrimination. They are far from enjoying the consideration and respect which their work and their role in society deserves. The ILO should support women's initiatives to unite and to play their appropriate role in trade unions and in employers' organisations and in the society as a whole.

Last but not least the Norwegian Confederation of Trade Unions would like to see ILO efforts made to increase efficiency within the Organisation, also through closer cooperation between different departments within the ILO, and through further decentralisation of the Organisation and its activities from the headquarters in Geneva to the regional and national offices.

Original – Spanish: Mr. PINZON SALAZAR *(Workers' delegate, Guatemala)* – To speak from this forum to express the opinions, feelings and aspirations of the working class of my country, Guatemala, concerning the Report of the Director-General on *Democratisation and the ILO* is a challenge to all the bitter truths which must be spoken about the internal and external obstacles of those who have sabotaged or conspired against the process of democratisation which began in the eighties.

At a time when well-known economic, political, cultural and ideological interests and forces are developing strategies, tactics and policies to diminish and wipe out the little space which has been won for democratisation in Guatemala, it is good to see the ILO, through the Director-General's Report, tackling the issue and to be given an opportunity to reflect on these matters which may help us correct and redirect the paths being taken by our countries. Such paths will, we believe, inevitably lead to the collapse of democracy. The Central Workers' Organisation of Guatemala, an organisation which I represent, and other organisations of civil society in Guatemala have all borne their share of grief, anguish, desperation and death in order to move towards real or authentic democracy, as the Director-General has called it, to which we the workers and the people in general aspire.

This is why it is a duty, an obligation and a challenge, as I have already said, to express our feelings on this issue, to be consistent with what we are, what we think and what we do. The 1960s and 1970s, with the development of the method of guerrilla warfare and the doctrine of national security, believed and on more than one occasion affirmed that the solution to the problems, be they economic, social, cultural, political, of our countries was to be found in the barrel of a gun or a machine-gun. Such statements led to the development of dictatorial regimes for many decades.

However, the free democratic calling of our people has gradually shaken off the yoke of arms and dictatorships and is moving towards a commonwealth of nations of Latin America and the world in order to find, in a democratic, civilised and intelligent way, a solution to the interrelated problems which beset us. But barely six years from the establishment of formal and representative democracy in Guatemala, once again the shadow of the long dark night of the past looms ahead.

The drums of war and much wrong-doing of the past continue to sound. Until we set our own house in order and achieve the integrity and transparency to which the Report of the Director-General refers, then many aspects of national life will leave much to be desired.

Within civil society, and more particularly in the working class, there is a feeling of distrust, fear, doubt and frustration.

The theory, promises and speeches of those who have governed the destiny of our country and those who possess the means of production are totally out of keeping with reality and the hopes and interests of the workers and the majority of the people.

Thus, as I have said, for these reasons it is good to see that the Director-General of the ILO refers to the issue of democratisation out of his own concern for the destiny of this system of democracy in the "civilised" world.

I must say that our main challenge today is for all of us to manage to redefine what we want from and what we mean by democracy, and that includes the ILO.

Mankind depends on the society to which he belongs and the economic, social and cultural, political, ethical and moral forces which govern the society where he lives. In Guatemala, for example, what democracy are we talking about when those who guide the fate of the nation continue to lie, to deceive and to blackmail the majority? When there is no political will to change and control corruption, impunity and speculation? When the abuse of individual, social, economic, political and organisational human rights is part of the daily routine in the country?

When the independence of the powers of the State exists only on paper, or when it favours the interests of minority influential economic, political or social sectors?

When critical poverty and deprivation affect the majority of the people (more than 80 per cent) and the luxury and opulence of the minority serves only to widen the breach of inequalities between our society?

When we suffer from the employers' strategy (be they public or private) to confront and destroy trade union organisations and the workers in their just despair and who through loss of faith and credibility in the laws and those who apply them, turn to civil action, acts of peaceful resistance, such as the march of the workers and the peasants over more than 250 kilometres and their occupation of Central Park for more than two months in order to claim respect for the law, and when there is no national authority or human sensitivity on the part of the employers to resolve disputes conflicts?

When because of the systematic persecution, repression and division of the unions and the Guatemalan labour organisations have turned to the ILO to denounce violations of Conventions Nos. 87 and 98 and others and when more than a year after the submission of these complaints and documentary proof of their validity, the Committee on Freedom of Association, in paragraph 12 of its 283rd Report, states that: "despite the time which has elapsed since the presentation of these complaints, it has not received the Government's observations"?

When the Government replies, if indeed it does, we are convinced that many unions will have disappeared and the ILO will continue with the same procedures and will continue to wait! What democracy are we talking of when we are obedient, dependent and subject to the policies of the IMF, the World Bank and others institutions and when the Government continues implacably to apply neo-liberal principles and their adjustment programmes, without heed to the social, economic, ethic and moral moral implications for the majority?

This is the cancer which is eating away at the heart of democracy in our country. But as we have said, it is a challenge and a moral obligation to denounce this situation, although this may not be to the liking of some. But our societies cannot and should not continue to be governed by particular sectarian, hegemonistic and monopolistic interests.

This could be called almost anything but democracy. We must stop on our path and we must try to see how we can rebuild the democratic system to protect and defend the "lives of all" and not just those of a select and privileged minority.

I repeat: what democracy are we talking of? For how long will the poor, the weak and the isolated have to bear this situation?

It is a good thing indeed that the Director-General has tackled the issue of democratisation but we are convinced that this will not suffice. This is something which must be of importance to us all.

For our part, the people of Guatemala and the workers of Guatemala have for many years been doing our utmost, and we have borne our share of deaths. But we are even more determined to continue. We are alert and will participate in the upholding of our achievements and make our contribution to change and correct the errors and shortcomings of representative and imperfect democracy such as we know it.

We are furthermore convinced that the imperfections, errors and weaknesses of this democracy can be overcome and corrected only with greater democracy.

Any other pretext to return to our nefarious past is worthy of the most energetic denouncement and rejection.

I firmly believe that the ILO can do a great deal to assist us in overcoming these problems experienced in the democratisation process and one of the first contributions could be to commit itself to the ideas and suggestions emerging from discussion of the Director-General's memorandum.

For example, by encouraging the organisation of meetings and seminars or workshops, so that civil society can say what kind of democracy it wants and needs for the society which we have.

In the face of these attitudes, behaviours and conspiracies against democracy we must promote the bold and visionary establishment of the "positive civil conspiracy", as it was called by the President of the Chapter of the Club of Rome in Spain, or, as Teilhard de Chardin said many years ago "a conspiracy of love" to save our continent.

We can all speak on this.

By way of conclusion, I should like to quote a passage on democracy which John Paul II included in his Encyclical Letter *Centisimus Annus:* "Following the collapse of Communist totalitarianism and of many other totalitarian and "national security" regimes, today we are witnessing a predominance, not without signs of opposition, of the democratic ideal, together with lively attention to and concern for human rights. But for this very reason it is necessary for peoples in the process of reforming their systems to give democracy an authentic and solid foundation".

Original – French: Mr. ADJANOHOUN *(Workers' delegate, Benin)* – I should like, on behalf of the workers of my country, the Republic of Benin, and of their trade union organisations, to bring greetings to this Conference and add my voice to all those who, rightly, rejoiced in the brilliant and unanimous election of the President and the other Officers of the Conference, which constitutes to my mind a sure guarantee of the success of the 79th Session of the International Labour Conference.

I also address my congratulations to the Director-General and his collaborators for the perfect organisation of the present Session, and for the excellent quality of the documents they have made available.

To affirm that the workers of my country, more than anyone, have quite exceptional reasons for appreciating so highly the central theme of the present Session of the International Labour Conference is neither exaggeration nor sectarism. Indeed, more than anyone else, on account of their sad experience of fierce dictatorship, they will tell you that freedom has no price. Yes, along the road towards the conquest of liberty, they sacrificed everything to make a final victorious assault on the impregnable fortress of democracy. You will now surely understand why the workers of Benin are most happy and interested to accept the Director-General's invitation to give serious consideration during this present Session to the issue of *Democratisation and the ILO.*

Indeed, the great changes which are taking place throughout the world, the real possibilities of satisfying the legitimate aspirations of the workers and the peoples to more democracy, the end of the cold war, and thus of the ideological blocs, are all favourable and objective conditions for the effective implementation of the fundamental objectives of the International Labour Organisation and the main principles which guide its action: that is to say, social justice, freedom, equality and the protection of fundamental human rights. Those are the essential characteristics of a true and genuine democracy.

It is good to note that almost everywhere in the world today, and especially in our continent of Africa, a wind of democratic renewal is blowing. The artisans of this renewal are the workers, mobilised and organised in their unions, in perfect symbiosis with other social structures so that side by side, with a common front, they can give shape to their hopes for a better life. In Benin, the sovereign people, having recourse to their creative potential, have been able to set up, without bloodshed, a democratic regime led by a Government for renewal. It goes without saying that in such a context freedom of association, freedom of expression, of movement, and the protection of fundamental human rights are solidly installed and constitute an achievement for the workers and the entire population, an achievement equalled only by the importance attached to it in daily life by every citizen of Benin, man or woman, and for which no sacrifice will be too great.

However, in spite of our determination, the unfavourable regional and international environment multiplies the difficulties along our way which, if we are not careful, will ultimately threaten democratic reform. First and foremost among these is the programme of structural adjustment, said to be an inevitable and obligatory stage. The negative consequences of this results according to the report by the Economic Commission of the United Nations for Africa published in 1985, from conditions imposed by the IMF for the granting of loans and credits: devaluation of currency, ceilings for limitation of state expenditure, public debt, credits, internal and external loans, increased rates of tax and interest, elimination of tariff controls, employment and salary restrictions in the public sector, etc.

In spite of all the privations, the sacrifices, the workers are convinced that the macroeconomic and financial balance promised by the programme cannot be attained and the problem still remains to be solved.

This state of affairs naturally leads to massive cutbacks in the workforce and so to unemployment, and to permanent pressure on employment and loss of purchasing power for wage-earners. It is evident that such phenomena are part and parcel of the global strategy of the present monetary and economic order whose survival depends on maintaining the developing countries in an absolute dependency, which justifies to a great extent the drastic conditions applied by the IMF in granting credit. Consequently this institution creates, sustains and amplifies African debt. Today, my country, Benin, suffers under the burden of 600 milliards of debts within the general framework of Africa's debt crisis which is itself linked to the international crisis and the deficiency of the monetary system. It is often said that the cause of this phenomenon is due exclusively to endogenous factors, that is to say, to bad management of the available resources, corruption, misappropriation and other illegal practices.

Although I do not deny the importance and seriousness of internal factors which aggravate the problem, I think that at this point we can and will master them, provided that our governments have the political will to do so. As far as the exogenous factors, such as the international economic crisis and the world monetary system, which are the by-products of today's economic and monetary order, are concerned, they are beyond our influence and therefore we have no way of controlling them. Otherwise how could we explain that nobody asks our opinion when fixing the prices of our basic commodities on the world market? It is therefore easy to understand why our terms of trade are so changeable and are constantly falling. It is also easy to see why most African countries use most of their development earnings to service their debts. In fact they are left with nothing to put towards development and the functioning of the State. In 1984 an African country that I would rather not name found itself in a situation where the ratio between debt servicing on the one hand and income from the export of goods and services on the other was 204.6. In other words, it was using more than twice the sum of its export earnings to service its debt. Thus this country was borrowing even more than its export earnings, not to use for development purposes or for running the State but to cover its debts. During this period, the workers and the other levels of society that firmly believe in the virtues of democracy were living in misery. During the same period my country had to use 35.6 per cent of its export earnings to service its debt; the terrible situation it found itself in was much better than that being suffered by other countries on the same continent.

Thus the servicing of debts absorbs a large part of Africa's modest export earnings.

This is the situation at present. So is democracy that is gained after such a long struggle by the workers a mere illusion? Can it develop if is rooted in misery? Whatever the situation, the workers in my country are very worried and fear that the process of democratisation we and other countries are experiencing may come to a halt, for a man who is hungry is not a free man, as the head of an African State pointed out so aptly. Such a man is capable of anything and constitutes a permanent threat to democracy.

In conclusion, while waiting for the wind of democratisation that is blowing all around us to reach international economic and monetary relations, I cherish the hope that the ILO will fully accomplish its mission.

Mr. BERZINSH *(Government delegate, Latvia)* – First of all, permit me to congratulate the President on his election to such important functions. I am convinced that under his guidance the Conference will resolve all questions on this session's agenda and will attain positive results.

It is an honour for me to speak from this high tribune in the name of the Republic of Latvia. My country was deprived of the opportunity to do this for a full 53 years. Soviet occupation and the events which followed it isolated Latvia from the family of democratically developing States and, as a result, we now have to start all together afresh.

Whereas other countries have been able to develop their democratic institutions over decades, history has allowed us a limited time for this. Therefore, I am particularly grateful to the Director-General of the ILO for the most fortunate choice of the subject of his Report to the present session of the Conference.

My country has chosen the path of democracy as its basic endeavour. This may be seen from the fact that, simultaneously with the proclamation of the Declaration on the restoration of the Republic of Latvia as an independent State in May 1990, Parliament ratified eight fundamental ILO Conventions, namely Conventions Nos. 87, 98, 100, 105, 111, 122, 135 and 151. In addition, parliamentary commissions have now dealt with the issue of reviving 17 Conventions ratified by Latvia up to 1940, and have also examined and prepared for ratification a whole range of further ILO Conventions.

We recognise that the process of democratisation of society is the right path, although, having lived for so long under the conditions of a totalitarian State, we know this will be a rather difficult process.

If we are to talk about people, let me state that about 70 per cent of the population supports the process of democratisation of society, wishes to take part in it and is ready to bear the difficulties of the transitional period. However, the majority is also calling for the introduction of effective machinery for the social protection of the population. For our part, we are convinced that the measures aimed at setting up market relations machinery must be accompanied by such measures of protection if social conflicts are to be avoided. And the Government of Latvia, in spite of the worsening economic situation of the population, has managed up to now to preserve social stability in the country.

To characterise the economic situation I shall cite a few figures. While the GNP diminished by 8 per cent in 1991, in comparison with 1990, in the first four months of this year it has already fallen by 26 per cent over the corresponding period last year. The signs of crisis are at hand. What are the basic causes of this situation?

The first and principal reason in our view is that existing international agreements on the mutual supply of raw materials, processed goods and industrial products do not function any more in practice.

For example, we have an agreement with Russia on the mutual supply of goods but, for reasons unknown to us, it is not being implemented. As a result, many of our undertakings are suffering from a shortage of raw materials and consequently are on the verge of standstill and are forced either to work a reduced number of hours, or to put people on leave. Needless to say, we very much relied on these international agreements in the process of transition towards a market economy. In our view, if this situation is not settled, then towards the end of the year we shall have at least 14 to 16 per cent unemployment.

In the second place, in relation with the breaking apart of the established financial accounting system and in the light of some uncertainty in the wake of privatisation of the big state enterprises, there are no stable direct contacts at the level of enterprises. In Latvia today only small enterprises belonging to local collectivities are being privatised and private farm holdings are being created. It should, however, be added that we expect Parliament to adopt in the near future laws on privatisation.

Thirdly, the economic and political situation in Latvia is being destabilised by the presence of Soviet occupation troops which control a range of houses, land and military-industrial enterprises. These structures are being directly financed by Moscow and the Government of Latvia thus has no possibility of controlling the issue of money on the territory of Latvia or of fully guaranteeing the inviolability of property and investments.

And, lastly, as a result of the above and of the liberalisation of prices, there has been a sharp jump in prices of goods and services. Some prices have risen between 30 and 200 times, while the cost of the minimum consumer basket has risen by almost 700 per cent in the past year.

In these circumstances, the issue of preserving social peace takes a particular place. In the beginning of the year, Government and the trade unions concluded an agreement on their mutual obligations concerning the social protection of the workers; now, the newly created organisations of employers will join this agreement and tripartism will function as the basic principle for the achievement of coordinated action. Of course, there will be difficulties in this initial stage, if only because the specific weight of the private sector in our economy is still insignificant – altogether about 6 per cent of the workers are employed there. Nevertheless, the process of tripartite negotiations – the basic principle of the ILO's activity – is bound to develop in Latvia. That this is the right approach was evident to us already this year when we succeeded, through negotiations with the parties concerned, in averting sharp social conflicts and thus ensuring some movement forwards.

In our view, this movement calls for the effective introduction into our lives of yet many international norms and standards, and this endeavour is being carried on. Fundamental changes have been introduced in labour legislation, and in this process the international standards of the ILO have served and continue serving us as universal indicators, with which thinking and action are to be consequently aligned.

Parliament already has adopted, among others, Acts on employment, education and collective agreements. Indexation of the incomes of the population has been introduced by government decision. In the same way, the state employment service has been created; its staff is expected to increase over two-and-a-half times in the second half of the year. A system of retraining for the unemployed has been introduced.

At present, Government is giving great attention to the improvement of working conditions. An Act on the conditions of work is to be adopted; the creation of a labour inspection system is under way; an Act on insurance against occupational accidents and diseases is being elaborated. The actuality of this issue may be seen from the fact that about 34 per cent of all employed workers at present receive wage supplements for work in harmful and unhealthy conditions.

In all this work we experience the concrete help of the ILO, for which I wish to express our gratitude. I think that by joint efforts, with the help of the economically developed countries and the ILO, we shall succeed in coming to grips with the complicated problems of the transition period and of building a democratic society in Latvia.

Original – Portuguese: The **PRESIDENT** – There are no further speakers on the list of this morning's sitting. However, there has been a request for the right of reply on the part of the Government delegate for Malaysia.

Before I give him the floor, would you allow me to remind you very briefly of the rules to which the right of reply is subject. The right of reply must be short, it may not exceed three minutes and it must deal solely with the subject which gave rise to the request and cannot be used to stray from this subject. The right of reply must be given in parliamentary language and, in keeping with practice in previous years, there can be no reply to the right of reply.

I now give the floor to Mr. Ahmad Mohamed Idrus, Government delegate, Malaysia, in reply to speech by Mr. Malentacchi, representative of the International Metalworkers' Federation, on 12 June 1992.

Mr. **AHMAD MOHAMED IDRUS** *(Government delegate, Malaysia)* – Mr. President, on behalf of the Malaysian delegation, I would like to thank you for allowing me this opportunity to correct the misinformation given by the International Metalworkers' Federation at this session of the Conference in respect of freedom of association, particularly on the issue of the unionisation of electronics workers.

At the very outset, let me state categorically that workers in the electronics industry are not denied the freedom to organise themselves. Just like workers in other industries, they are free to form trade unions. For the record, six trade unions have been formed and registered to date.

Unfortunately, some quarters have taken upon themselves the right to determine the type of union that should be formed by workers in the electronics industry in Malaysia. Their contention is that only a national union will be able to best serve the interests of workers. If this is the rationale, then enterprise-based unions ought not to be allowed to exist, which by itself would be contrary to the spirit of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

While the Government is aware of the sensitivity of the electronics industry, it is also equally aware that this has to be balanced in such a way that the interests of workers are safeguarded. Such a policy decision cannot be viewed in isolation and the Malaysian Government cannot be unfairly accused of violating Convention No. 87. Thus employment creation, sustained economic development and enhancing workers' incomes, thereby raising their standard of living, is the primary concern of the Government. It cannot be denied that any government has to act in the interest of its citizens. Any other approach would be suicidal. One has to study and diagnose the context of the situation before passing any judgement.

There are certain variables to be taken into consideration. Failure to do so results in more harm in the long run. It is also pertinent to point out that in Malaysia, despite being without a labour union for over 20 years, electronics workers are today among the most highly paid workers in the country. In terms of individual income, an electronics worker took home an average of 721 Malaysian ringgit a month in wages last year, including bonuses, allowances and other income in the form of mandatory monetary contributions. This does not take into consideration other non-monetary benefits like subsidised food, subsidised or free transport, free uniforms, hospitalisation benefits and free recreational facilities.

Unlike company-controlled unions elsewhere, enterprise-based unions in Malaysia are truly independent, enjoying the same rights, powers and privileges as national unions. The law does not make any distinction between national unions and enterprise-based unions. Enterprise-based unions are free and are as effective as the national unions. They are not…

Original – Portuguese: The PRESIDENT – You have exhausted the time allowed for the right of reply.

(The Conference adjourned at 1 p.m.)

Twenty-third sitting

Wednesday, 17 June 1992, 3 p.m.

President: Mr. Decosterd

Reports of the Governing Body and of the Director-General: Discussion *(concl.)*

Original – French: The PRESIDENT (Mr. Decosterd) – We shall now continue and conclude our discussion of the Report of the Governing Body and of the Director-General.

Original – Arabic: Mr. SMAOUI *(Minister of Social Affairs, Tunisia)* – In the name of the God, the Merciful, the Compassionate! I should like, first of all, to congratulate Mr. Nascimento Rodrigues on his election as President of this 79th Session of the International Labour Conference and to wish him every success in his task. I am sure that the work of this Session will be crowned with success, thus further consolidating the ILO's activities and developing good relations in the interests of international solidarity.

I would also like to welcome the eight new member States who have just joined the Organisation; their membership will help to strengthen the ILO's role to strive for peace and global development, in accordance with the objectives and spirit of the Declaration of Philadelphia.

The main subject of this Session is democratisation and the role of the ILO. Indeed, it is one of the main points dealt with in the Director-General's Report which discusses efforts the ILO should make to strengthen international cooperation so as to ensure economic and social growth based on the principles of democracy, social justice and the respect of human rights.

We are firmly convinced that the ILO, has, through its tripartite structure, been able to develop the concept of democratisation in such a way that it not only englobes the power of political institutions but also covers social matters – including dialogue between the various parties in the world of work. This I think is illustrated by the various Conventions and Recommendatins on industrial relations, the organisation of social dialogue and the protection of human rights. These instruments give democracy a social dimension.

Since the changes which occurred on 7 November, Tunisia, aware of the significance of democracy and human rights, has made a number of constitutional amendments and changed laws in order to promote freedoms and consolidate democracy, thereby enabling the Tunisian people to exercise fully their basic rights and contributing towards the establishment of a modern and just society.

In this respect, we consider that political changes only have a limited effect if they are not accompanied by significant changes in industrial relations, as political stability is dependent upon social peace – which is a prerequisite for a country's development and prosperity.

It is for this reason that Tunisia has sought to give greater importance to trade union action, to strengthen collective, constructive and responsible instruments for dialogue and to encourage the independence of trade union institutions and trade union freedoms.

The Tunisia of this new era is determined to promote the respect of human rights; indeed, it is at the head of the list of countries which have ratified most international conventions concerning the protection of human rights and attempts to combat all forms of discrimination. I should like to quote, in particular, the United Nations Conventions on the elimination of all forms of discrimination against women and on the rights of the child. As we firmly believe that there are no human rights which are more important than others – either political or economic – we are striving for the respect of all these rights, especially those advocating equality of opportunity and attempting to create a climate propitious to true social justice.

It goes without saying that the Tunisian Government has been constantly trying to ensure that work is recognised for what it really is – a value of civilisation and, as such, the surest way to achieve true integrated development and democracy.

The events that we have been observing throughout the world, especially the increasing democratisation, have been an indicator to us of the radical changes taking place in these areas in favour of human rights and basic freedoms. But new forms of racism and extremism are now emerging and posing a real threat to democracy. These are often movements with the same objectives, which say one thing and mean another and try to dominate the political scene. The fact that these movements try, in some areas, to infiltrate the State machinery is further proof that they flout international legality and humanitarian principles.

In spite of the changes occurring on the international scene and the fact that democracy is expanding, we still have a long way to go; we still need solidarity and cooperation because democracy is not a standard solution that can be applied everywhere – neither is it an abstract principle. We are dealing with an ethical matter – a form of behaviour and attitude that requires deep reflection. Only then can democracy be adapted to economic and social conditions with a view to creating a civilised society based on justice, solidarity and freedom.

Original – Spanish: Mr NAVARRO CABRERA *(Employers' delegate, Cuba)* – In speaking before this 79th Session of the International Labour Conference I wish to congratulate the President for his election.

The Report of the Director-General develops the theme of democratisation and offers various definitions and concepts. I should like to refer to only two of these definitions. First of all, the general concept of democracy; and secondly, the role of the State in the economic arena.

As to the first I shall not dwell at great length on the matter; I shall merely point to what I consider to be a democratic concept, namely the system of institutions which comprise the organs of the people's power in my country. This system is based on the identification of interests between the Government, the administration and the masses, on the genuine participation of the people in the solution of their own problems, on the exercise of a free, equal and secret vote, on the accountability of delegates to the voters, and on the power of voters to rescind any mandate.

With respect to the second of these definitions, the Director-General says that "it is a striking phenomenon that democratisation is nearly always accompanied by a change of economic system or, at the very least, by a challenge to the role of the State in economic matters".

The words "at the very least, by a challenge to the role of the State in economic matters" call to mind the new prescriptions of neo-liberalism, an old theory with a new label, in the sense that the State is essentially inefficient and should withdraw from economic activities and give way to privatisation, because privatisation, private companies and market economies are in fashion.

If one wishes to be strictly logical, one would have to say that the market economy, private initiative and private property must come under one name, and only one name.

The truth is that this theory does not in any way eliminate or discard state action. In the final analysis, it is also a form of statism, different only in that it is to the benefit of certain classes or social groups. If the aim is to improve the management of enterprises, the problem is not one of property, but one of administration and management; even a private company can be inefficient if it does not have the proper management. There are many examples which we could quote of private companies that are inefficient or bankrupt, and which have been turned over to the State so that it may rescue them and later privatise them once more.

We could also give examples of highly developed countries which have based their development on strong state participation. In Latin America the country which has achieved the most significant industrial development has been Brazil; its major expansion took place in the sixties and seventies, when its economic policies involved strong state participation in national development plans and the considerable participation of the public sector.

This proves that these apparent truths do not tally with reality. Cuba does not accept this prescription because this is an old theory and it has always been based on private initiative, and on the assumption that wealth depends on private enterprise and a market economy. However, in that pure system, as pure as in the past century, there continue to be problems of poverty and social disaster. According to a congress on poverty which was held in Quito in 1991, there are 270 million poor in Latin America, and of these 84 million are indigent.

There are 20 million homeless children in Latin America and there are millions of school-age children who are working more than eight hours a day.

The death rate in Latin America among children is 60 for every thousand in the first year of life of the child.

Thirty to 40 per cent of the labour force is unemployed or semi-unemployed in Latin America. Malnutrition affects 30 million people and on average, life expectancy is under 70 years of age.

We are a country of scarce resources and facing very difficult times. However, we do not have these problems. In Cuba the child mortality rate is 10.7 per 1,000 children born.

Illiteracy disappeared quite a while ago. The phenomenon of malnutrition is insignificant. I do not think it can be said that there is no job for someone who wants to work, even in the present period.

More than 800,000 graduates higher or medium level schools have found employment. There is not one single mother who is not protected – all workers are protected by social security. The entire population has the right to free medical care.

The Cuban economy has not lost its capacity to develop despite the fact that we are facing major difficulties. This confirms that we have chosen the right path and that the people have kept their faith in the face of the present difficulties.

Whilst trying to improve our system, we are seeking ways to adapt our economy to the new conditions and assimilate foreign capital, which although not the basis of the strategy is an element of it. This process is different from the one taking place in other countries because our opening is based on given concepts guaranteeing the socialist order of our economy and our economic and social goals.

In seeking solutions, the most immediate task has been to extend and diversify foreign markets and to assimilate foreign capital which is not limited only to joint ventures, but also covers other forms of economic associations, such as cooperatives, marketing associations, and others.

This process began in our country in the field of tourism, but today covers other branches of the economy which focus particularly on exports, and supplementing our industry by contribution of capital, technologies and markets where required.

It is with considerable realism that we have opened up these possibilities and the different methods of economic association offer a great deal. This interest is warranted by the fact that we already have productive capacity and a skilled labour force at levels that few developing countries can boast today.

I think we can state today that the result of the initial investments has been advantageous. They have excellent returns and enjoy considerable facilities. The investors have found a well-prepared people with a high cultural level, and disciplined, when able to benefit from good organisation and experience when needed.

The facilities for repatriating capital are automatic and are functioning without any difficulties.

We have been opening up the doors. When there is no raw material in a factory and when the machinery and the labour force are available, the offers of raw materials and associations in the plant, or the marketing potential are analysed to see how mutually agreeable solutions can be found.

We have also made an important breakthrough in this field, as can be seen. So, the social system is not incompatible with economic and political integration.

The leader of the Cuban revolution, Fidel Castro, said in reference to Latin America when he attended the Summit of the Group of 3 in the Hotel Melia in Cozumel, Mexico, on 23 October 1991 that Cuba was prepared to analyse and discuss legislation, laws, whatever, to achieve unity, if a federation were to be suggested.

Mr. HULTIN *(Employers' delegate, Finland)* – Thank you for letting me take the floor on behalf of the employers of the Nordic countries – Denmark, Finland, Iceland, Norway and Sweden.

First, let me join the previous speakers in congratulating the President. At this late stage of the Conference, however, not for being elected, but for so successfully presiding over the Conference and thus fulfilling the expectations that we all placed in his hands.

I would also like to compliment the Director-General for selecting such a timely theme as democratisation for his Report to this session of the International Labour Conference. It is timely because in the past few years many countries have decided to open up their societies from centrally planned and regulated economies to free market economies. It is timely because as the Director-General points out democratisation is nearly always linked to a change of economic system.

But most of all the Report, I think, deserves compliments not because of the complete and exhaustive analysis of democratisation – this is I believe not its intention – but for the thought-inspiring way with which the Director-General is soliciting our ideas to develop ILO activities and to prepare the Organisatin for the future.

This is justified. The world around us is changing rapidly. The world map looks different today from only two years back. There are countries that are finding their way as new democracies and the economic and structural changes interactively affect every country in one way or the other. In this complex and interdependent process of change the ILO has potential for playing an important role by contributing to a stable, social development.

It needs to be recognised, however, that the engine of social development is productive enterprise activity. Without this, in the long term there will be no sustainable economic growth. There will be no growth in employment and there will be no creation of wealth.

Businesses everywhere are facing constantly changing markets. Those enterprises that are able to follow and adapt to the changes will increase their business. Those who are not will be looking at a shrinking piece of the pie. The former creates jobs, the latter creates unemployment, and the difference between the two is flexibility.

The points that I want to make at this stage are, firstly, that sustainable social development can only be based on productive enterprise activity, and secondly, that enterprises require flexibility to be able t adapt to constantly changing markets.

We in the Nordic countries have extensive experience in collective bargaining systems. These systems while contributing to stable labour market developments, have also contributed to rigid, inflexible structures. Because of these, the enterprises and the societies in our countries are finding in increasingl difficult to adapt to changes, and this results in unemployment. It is a paradox that a system that work to establish workers' protection, at the same tim fails to consider the very basic needs of enterprises t create employment.

In the interest of flexibility, we must remembe that collective bargaining does not equate with central bargaining. It can, in fact, take place at any o three levels: central, local and enterprise. I refer t the Director-General when he points out in his Report on page 50 that: "... it should be possible t establish bipartite relations at enterprise level, because that is where ... the problems to be settled .. are to be found".

The principle of subsidiarity should be respecte We must have the courage to stand up against international regulation that are too detailed. We shoul leave it to the national authorities or even to th enterprises and their workers to find solutions tha reflect the national or local situations.

Where regulation is a tool for the establishment o basic social rights, deregulation should also be seriously considered as a means of vitalising enterpris activity.

The history of the ILO shows the positive contribution that tripartism can make to stable social development. However, here also it must be recognise that tripartism is not an institution untouched by th developments of time. Indeed, while it is a basic too for social justice, tripartism must take into accoun the market economy and work in the spirit of genuine entrepreneurship and strive to encourage investment in human resource management.

Well-functioning tripartism must comprise thre independent and equal partners. Each of these partners must have a distinctive role. Their most important mission is to serve the interests of their constituents. This is best ensured if organisations grow fron the needs of their members. The constituents mus also keep an incentive to follow, evaluate and guid the performance of their organisations. This is th prerogative of the members and of the member alone.

The members' relationship with their organisatio must also be voluntary. The right to organise doe not mean obligation to organise. The individual, a well as the enterprise, must have the right to choos freely the organisation through which he or sh wishes to be represented.

As I pointed out in the beginning, stable socia development can only be based on a well-functionin economy, the prerequisites of which are productiv enterprises and a flexible labour market. Therefor to be able to fulfil its mission, the ILO must build it future activities in accordance with the resolutio concerning the role of enterprises in employmen growth and the creation of full productive and freel chosen employment.

This resolution was adopted unanimously by al three partners in the Resolutions Committee at thi Session of the Conference. The prospects of bein able to promote employment, stable social development and sustainable economic growth along these lines is a source of excitement and motivation for the Nordic employers.

Original – Portuguese: Mr. MAVILA *(Government delegate, Mozambique)* – My first words go out to congratulate the President of the 79th Session of the International Labour Conference unanimously elected to lead this distinguished forum.

The praise which has been lavished on his very rich political and professional experience by speakers before me needs no further echo from myself, since this experience is more than sufficient to guarantee the proper direction and success of our work.

May I be allowed to congratulate the Director-General of the International Labour Office, Mr. Michel Hansenne, for the excellent choice of the subject of *Democratisation and the ILO* for Part I of his Report. This subject certainly reflects the realities and concerns of many delegates present here, including myself and my delegation.

In January 1987, the Government of my country approved a programme of economic recovery which comprises a set of measures for structural adjustment with a view to halting the weakening of economic activity in the country and progressively lead it to recovery, similar to the efforts being made to defend our country.

As a result of the implementation of these measures between 1987 and 1989, our economy showed a trend towards positive growth and achieved significant results in correcting the budgetary deficit and the adjustment in exchange rates, wages and prices. At the same time, the Government of Mozambique made great efforts to invest in the recovery of production and social infrastructures which have been destroyed by the war which has been imposed on us.

That being said, we must emphasise the fragile and conditional nature of this recovery. One of the effects of our dependency on the process initiated with our economic plan is that the external debt grows alongside our needs in terms of the foreign financing which is absolutely essential to compensate our shortage of resources. The application of programmes such as our economic programme does not result in structural change in the classic sense of the term but rather in the recovery of economic mechanisms which will condition the later phases of growth.

In Mozambique, the situation is even more complicated by the fact that the plan has to be implemented in a situation of war, and this has two important consequences: first of all, the considerable limitations on using the State budget for the production and social areas, because our priority is defence; and secondly, the difficulty of incorporating the agricultural population in market economy schemes, since these people have become isolated as a result of the war. For the same reason this situation prevents the free circulation of goods and, in particular, trade between the cities and the country.

From 1991 the economy of Mozambique has been going through a period of stagnation, with the growth in the GDP being lower than the growth in the population, leading to a reduction in the per capita GDP and employment opportunities.

I have already outlined the basic reasons for this situation, and to which must be added the drought and electricity cuts in 1990; the instability characteristic of any period of transition from state-owned enterprises to privately owned enterprises; the weak management capacity of the country, combined with insufficient training of the labour force and the shortage of skilled technicians to meet the challenge of competitivity posed by the market economy system.

To attenuate the social effects of the plan, the Government of my country has established and implemented a number of measures to alleviate the hardship of the most vulnerable sectors of the population.

The scenario which I have just described must be completed by reference to another phenomenon, which is not a direct consequence of the plan, but which has aggravated the economic situation – already difficult enough in itself – of Mozambique. I am speaking of the compulsory repatriation of approximately 16,000 citizens of Mozambique who worked in the former GDR, under an agreement concluded with Mozambique, and which ceased to apply following the recent unification of Germany.

In a country such as Mozambique, with one of the highest unemployment rates in the African continent, this situation has acquired the dimensions of a disaster, since with the privatisation of State enterprises and the rationalisation of the labour force, following the establishment of a market economy, the number of unemployed is increasing in frightening proportions.

At the internal level, we have not spared any efforts to find solutions to these problems.

Thus the Ministry of Labour, with assistance from the ILO and the World Bank, is applying with some success two employment strategies, one for rural areas and the other for the urban sector.

Mozambique, like other countries, has also introduced political, social reforms.

The Government has taken measures towards establishing basic rights and freedoms enshrined in the new Constitution of the Republic. In the same way, legal instruments have been adopted which, in accordance with the constitutional principles governing the consolidation of a State of law and the adoption of a market economy, place Mozambique amongst those democratic countries which are governed by the universal principles of democracy and social justice.

Special mention should be made in this context of the legislation respecting political parties, the right to association, the exercise of the right to strike, collective bargaining, employers' and workers' organisations. In the same way instruments have also been approved concerning the adhesion of the Republic of Mozambique to the International Covenant on Civil and Political Rights and the Second additional protocol on civil and political rights as well as the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Since the application of the principles of democracy and social justice on the basis of tripartism still lacks solid institutions and flexible and efficient machinery in our country, the efforts of my Government are now concentrated on the establishment of conditions to promote and develop interest and responsible participation on the part of all parties which seek to promote the growth of democracy and the application of national development projects and programmes.

In this respect, we welcome the timely contribution by the ILO and its officials to strengthen tripartism and provide the necessary technical assistance to the Government and the social partners.

Because of the fragility of our institutions and the need to increase the occupational skills of our officials and technicians in the labour administration services, we would like the programmes of our Organisation to include specific technical assistance measures in the spheres of employment and vocational training, occupational safety and health, labour inspection and occupational relations.

Despite all the difficulties which my country is experiencing on the path towards the establishment of a democratic society, a State of law in which institutions, citizens, the Government and the social partners can contribute in a free and responsible manner to the social and economic process of our nation, I should like to conclude with a message of confidence in the future. Recent political developments in the region bring with them the hope that sooner or later the map of southern Africa will include a South Africa which is free of apartheid. The day is now not far when all the region will become reconciled and join its efforts and knowledge in the establishment of societies which are free and prosperous under the banner of human rights, democracy and social justice.

Mr. SMITH *(Employers' delegate, United States)* – I come here today to accept the invitation expressed by the Director-General for delegates to "state their wishes concerning action to be taken by the ILO" with regard to democratisation. To condense such a broad yet vital subject to ten minutes is a formidable task that necessitates the elimination of all the diplomatic niceties that have been traditional in this hall in past years, and for this I ask both your indulgence and your forgiveness.

First, let me strongly advocate that the International Labour Organisation commit a significant amount of its resources to the task of supporting and strengthening the worldwide movement towards democracy that is documented so well in the opening pages of the Director-General's Report. To support this recommendation, one need search no further than the opening paragraphs of the Director-General's conclusion. Let me quote: "Every human being aspires to freedom and justice, and these ideals can only be fulfilled by democracy." And in the following paragraph he says: "... for together with social justice, democracy is the sole guarantee of peace in the world."

Now, if freedom and justice can only be fulfilled and peace only assured by democracy, then clearly an Organisation like ours seeking social justice for all must make the attainment of universal democracy one of its most important objectives.

But what can an Organisation like ours actually do to help strengthen democracy where it exists and encourage its birth where it has been denied? Well, first, we must regain the moral high ground. We must place the great moral persuasion of our Organisation squarely behind those who are struggling to overcome authoritarian regimes, be they of the left or the right, or be they the religious zealots of whatever religion. I used the words "regain the moral high ground" advisedly because in the past this Organisation, in the name of universality, has not always been prepared to defend democracy.

The Director-General has explained our Organisation's willingness to ignore basic democratic principles, ignore the manner in which fundamental human rights were being trampled upon in some member States, as a pragmatic solution to preserve the universal character of the ILO. I submit that such pragmatic solutions did this Organisation a real disservice and, more important, did serious harm to millions of working people in those member States.

For most of the almost 40 years that I have been participating in this Conference, the Office, many governments and countless ILO Officials have pressured the Employers' group time and time again to recognise and accept as equals government bureaucrats who had been dubbed "employers" simply because they managed state-owned enterprises. Despite this kind of pragmatism, much of the world has come to recognise the vast difference between state-owned enterprises and the companies and corporations that make up the private sector. Witness the movement that continues to gain momentum in many countries to privatise the industries that had been nationalised in earlier years and, as we all know, the complete collapse of communism in Central and Eastern Europe during the last three years. Why have so many ILO officials and delegates to the Conference been willing to violate the spirit of tripartism written into the Constitution of this Organisation by insisting that the Employers' group accept into its councils inviduals who were clearly part of government?

Instead of weakening tripartism in this manner in order to preserve the universal character of the ILO, our Organisation should have taken the alternate path. We should have sought to strengthen tripartism and democracy by insisting that those member States which were unable to send non-governmental delegations that were truly independent, should have limited their participation to the government section of this tripartite body. The events of the past three years have dramatically demonstrated the hypocrisy and the folly of ignoring basic principles. It is not too late to change! There is still a small number of member States, some with the monolithic structures of centrally planned economies, others with the equally monolithic structure of a single party authoritarian regime, that cannot legitimately send independent non-government delegations of workers or employers. If we are really intent on strengthening democracy, if we really believe in the importance of tripartism, we need to ask ourselves how much longer we can go on pretending that it is appropriate to allow government-controlled delegates to masquerade as employers or workers.

But enough of past errors and present mistakes. Let us look to the future. What should the ILO do if it is really intent on playing an important role in the world movement towards democratisation?

The ILO should recognise and support the basic fundamentals and institutions that make a democracy possible. Time does not allow me to even list all of them so I will only speak about economic freedom, because without economic freedom, political freedom is impossible and without political freedom there can be no democracy.

Economic freedom requires a free market system, a system which has proved to be the most efficient method ever devised to allocate, in the interests of the people, the limited resources of a nation or indeed the entire world. A free market system requires many institutions that those of us who have lived within a market economy take for granted. Institutions such as private banks, stock markets, freely convertible currencies, a code of commercial laws and regulations and an impartial judiciary to enforce and interpret such regulations. To function properly in the interests of the consumer, a free market must also have competition, and lots of it. The more competiters there are seeking to sell their services or products in a free market, the better it is for the consumers and the more efficient the market place can be.

Few of us really like competition for ourselves, but it is absolutely essential to the market system. In most of the countries now in the process of democratisation, particularly those in Central and Eastern Europe, few if any, of these institutions are present.

The ILO should use its unique tripartite structure to give guidance and help to these nations in establishing the institutions that are essential to a market economy. We have experienced employers, experienced workers' representatives and many fine government officials who can help in the establishment of these institutions.

Altogether too often, governments or institutions like the ILO are tempted to interfere in the working of the free market in order to carry out some quite appropriate social objectives. Even in this Conference some delegates are already urging restrictions on the free market, but let us not be misled by this siren song. Although such interference appears to bring short-term benefits, more often than not the long-term results are disastrous. A decision to put a ceiling on the price of bread, for instance, usually means that the ceiling very quickly becomes a floor and in the long term less bread is available, not more. A decision to set a high minimum wage usually results in fewer jobs, not more. Rent controls usually result in poor quality housing and less of it. The free market, when it is allowed to function without interference, automatically adjusts to the needs of the people. If there is a shortage of bread, for instance, the price will rise and as the price rises more bakers will be attracted to the market, eventually bringing the supply of bread into balance with the demand for it. If, however, a ceiling price is established for bread, thus preventing the market forces from establishing the proper price, this natural correction does not take place.

Of course, the free market works just as effectively in the opposite direction: when the supply of a particular product or service is greater than the demand from consumers, the price will fall, thereby discouraging production as the more efficient producers reduce their schedules and the less efficient go out of business. Again there is a great temptation for governments to interfere by providing subsidies to the less efficient in order to maintain employment. Inevitably this kind of interference is equally disastrous as it results in the continued production of products for which there is no market.

In a free market economy the customer is sovereign and the ultimate customer is the individual consumer. When the consumer is pleased with the product or service being offered, the entrepreneur or company will prosper and grow. And when the consumer is unhappy for any reason – poor quality, undependable service, obsolete products or excessive prices – the entrepreneur or company will see its business shrink and if corrections are not made on a timely basis, such an enterprise is doomed to go out of business. Now what I have referred to as "corrections" is frequently referred to as "structural adjustment", particularly here in the ILO.

I have been dismayed to learn that in the Committee discussing adjustment and human resources development, some speakers believe that there are two kinds of structural adjustment – voluntary and involuntary. Nothing could be more erroneous. Structural adjustment is a constant necessity in every enterprise, and those who fail to make timely corrections of deficiencies are doomed to failure – failure that not only destroys the enterprise but eliminates all the jobs that the enterprise would otherwise provide.

I cannot close my remarks today without commenting on the address of our old friend, His Excellency the President of Zambia, Mr. Chiluba. Despite his ninteenth – century description of employers, his call for cooperation between workers and their employers is the very best legacy that he could have possibly given to his many friends in this Organisation. Unless and until workers and their employers work together cooperatively to fulfil the wants and desires of the real boss of all enterprises – the customer – there can be little hope for the steady growth in opportunity that we all seek.

Original – French: Mr. AGAGUSEINOV *(Workers' delegate, Azerbaijan)* – In the course of the work of the current session, the success of the choice of our President and our Vice-Presidents has been confirmed. I should like to take this opportunity to express my satisfaction with the choice of Officers and congratulate the President, as well as the delegates who chose him, on his election.

For the first time, the workers of Azerbaijan have made their voice heard in this assembly. This has been made possible thanks to the far-reaching political changes which have recently taken place in my country, re-establishing its sovereignty and independence. Azerbaijan has reiterated its irrevocable commitment to democratic reform.

That is why the Report of the Director-General is of particular interest to my delegation.

As this is the first time I've been given the floor, I should like to take this opportunity briefly to explain the main problems that we are encountering along the path on which we have embarked, which is aimed at ensuring democratic, non-denominational government and a solid system of protection and social security.

The single-track development of our Republic's economy which in the past was used by a totalitarian government simply to supply itself with fuel, has led to a drop in the growth of national income. Other harmful effects have been felt in connection with social problems, the standard of living and the development of the Republic's agriculture, which has been dominated by cotton monoculture. The high concentration of oil production and of petrochemical industries in the country, together with the extensive use of various chemicals for the treatment of cotton, have left certain towns and regions on the brink of ecological disaster. Pollution continues severely to affect the health of workers and the general population alike. Solving all the problems before us will be all the more difficult because the current transition to a market economy entails problems of its own. Only the international experience in the standards of international law and the assistance of the ILO can stop our country from falling prey to uncontrolled capitalism. Basically, we must develop legislation to ensure a social security system and to establish standards for the conditions of employment, the work of women and children, job security and protection and a minimum wage.

The use of human resources which are not engaged in the public sector of the economy remains a major problem. The development of social relations in a market economy constantly raises the question of how to provide employment for the population. According to our forecasts, the closure of unprofitable, debt-ridden enterprises will lead, around 1995, to massive dismissals.

Moreover, we now face a new and unexpected problem – that of caring for refugees. The war unleashed by Armenia on our territory and the expulsion of Azeris living in Armenia have deprived hundreds of thousands of people of their rights to the inviolability of the person, to employment and to education. They have lost their salaries, their work documents, their children's birth certificates, their passports and their savings. They have even been refused emergency assistance. Their urgent needs for housing, clothing, food, vocational training and employment must be met. This situation reflects the profound complexity of the social problems imposed by the current circumstances.

To a great extent, the solution of these problems will depend upon the adoption of laws and standards that define the status of refugees in accordance with the provisions of the Universal Declaration of Human Rights. To draw them up we will need the assistance of the international community and of the ILO.

The social policy at present in effect in Azerbaijan is hardly capable of improving conditions of employment of women. The percentage of women employed in difficult circumstances has remained practically unchanged, particularly in the cotton industry, the tobacco industry and in viticulture, where women are the majority of the labour force. The low level of mechanisation and unhealthy and difficult working conditions have adverse effects on women's health and on pregnancy.

Moreover, the growth of the female labour force, although it has definitely increased significantly, has not been matched with increased specialised training for women. Generally, women are engaged in activities that do not require skills and are uninteresting. As far as the standards of the ILO are concerned, we still have to improve existing standards and draft new laws in this field, based on international experience in the field of the employment of women.

With regard to another matter, the social support mechanism suffered from serious deficiencies. So far, in the industrial sector, the amount allocated to cover salaries and social benefits has been no more than 9 or 10 per cent of all expenditure. Now a new law has been adopted, under which a minimum budget is established to cover social expenditure. In the past, wage and benefit rates were the fruit of centralised decisions. This year, an important reform of the remuneration system is under way. From 1 January this year, a minimum wage has been guaranteed by the Government. On the other hand, there is no longer a wage ceiling.

Nevertheless, these measures are being carried out at the cost of economic development, because they disrupt economic recovery and slow down the pace of production. In the current circumstances, we require the help of qualified experts and consultants as well as economic advisers rich in international experience in the implementation of various economic reforms. Moreover, we have to prepare our own national economic specialists by utilising the possibilities offered by foreign training centres.

Apart from the reform of the remuneration system, the most important tasks before us are to find new approaches to labour relations based upon the principles of social partnership and collective bargaining, and to establish a tripartite system.

Among the social problems of concern to our society, no doubt the most important will be to create a solid and effective social security system to improve the population's standard of living and especially the standard of living of the most disadvantaged groups. This reform cannot disregard the particular demographic traits of our Republic, in which the birth rate is high (two children per family) and large families (four or more children) are common.

In nominal terms, household income has risen. Nevertheless these increases are being rapidly outstripped by the rise in the cost of living.

Mr. RACHMAN *(Workers' delegate, Indonesia)* – I should like to begin by expressing the Indonesian workers' appreciation to the Director-General of the ILO for his valuable and comprehensive Report on the subject of *Democratisation and the ILO*, not only because the issue of democratisation has now become a global concern, but more particularly because it represents the highest priority that we, as trade unions in developing countries, are striving for.

Secondly, I would like to share with you the experience of the Indonesian workers and explain the position we have adopted in this respect.

The fact that Indonesia has set itself free from 350 years of colonialism makes it quite obvious that Indonesians are aware of and fully understand the issue of human rights. For that reason the promotion and protection of human rights are important priorities in our State's ideology and Constitution.

In so far as democracy is concerned, we in Indonesia believe that a person is not a mere individual, but is also a part of society with social obligations as well as rights, and that these rights must also be respected. In other words, freedom to exercise rights must always be counterbalanced by social obligations.

In this context, we, in Indonesia, think that the concept of human rights and democracy should be developed in the light of, and on the basis of, our State's ideology, tradition and culture, taking into account the ethnic plurality and the different languages of our society and the multi-racial people who make up our nation.

As to the implementation of human rights and democracy in the trade union movement in Indonesia, I would like briefly to furnish you with the following information.

Until 1973, we had 21 national centres, each of which was in competition with the others. So sharp was the competition between them that industrial peace could not be achieved. In line with our national economic development plan, all 21 centres were merged in 1973 into one federation which therefore consisted of 21 industrial unions.

As I have mentioned, we developed human rights, workers' rights and democracy in line with our political experiences and our national development plan. Twelve years later, in 1985, we changed our trade union structure from that of a federation to one that is "unitary", in which the unit at plant level is expected to be the spearhead. In this structure, the coordinating tools at national level were known as "departments". Now, as the result of our last Convention, the structure remains the same, that is, unitary, but the role of the departments has been changed to allow them more autonomy, in the hope that they will take over the functions of industrial unions under the National Executive Board of the All-Indonesia Workers' Union (SPSI). In the current structure, "departments" have become "sectors".

One might conclude from this that there had been a U-turn in 1985 and raise the question as to why it was allowed to happen. But this is exactly what we are trying to demonstrate and where democracy comes in: the decision of the Congress, as the highest body in the organisation, had to be respected.

However, there are other matters: 80 per cent of the labour force in Indonesia at the moment is educated only to primary-school level.

I would like to indicate here the difference between "interference" and "cooperation" in the context of Indonesia; I think it is important from the point of view of the Indonesia Workers' Union, since we have had such difficulty in making ourselves understood.

When we cooperate with our Government within a tripartite partnership, in conformity with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) – which we in Indonesia have adapted to our laws and traditions – we have always been seen to be under the control of the Government. If we ask the employers to cooperate in setting up our units, as provided for in our regulations, that has been interpreted as allowing the employers to interfere in union business. For your information, the Tripartite Body was established in Indonesia in 1967, that is, nine years before the adoption of Convention No. 144.

In line with what I have just presented, I should mention the positive impact of trade unionism in Indonesia, as the result of tripartite consultation. The number of SPSI units has increased to 10, 750 in 1992. Similarly, collective labour agreements have risen to 6,500 this year.

In conclusion, I hope that the Conference this year will adopt Recommendations or, if possible, Conventions, that will improve more effectively the welfare of workers in developing countries.

Mr. PILARSKI *(Employers' delegate, Poland)* – On behalf of the Polish Employers' Confederation, I have the pleasure of congratulating the President on his election to such a responsible post.

The Polish Employers' Confederation was established four years ago. In June 1991 it was recognised by the International Organisation of Employers as one of the first in the post-communist countries. We saw this recognition as a result of our achievements in the relatively short period of our existence. It showed confidence in our active role in the process of transforming our economy into a market-oriented one.

In this connection I would like to emphasise that the Confederation is the only representative body of the Polish employers to which 24 regional and branch organisations are associated, both private and state ones. Therefore the Confederation should be, and is, an important element in the new social and economic infrastructure of our country. It influences all economic changes in the country and establishes an adequate model of labour relations.

The Confederation is particularly interested in developing trilateral institutions and mechanisms, as well as collective bargaining at all levels. I am convinced that this is an important component of the emerging democratic system in my country.

It is clear that the interests of all the social partners in a democratic system should be adequately represented and that all social actors should play their appropriate roles. Strong and effective employers' organisations are both in the interest of the government and the trade unions. Without them, it is impossible to maintain social peace and appropriately regulate employer-employee relations.

We strictly observe the rule of tripartism which, based on the democratic mechanism and on dialogue among the three parties concerned (government, trade unions and employers), strives to preserve social peace. It has a synergistic effect which is very beneficial to the development of our economy.

The Confederation is playing an important role in transforming our economy into a market-oriented one. In particular it is participating in: the privatisation of our economy and the establishment of its legal base; the training of managers and specialists who are indispensable for our economy; the training of negotiators who facilitate relations among employers and employees; promoting the real image of employers and their role in the free-market economy.

We are endeavouring to achieve an as yet unseen level of privatisation. We have privatised 90 per cent of the trade sector, 75 per cent of the construction sector and 85 per cent of the agricultural sector.

We have gathered considerable experience in this area which we could share with other countries which are transforming their economies. We expect that in future the privatisation process will increase in other countries as well. The outcome of this process will affect the future social and economic well-being of those countries. Therefore, we strongly advise the ILO to examine the social consequences of the transition process at its regular sessions.

We consider that the requirement to standardise products, which will come into force on 1 January 1993, is also of great importance for democratic and free-market economies. I would like to say that these standards will determine future access to markets, international labour division as well as development and social relations. And thus I think it is worth considering the possibility of discussing this issue here at the ILO.

The above comments go to show the important role played by employers' organisations in the socio-economic changes taking place in the post-communist countries.

It is obvious then that strengthening their position and importance is not only in the interest of employers, but also in the interest of governments and trade unions. This should also hold true for their active involvement in the international community.

Original – Spanish: Mr. MORENO PRECIADOS *(Workers' delegate, Spain)* – We congratulate the President for his election, and we congratulate the Director-General for his Report, *Democratisation and the ILO.*

We have witnessed a blossoming of democracy in the countries of Central and Eastern Europe; although the process is not yet complete, and though there are still contradictions and tensions, this is a very positive phenomenon for the extension of democracy and basic social and civil rights.

Whilst in other countries there are worrying signs of xenophobia and racism, which are in flagrant contradiction with the essence of democracy, the European Trade Union Confederation chose as the theme for 1 May celebrations the struggle against xenophobia and racism.

This wave of intolerance is accompanied in many countries by electoral gains on the part of far-right movements and parties which would return to the most sinister totalitarianism and openly challenge the survival of civil freedoms.

Therefore, it is necessary and urgent, now more than ever, to strengthen and develop political democracy.

The Director-General is right in saying that "it is quite true that [democracy] is not just a matter of placing a ballot paper in a ballot box. It can only survive if the entire population participates and maintains its interest in public affairs. Without this participation", the Director-General adds, "democracy would be powerless to satisfy people's aspirations; it would be no more than an empy shell."

Participation and democracy must go hand in hand. Neither has any meaning without the other.

In Spain for some time we have been stunned to witness a constant denigration by the Government and major employers of concepts as basic as participation, solidarity or the right to employment.

On 3 April the Government published Royal Decree 1/92 concerning urgent measures to foster employment and provide unemployment protection, which involves a reduction of 40 per cent in unemployment protection, and in some cases, the total elimination of the benefits for unemployment.

This Royal Decree was approved and published, and entered into force the day after its publication, not only without negotiations or consultations with trade unions, but, and this is even more serious, with deception. Indeed, as the Spanish trade unions became aware, through the press, of the intention of the Government to approve a bill to reduce unemployment benefits, we asked for consultations; our request was publicly rejected by the Government. When the Decree was published we protested to the Government, but the Government dismissed us and accused us of assuming a confrontational posture.

This reduction in unemployment benefits is taking place at a time when the level of unemployment in my country is nearing 16 per cent. The reason given by the President of the Government for this cut-back in benefits is that unemployment has got out of hand. In recent years the Government has generously given subsidies to the employers hiring temporary workers. The result is that 38 per cent of the jobs in the private sector in my country are precarious. Now the Government claims that the unemployed should pay for the deficit resulting from the subsidies so generously given to the employers.

Very recently, on 22 May, the Council of Ministers submitted to Parliament a Bill on strikes.

When the Government convened the trade unions to inform them of this bill, it expressly said that it was not a question of negotiating or bargaining, but only of hearing our opinion. The result was that none of our suggestions were taken up. On the contrary, once our opinion was voiced, the changes to the Bill made it even worse.

In Spain the right to strike is governed by the Decree of 4 March 1977, which pre-dates our democratic Constitution. This Decree was opposed in 1980 by the parliamentary group of the Spanish Socialist Workers' Party, which was then in the opposition, because it considered that it was harmful to the right to strike. And now, the Socialist Government is submitting a Bill which is even more restrictive than the above-mentioned Decree.

When a party in power does exactly the opposite of what it promised to do when it was in the opposition, in terms of social matters, it is harming democracy and causing bewilderment and scepticism among the citizens, as evidenced by the recent drop in voter participation.

In protest against restrictions on unemployment protection and the right to strike, and in support of a reindustrialisation policy, we the Spanish workers held a general strike for half a day on 28 May; it was widely observed and took place without any violent incidents despite the fact that the Government made the unusual move of deploying political forces.

The CEOE, the employers' organisation, in violation of ILO principles of tripartism, asked insistently for the general strike to be declared illegal and for trade union pickets to be banned.

In addition to police action, the Government undertook a propaganda campaign under the pretext of guaranteeing the right to work. It is paradoxical for the Government and the employers to invoke the right to work only when there is a strike, while the rest of the year they take no notice of the 2,556,000 unemployed persons who are looking for work, even though this problem should be a priority in the Government's European convergence policy.

The Spanish trade unions solemnly appeal to the Spanish Government to negotiate. We want to negotiate in the manner highlighted by the Director-General: "Participating in such consultations means not just presenting and defending one's position, but also listening to the other side and honestly seeking solutions that do justice to the interests of all."

The European Trade Union Confederation, which supports the Treaty of Maastricht as a starting point for European union in the social, economic and political fields, has rejected the Spanish Government's convergence plan and urged other European Community countries not to use it as a model.

Finally, just one word about the situation in some countries which typify anti-democratic situations found in many countries.

In our neighbouring country, Morocco, political and trade union freedoms are repressed violently by the State itself. Proof of this is the recent detention and trial, without adequate guarantees, of the Secretary-General of the CDT, Nubir El Amavi, and the Regional Secretary of the UGTM, Driss Laghinimi.

In Peru, it is the President of the Republic himself who has violated the Constitution by suspending democratically elected institutions and concentrating power in his own hands, and at the same time engaging in a harsh and repressive campaign against the trade union organisations, which are already seriously threatened by the terrorism of the Shining Path.

The situation of Guatemalan workers is tragic. They are persecuted, tortured and assassinated by the military and paramilitary and their leaders an threatened with death.

Finally, the Spanish workers observe with interest and hope the development of the negotiations initiated in Madrid between the Government of Israel and the representatives of the Palestinian people and the Arab governments; we hope that they will lead to a satisfactory result with the restitution of the territories occupied in 1967 and mutual recognition of the States of Israel and Palestine.

Mr. ROBERTS *(Employers' delegate, Fiji)* – I have the honour to present to the President the congratulations of the Fiji Employers' Federation on the occasion of his election to chair this session of the Conference.

I report with pleasure the return to the International Labour Conference of a full delegation from the Government of Fiji after an absence of some six years. The reasons for the absence have been explained by the leader of our Government delegates to an earlier sitting of the Conference and as time is short I shall not duplicate his efforts.

Suffice it to say that the Fiji Employers' Federation is delighted to be again with the International Labour Conference and to renew friendships with former colleagues. We look forward with confidence to continuing to play our part in the deliberations of the session on an annual and ongoing basis.

The Director-General's Report has proved to be a most provoking document, containing many references of critical interest to those concerned with the ongoing development of human resources. The ILO's commitment to broad-based development in this area has to be one of the most significant programmes of all the international agencies and finds a sympathetic chord with our organisation's objectives.

The question relating to democracy is appropriate in the case of Fiji. Whilst we applaud the tremendous growth in the number of countries participating in the democratic process, I am particularly happy to report that my country completed its free elections only 17 days ago after a five-year period under an interim government appointed after military coups in 1987.

The new members of Parliament have subjected themselves to the public scrutiny of the electors at the ballot box and, while Parliament has not yet been assembled, we can state with confidence that the democratic process is alive and well in Fiji.

There has been criticism of our new Constitution, adopted in 1990, with some people demanding its revision to remove the parliamentary superiority given to ethnic Fijians. One hopes that the critics of Fiji will now be silenced as they see the parliamentary process again take effect.

Fiji has a mixed population of diverse backgrounds and cultures and yet we generally manage to get along pretty well together. In Fiji, neighbour helps neighbour, regardless of colour or creed – certainly an enviable attitude when one views the intolerable relationships existing in many other parts of the world and which are daily vividly brought to our attention by the electronic media.

While we expect that there will be understandable delays and readjustment as the new administration finds its feet in its new democratic environment, undoubtedly Fiji is headed for a period of new and sustained growth.

With the successful passage of the elections, we can look forward to increased investment from both local and foreign sources as investor confidence is assured. There is sustained interest in the tax-free factory scheme, encouraging export-related enterprises. This assists in continued employment creation.

Before the elections, the interim government set in motion plans to establish a wider taxation base through the introduction of a value-added tax and lower personal and corporate tax rates through major financial reforms. The introduction of these measures is welcomed by employers and it is to be hoped that the new government will persevere with the plans. The fair repayment for effort is essential to the promotion of increased productivity.

A further dramatic move was the corporatisation of several government departments, including the lucrative telecommunication and postal service.

I refer to anticipated sustained growth patterns in our economy, but I should give an account of Fiji in the intervening years since the bloodless coups.

The coups were as much a shock to us as to our neighbours, but it must be acknowledged that they arose not through anarchy or social turmoil or financial disaster but through unease and disquiet at the prospect of the indigenous race losing control of their country's destiny – a fear not unique to Fiji.

In the face of a rapidly declining economy caused by the coups, the interim government initiated radical programmes to overhaul the economy. Previously entrenched protectionist systems were removed in a total commitment to deregulation, and in the recovery process all sectors of the economy were encouraged to adopt free-market philosophies.

The policies paid off at a time when many other countries were experiencing general economic recession. These policies gave Fiji advantages including: foreign reserves in excess of five months' imports; a GDP which at current factor cost has increased by F$576 million, or slightly in excess of 40 per cent in the past four years; a GDP per capita which at current cost factor rose by one third to more than F$2,600; in the same period, a total external debt which fell by F$121 million, or 22 per cent; a recorded paid employment which rose by 26 per cent, from 71,000 at the end of 1987 to in excess of 90,000 at the end of 1991; a number of registered employers which increased by 20 per cent to 11½ thousand.

The interim Government recognised that, if its deregulation policies were to succeed and if Fiji were to maintain its international competitiveness, there had to be a corresponding adjustment to correct the industrial malaise which over the years had perpetrated a rigidity of processes inside and outside the tripartite system.

The setting of statutory guidelines was abandoned and free collective bargaining reintroduced. Workers were free to demand what they thought they were worth and employers were free to pay what they thought the workers were worth. Clearly, the aspirations on both sides do not always coincide and machinery is in place to help solve differences.

Labour reforms were introduced, not popularly received by the trade unions, although full access to the consultative process was given to them, as to employers, through the tripartite Labour Advisory Board. The reforms resulted in the power of a few very strong trade union leaders being effectively reduced and control of the trade unions being handed back to the rank and file members.

Since some trade unionists entertained significant political ambitions and cherished thoughts of redress and revenge against those involved in the earlier coups, it suited their agenda to rush off around the world crying injustice and inequality, whereas in real terms the labour reforms had made them more answerable to the membership they presumed to represent.

They attempted to muster support for their opposition to the reforms in Australia, New Zealand, the USA and UK, Brussels and, dare I mention, also in Geneva.

Many overseas unions heeded the cries of their brother unionists without first checking the realities of the situation, and felt justified and empowered to undertake misguided industrial action against Fiji, thereby creating problems predominantly affecting their brothers in Fiji.

While there remains a complaint against Fiji in the ILO system, Fiji's employers hope that the matter will be satisfactorily and speedily resolved.

I propose to mention some features of the labour reforms to indicate to delegates that we are not referring to severe and draconian measures.

The compulsory aspect of the collection of union dues by the employer was removed, and the voting processes on matters such as the election of officials, decisions to take industrial independent scrutiny by officials.

As a result the bargaining position between employer and trade union is now on a more realistic basis than ever before, and employment numbers continue to rise, contrary to international trends.

While it is perhaps appropriate for some union officials to present circumstances in a manner which disguises their bias, there is no doubt that there have been severe distortions of circumstances in reference to Fiji.

The real facts that some trade unionists have chosen to gloss over or ignore, is that the tripartite system in Fiji has continued, although modified from the earlier full-blown embrace of the mid-70's institution called the Tripartite Forum, by Government, employers and workers. In its time the Tripartite Forum attracted much favourable international comment.

There are many government bodies, statutory and other organisations administered by boards of non-executive individuals appointed by one or another government minister.

For years the appointments made to these boards have included trade union leaders and this practice has not varied, although individual posts may have changed at the end of their mandate.

To illustrate further that tripartism continues in Fiji, I advise that immediately following the close of this session of the Conference, the entire Fiji delegation travel to Singapore to meet with another tripartite team from Fiji for the purpose of studying Singapore's Flexiwage System of productivity-related wage-fixing mechanisms. Here I would like to recognise the kind co-operation of the Singapore National Employers Federation, the National Trades Union Congress, and the Singapore National Productivity Board, and the financial assistance of the ILO's subregional office in Fiji.

The purpose of this tripartite mission is to determine whether Flexiwage offers a better method of adjusting annual increases in wages and salaries.

There has been no difficulty in attracting senior trade unionists to participate in this programme, demonstrating a clear willingness on their part to ignore personal political advantage to the benefit of their trade unions and their members.

I believe that as tripartism has existed in Fiji in one form or another for many, many years, perhaps there may shortly be a move again to recognise the system of a more formal manner. I believe that our presence at the ILO this year is the beginning of that procedure.

Original – French: Mr. LOUNIS KHODJA *(Employers' adviser, Algeria)* – On behalf of the General Union of Algerian Employers, we would like to greet all delegates present here and to congratulate the President most warmly on his election to the Chair of the 79th Session of the International Labour Conference.

We are sure that he will be successful in this high office, given his proven abilities and his great experience in the world of work.

We would also like to congratulate Mr. Michel Hansenne for the remarkable Report which he has drawn up this year on the subject of democratisation. We are particularly happy to extend our deep thanks to him and to share in his extremely lucid analysis of both the general guidelines and the major objectives on which the ILO's future activities should hinge. We will try, at least in part, to respond to what has been said by the Director-General of the ILO based on our own experience.

In difficult socio-economic conditions, Algeria is seriously and with conviction trying to build a State based on the rule of law, as part of a process which involves a transmission from a planned to a market economy.

Today our country is fully committed to a wide-ranging reform programme which affects all areas of national life and which is designed to avoid the resurgence in any form of violations of human rights, the stifling of the freedoms and rights of the press, freedom of expression and of organisation, the curtailment of the spirit of initiative and creativity and the right to free enterprise, discrimination based on sex, age, religion and political opinion or attacks against the security of property or persons.

This innovative programme, which is a programme of democratisation and in line with international trends towards the eradiction of the last bastions of authoritarianism, totalitarianism and racism, is not an easy one – given the fact that the democratic, economic and social aspects of development policy are intrinsically linked and, indeed, are inseparable.

It is a very complex process hampered not only by the pervasive effects of an unprecedented economic crisis, but by the unnatural coalition which has arisen between fundamentalism and outdated forces which are hostile to the current reforms.

Because we are well aware of what is at stake in terms of the democratic and republican future of Algeria, we call on the international community to take a stronger stand in its attitude to organisations which not only advocate but actually employ violence and terrorism to impose political change.

Today Algeria stands in great need of solidarity and help if it is to make lasting progress along the path to democracy. It is to be hoped that misunderstandings which have arisen here and there will rapidly disappear.

In the case of Algeria, we must realise that fundamentalism is the product of the anti-democratic single party single creed system, a planned economy and society and the extreme marginalisation of young people who feel that they have no future.

That is why the consolidation of our democratic achievements, which are still fragile, will have to be accompanied by institutional and socio-economic support to restore hope and trust to both workers and employers and to particularly vulnerable social groups.

And what can Algeria do? We are country which has formidable assets in terms of mineral, energy and human resources, perfectly solvent in the medium term and yet we have to spend, in this period of structural adjustment, three-quarters of our export income on the servicing of the debt.

How will it be possible for us, with a population of 25 million people and only 3 billion dollars left after paying our debts, to satisfy the vital needs of our people in terms of food, clothing, housing, education, training, health and employment and at the same time ensure that our production and service enterprises can operate correctly when those enterprises are dependent on external markets for almost all their inputs?

We see here the development gap which exists, reflected in the divorce between the economic and social aspects of development.

This kind of contradiction, which is not at all an easy one to resolve, is an everyday fact of life in developing countries.

We are convinced that it is impossible to resolve this problem unless the international community makes a collective effort. It is vital to do this and such a move will testify to the fact that humanity is moving towards a future of democracy, progress, justice and peace.

In the light of what I have said, we feel that the ILO is at the moment at the crossroads. The ILO has to be ready to shoulder all its tasks in the very difficult international economic situation which prevails and in which, as the Director-General has forcefully and rightly pointed out, the ILO has to act without delay so that the serious dangers which threaten democracy during periods of transition or during the structural adjustment programmes can be removed rapidly.

Hence we are looking to the ILO to reconsider the priorities which it has identified and to adapt them so that its activities can be more efficient and more credible.

It should in particular strive towards: setting standards which are both realistic and flexible so as to take account of the serious restraints which affect employment, productivity and production in terms of both quantity and quality; encouraging further ratifications and respect by all of the ILO's fundamental Conventions, particularly Nos. 87, 98, 111 and 144, which lie at the very heart of the democratisation process; working for the expansion of truly free and independent workers' and employers' organisations; promoting the spirit of enterprise and helping in the creation of small and medium-sized enterprises; promoting multi-faceted education and training programmes which develop human resources and do what has to be done in terms of industrial restructuring and manpower redeployment – vital to structural readjustment; and being further involving in the international aspects of development, by correctly assessing the serious economic problems which have to be resolved – problems whose continued existence will adversely affect social justice in the future.

We need the ILO to be more present, more active and more dynamic on the international stage.

We need the ILO to be more enterprising and to bring greater pressure to bear so that international solidarity, which is so much needed by developing countries, becomes both a moral and an economic imperative.

We need the ILO to establish links with such important institutions such as the IMF and the IBRD on an organised and sustainable basis, because this will help to bring about fruitful cooperation which can release our countries from the burden of crushing foreign debt and from the tragic restrictions we face in terms of access to credit.

We need the ILO to have up-to-date and properly adapted methods, and to integrate its objectives and tasks as greatly as possible, thereby ensuring the smooth operation of all its structures and subsidiary bodies – particularly the International Training Centre of the ILO in Turin has to be looked at very carefully.

We need the ILO to continue everywhere to defend fundamental rights and a more active contribution to eliminating trouble spots and hotbeds of tension which affect the international scene.

We call for a continuation of the ILO's efforts in the final dismantling of apartheid and also hope to see justice done to the Palestinian people and to their just cause; indeed, we feel that greater and stronger solidarity has to be shown in this respect. The ILO has already achieved a great deal but it should now continue to support the peace process which is under way and should discourage all those in Israel and elsewhere who are trying to see this process fail.

We must strongly support the combat which is being fought by the Palestinian people under the leadership of the PLO in order quickly to arrive at a lasting peace ensuring the existence of all the States in the region within safe, recognised and guaranteed frontiers....

The PRESIDENT (Mr. Decosterd) – I must ask you to interrupt your speech. I give the floor to

Mr. Elgar, Government adviser, Israel, on a point of order.

Mr. ELGAR *(Government adviser, Israel)* – I think the speaker knows quite well that the Selection Committee decided that the special sitting which took place yesterday would be devoted to the question of the Palestinian workers in the territories. This has already taken place.

At the same time the Selection Committee decided – and this was approved by this Conference – that no further mention would be made of this subject during the general debate. So I ask that the speaker be instructed accordingly.

Original – French: The PRESIDENT (Mr. DECOSTERD) – Mr. Lounis Khodja, would you please now continue with your statement, bearing in mind what we have just heard, that is to say refraining from referring to the subject discussed yesterday.

Original – French: Mr. LOUNIS KHODJA – In conclusion, we would like to say that we are very proud to belong to the ILO and that we hope to see it playing a larger role in the future and meeting the challenges which have to be met, thus enhancing its credibility, its moral authority and its influence throughout the world.

Mr. ESAU *(Workers' delegate, Namibia)* – At the outset, allow me to congratulate the President and the Vice-Presidents on their election to high office at this 79th Session of the International Labour Conference. I am convinced that under their enlightened leadership, our work will be crowned with success.

My congratulations are also addressed to the Director-General of the International Labour Office for the quality of his Report, devoted to democratisation and the role which the ILO is called upon to play in linking the process of economic development and social justice.

It is correct that democracy is strengthened by the institutions which facilitate and encourage participation in public affairs. It is equally correct that democracy is not able to function properly in an economic order that is not capable of satisfying the basic needs of a nation.

With the global change to democratisation, hopes for greater well-being and better security of existence has been the order of the day.

Namibia's attainment of national independence was a passport to democracy which took root during the first quarter of 1990. We can proudly say that the product of our long and bitter struggle has brought about an environment conducive to a democratic transformation, from a colonial to a democratic sovereign society.

Democracy has gradually gathered momentum and strength with the scrapping of discriminatory and racial legislation in Namibia.

It is with pride that I mention that the new legal order guarantees trade union and human rights to all Namibians, irrespective of gender, religion, colour of skin or ethnic origin. Having enjoyed those trade union and human rights, it is our wish that they should be shared by all the working people of the world. It is in that light that as members of the Southern African Trade Union Coordination Council (SATUCC), the National Union of Namibian Workers (NUNW) would like to join in the call for the guarantee of trade union and human rights and the immediate release of brother Chakufwa Chihana the Secretary-General of SATUCC, who is presently detained by the Malawian authorities.

It is imperative to share with you some of the developments related to labour and human resources development in Namibia.

The NUNW has been a partner in the process of drawing up the new Labour Code of Namibia, which was promulgated by the Namibian Parliament in March 1992. This being a document that came through consultations and consensus, the union is determined to give it a chance as a way to stimulate development through economic growth.

Having completed the Labour Code, we have embarked on a new process of consultations and negociations to draw up legislation on affirmative action While the Consutution of Namibia calls for the application of affirmative action in employment, there is still misinterpretation in certain quarters as to its meaning. The new Act will give us procedures for implementing affirmative action without destabilising the socio-economic system.

Here again the workers, as a social partner, are prepared to give their constructive advice to the process.

The Namibian workers have been part of the tripartite team in drawing up the vocational training bill which is now in the process of being tabled in our Parliament.

Other work involved the drafting of the nationa vocational training policy and the national vocationa training testing and certification system, which hav been approved by our Cabinet.

While enjoying the goodwill and recognition of th Namibian Government, we are aware of the arduou task before us. Having just emerged from a situatio where a trade union movement was part of the liberation movement, we are faced with new realities first and foremost, to stand as a trade union movement and to build capacities.

Further, the Constitution of the Republic of Namibia has established the basis for the rule of law i compliance with universally acceptable judicial practice. It further established institutions which independently represent each of the three branches o government and paved the way to a political multiparty system and equality before the law for all citizens.

The workers of Namibia, as social partners an pillars of democracy, express their great concer about the slow progress of economic developmen The Namibian economic order is still strongly affected by the ills of the apartheid South Africa economy. The Namibian economy has been developed as a "fifth province" economy of South Africa This means that our economy is not independent bu closely connected to that of South Africa. For example, South African banks and financial institution are operating in Namibia, due to the fact that Namibia does not have an independent monetary polic and control.

Together with Botswana, Lesotho and Swaziland Namibia is part of the Southern African Custom Union which controls imports and exports to thes countries. Therefore, we are still subjected to th regulations of the Southern African Custom Unior These stringent regulations prevent Namibia fron starting industries which will compete with South African industries. It also prevents foreign investment and the opening up of new markets for Namibian products.

Our goal is to consolidate our young democracy by improving the quality of life for our people. This includes health and social welfare, housing for all, land redistribution, enough food for all, job creation, and education and training. Our people need to be empowered to take control of all aspects of their lives; and we need to promote greater equality between men and women.

Presently, Namibia is still suffering from the legacy of apartheid and colonialism as well as the consequences of the war of national liberation. Market forces alone will not be able to overcome those legacies. We need the international community to play an active role in securing the maintenance of the democratic systems in Namibia and to enhance economic development so as to address the social injustices which have been inherited from colonial South Africa.

The Namibian economic order is still characterised by a high rate of unemployment, high inflation, low economic growth and a high rate of population growth.

The Director-General's Report makes reference to the fact that employment is the principal means of providing for immediate needs, of satisfying the desire for personal development. The working people of Namibia are stongly committed as social partners to play their role actively in giving material effects to all the challenges that are faced by our fragile democratic culture.

This Conference should take note of the fact that Namibia's only deep sea port, Walvis Bay, is still under the illegal occupation of the colonial apartheid South African regime. The immediate and unconditional return of the deep sea port will constructively contribute towards the fight against the obstacles to Namibian economic development: we regard these obstacles as a factor of democratic destabilisation. This port, if in Namibian hands, could be at the disposal of the landlocked neighbouring States, thereby enhancing regional cooperation and economic development.

To this end, may I conclude by saying that assistance should be extended to new democracies in order to make it possible for every person to obtain a job and to carry on independently an occupation in which skills are acquired through training.

I would also like to extend our profound gratitude to the ILO on the tremendous assistance to the working people of Namibia since independence. The assistance ranges from the reduction of gross inequalities dereived from the past racial discrimination with respect to access to socio-economic opportunities and productive employment; workers' education; occupational safety and health; equality of opportunity in employment; employment of women; and social security and protection.

Finally, I wish to air the voice of the Namibian workers to all peace-loving peoples in calling upon the apartheid South African regime to remove all obstacles towards a democratic interim government which will lead the country to a democratic non-racial South Africa.

Lastly, I hope that this session of the Conference will help to bring about a worthy ideal.

Original – French: Mr. BONGELI *(Minister of Labour and Social Welfare, Zaire)* – At the outset I should like, on behalf of the Government of the Republic of Zaire, the delegation which I have the honour to preside, and on my own behalf, to congratulate the President and the Vice-Presidents on their election to head the work of the 79th Session of the International Labour Conference. I am fully convinced that under their inspired leadership the deliberations of this meeting will be successful.

I should also like to thank the Director-General, Mr. Michel Hansenne, and all the offiicals of the ILO, for the constructive work they are accomplishing in the service of the world of work in order to promote peace and social justice on our planet.

Part I of the Director-General's excellent Report refers to a topical matter on which we are all focused, namely the role of the International Labour Organisation in the democratisation process.

The delegation of the Republic of Zaire believes that the changes that have occurred in the world over the past few years have created new challenges for the ILO. Certainly the political liberation of the Eastern European countries has brought about immediate results, particularly earth-shattering for the monocratic regimes in the developing countries, and especially for those in Africa. These regimes are currently confronted by an unexpected explosion of their peoples who are clamouring for liberty and democracy. As a result, the transition period in Africa is studded with violent incidents which have caused a number of observers to speak of the danger that is threatening democracy.

Indeed, the exercise of true democracy requires effective measures that work and are heeded, to strengthen the unity of the people and their ability to judge and to choose. It also requires the appropriate means to carry out credible opinion polls, and the legal means to ensure respect for democracy.

Zaire believes that the ILO should reinforce its action in the field of training people for democracy in order to help the people in the countries concerned to cope with the problems involved in democratisation through dialogue, concerted action and compromise.

We also believe that the ILO should contribute to the establishment of tripartism in the countries which are at present restructuring their social and economic structures, particularly through contacts with professional associations and trade unions that are now emerging. Our Organisation should defend, as far as possible, the values of liberty and human dignity and contribute to the reduction of tension throughout the world by ensuring, at the highest possible level, continuous cooperation amongst its members in the pursuit of its aims.

It is therefore with just cause that the delegation of the Republic of Zaire greets the initiative taken by the Organisation of African Unity who convened last month in Dakar, the Pan-African Conference on the mastering of democracy. The principal objective of this conference was to direct and shape the evolution of the process of democratisation in certain countries where the transition is the cause of daily confrontations.

Since 24 April 1990, and after popular consultations, Zaire has been involved in the process of democratising its political and social institutions. In this connection, important reforms restoring political pluralism and trade union pluralism have been carried out in order to respond to the numerous aspirations of our people.

This political adjustment was accompanied by many violent clashes. The most crucial was the systematic destruction of the national industrial establishment carried out in September and October 1991. The consequence of these unfortunate acts accentuated the crisis of an already ailing economy and resulted in a massive loss of jobs. In other words, on the economic and social level, Zaire is in a very serious state.

However, in view of the unshakable desire to create the foundations for a new, more democratic, society, the people of Zaire have now gathered in a national, sovereign conference to reflect upon their destiny.

This forum, which will define the foundations on which to build the third republic, has already begun its examination of our 32 years of independence.

However, the people of Zaire are conscious of the fact that democracy cannot be instituted with the mere wave of a magic wand. It is a process that is long and sometimes difficult, and one that has to be worked on every day. We believe that the present situation in our country is proof of our need for greater assistance from our partners in order to support our democratisation efforts.

Zaire adheres fully to the principle of the International Labour Organisation whereby the main requirement for socio-economic democracy is the existence of trade union and employers' organisations, alongside the Government.

To this day, some 60 trade unions have been registered at the Ministry of Labour and Social Welfare.

In this connection, with the help of existing occupational organisations, my Government has initiated various measures to permit the setting up of new unions throughout the national territory. Elections are also due to take place after the Sovereign National Conference in order to determine the most representative trade union.

The second part of the Report of the Director-General, concerning the activities of the Organisation in 1991, sets out the achievements during this period in different parts of the world.

The delegation of Zaire is happy to note that, as in the past, more than half of the expenditure on technical cooperation has been devoted to Africa.

Zaire hopes most sincerely that the ILO will be able to diversify technical cooperation projects for Africa and thus increase the ordinary budget devoted to it as most of the countries of the African continent are now facing an economic crisis with dramatic social implications.

But in my own country already, the Government has reacted to the consequences of diminishing employment by consultating with the social partners to establish special measures to stimulate the economy, including even tax relief for those economic operators who have been damaged by the painful events of September and October 1991. However, because of the immensity of the problems, the Government's action is scarcely perceptible.

In the face of this challenge, Zaire is continuing to develop the informal labour sectors.

This is the setting in which we expect assistance through international cooperation so as to stimulate and give support to the employment possibilities that are being created throughout the national territory.

This is the case of non-governmental organisations and mutual societies which reflect the dynamism of the people of Zaire but which have need of financial assistance to survive and to provide training for the managers of employment-generating projects.

The other question on the agenda will be examined in detail at the level of specialised committees of the Conference. However, I should like to refer briefly in the assembly to some of them.

As to the draft project for a Convention on the protection of workers' claims in the event of insolvency of their employer, Zaire has already solved part of the question raised by article 91 of its Labour Code. It did not consider it necessary within the framework of current conditions to adopt Part III of the draft with reference to a creation of a guarantee institution.

As to prevention of industrial disasters, the delegation of Zaire believes that, in order to minimise the risk of major disasters and to protect the worker, the population and the environment, well-defined measures must be taken. To this end, a compilation of practical directives for the prevention of major industrial accidents published last year by the ILO remains a very important reference document.

As to the adjustment and use of human resources, we should note the perverse effects of structural adjustment in the employment sector in so much as many enterprises that are subject to productivity criteria reduce the number of jobs on account of lack of new investment, with resulting practically generalised unemployment in the country.

My Government believes that the specialised training of workers must be given special emphasis, as without appropriate training the redeployment of a worker who has lost his employment is not an easy thing.

Zaire expects our Organisation to be its interpreter and advocate with the International Monetary Fund and the World Bank in order to alleviate the conditions for the obtaining of credit.

That is why we are convinced that each member country of our Organisation should profit from its specific situation to generate employment and protect its workers through the adoption of appropriate statutory texts.

As to the implementation of the Declaration concerning Action against Apartheid in South Africa, Zaire is convinced that the pursuit of internal negotiation and the support of the international community will overcome this odious system so as to achieve a just and prosperous multiracial society in that country. My country remains favourable to allowing the professional organisations of that country to join the International Labour Organisation with a view to assisting it to become a state of law.

May the current session of the Inernational Labour Conference reaffirm solidarity between nations with a view to constructing a world that is more just, wherein reign social peace and human dignity.

Original – French: The PRESIDENT (Mr. DECOSTERD) – We have come to the end of the debate of the reports of the Governing Body and of the Director-General.

You were 299 who participated in the debate. This is an absolute record in the annals of our Conference.

On behalf of the Officers and the President, I should like to thank you all for two reasons. Firstly, the quality of your statements which were in conformity with the directives recalled by our President at the outset of the Conference, and secondly, we have appreciated the fact that you facilitated our task by respecting the limit in the length of speeches. You have therefore confirmed the saying that the longer a speech the less depth it has.

Original – French: The CLERK OF THE CONFERENCE. Tomorrow, we shall hold a special sitting on apartheid. This sitting will take place throughout the day. On Friday, theoretically, we should not have a plenary sitting. I would ask you nevertheless to check with the daily bulletin as to eventual changes.

(The Conference adjourned at 5.15 p.m.)-

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Twenty-fourth sitting

Thursday, 18 June 1992, 10.15 a.m.

President: Mr. Nascimento Rodrigues

ELEVENTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original – French: The PRESIDENT – The first item on our agenda is the eleventh report of the Selection Committee which you will find in *Provisional Record* No. 6J.

This report has been transmitted to us by the Chairman of the Selection Committee and it contains changes in the membership of the committees, as well as the delegation of authority to the Officers of the Conference which reads as follows: "In view of the fact that no plenary session of the Conference is planned for Friday, 19 June 1992 or Saturday, 20 June 1992, the Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference delegate to its Officers all powers to approve any changes in the membership of committees which might be submitted for approval during the next two days, it being understood that any change thus approved will be duly published in the *Provisional Record* of the Conference."

The report is submitted to you for adoption. If there are no objections, I shall consider it adopted.

(The report is adopted.)

COMMUNICATION TO THE CONFERENCE

Original – French: The CLERK OF THE CONFERENCE – As announced in the *Daily Bulletin*, we should this morning have adopted the third report of the Credentials Committee, contained in *Provisional Record* No. 19.

However, we had to withdraw *Provisional Record* No. 19 because the French version contained a number of mistakes. Therefore, it is not available in French at this point for adoption. It will be taken up on Monday, 22 June.

REPORT OF THE COMMITTEE ON ACTION AGAINST APARTHEID: SUBMISSION AND DISCUSSION

Original – Portuguese: The PRESIDENT – We now come to the report of the Committee on Action against Apartheid. I would like to invite Mr. Hernandez, Employer member, Philippines, Employer Vice-Chairman of the Committee, Mr. Brett, Worker member, United Kingdom, Worker Vice-Chairman of the Committee and Mr. Halinen, Government delegate, Finland, Reporter of the Committee to come up to the rostrum.

I request Mr. Halinen, the Reporter, to be so kind as to present the report of the Committee.

Mr. HALINEN *(Government adviser, Finland; Reporter of the Commitee on Action against Apartheid)* – Allow me first of all to congratulate the President on his election to the presidency of the 79th Session of the International Labour Conference.

As Reporter of the Committee on Action against Apartheid, I have the honour to present to the Conference the Committee's report, which is found in *Provisional Record* No. 21.

At its opening sitting the Committee elected as its Chairman Mr. Nkomo, Minister of Labour, Manpower Planning and Social Welfare, Zimbabwe, and as its Vice-Chairmen Mr. Hernandez, Employers' adviser, Philippines, and Mr. Brett, Workers' delegate, United Kingdom, and myself as Reporter.

The Committee set up a tripartite Working Party of 15 members with equal representation to prepare the conclusions of the Committee. I acted as Chairman of the Working Party.

In accordance with its mandate, inter alia, of monitoring action against apartheid, the Committee examined the *Special Report of the Director-General on the application of the Declaration concerning action against apartheid in South Africa*. A further document complemented the Special Report and provided a brief summary of the principal events concerning labour matters which have occurred in South Africa since the preparation of the 1992 Special Report.

The Committee also had before it information supplied by governments and by employers' and workers' organisations on action taken against apartheid; it also had the conclusions of the meetings of the Group of Independent Experts, the report of the Committee on Discrimination, and the report of the Tripartite Conference on Southern Africa which took place in Harare, Zimbabwe, from 5 to 8 May 1992.

The Committee held six sittings in which it heard over 30 important and thoughtful interventions. The debate focused on the assessment of the situation in South Africa and was comprehensive, open and frank in nature. The report reflects the Committee's deliberations and contains specific conclusions adopted by the Committee.

The Committee's report and conclusions can be seen as a resolute condemnation of apartheid and a clear call for the creation of a non-racial, democratic South Africa. The conclusions express concern of the fact that negotiations on CODESA II have failed to lead as yet to an agreement on a new Constitution for South Africa, and that recent developments in South Africa have not been conducive to the negotiations called for by the United Nations General Assembly resolution 46/79A. The conclusions urge the parties concerned to make every effort to conclude such an agreement and to set up as soon as possible a non-racial democratic interim Government.

Without going further into details of the content of the report and its conclusions, I should like to mention that the conclusions take note of the report of the ILO's Tripartite Conference on Southern Africa, held in Harare, and endorse the conclusions contained in that report. There are some further supplementary conclusions which appeared to be warranted by the developments since the Harare Conference.

The Committee adopted the report by consensus. At the request of the Government of the United States, the conclusions were adopted by a vote. The vote resulted in 922 votes for, 20 votes against, and 60 abstentions. The United States Government voted against the conclusions and the Governments of Portugal, the United Kingdom and Finland abstained.

As Reporter, I commend the report and its conclusions to this Conference for adoption.

Finally, I would fail in my duties if I did not extend my warm thanks to the Committee's skilful and patient Chairman, Mr. Nkomo, for his leadership and ability to conduct the work of the Committee. I also thank most warmly the determined Vice-Chairmen, Mr. Hernandez and Mr. Brett, the members of the Working Party, the representative of the Secretary-General, Mr. Abdel-Rahman, as well as Mrs. Perret-Ngûyen, Mr. Rubin, all their colleagues, and the secretaries and interpreters whose competence and tireless efforts are profoundly appreciated.

Mr. HERNANDEZ *(Employers' adviser, Philippines; Vice-Chairman of the Committee on Action against Apartheid)* – I convey most sincerely our warmest congratulations on Mr. Nascimento Rodrigues' election to the Presidency of this session of the International Labour Conference and express our best wishes for fruitful and successful deliberations. Once again the Committee on Action against Apartheid has worked hard to produce, not without some difficulty, a set of conclusions that to our minds will send an urgent message to the South African authorities to take all the necessary specific measures to speed up the process of negotiations toward the total and final eradication of apartheid and the creation of a truly democratic non-racial Government in South Africa.

At this juncture I would like to pay special tribute to all the members of the Committee, and in particular Mr. Nkomo, the distinguished Minister of Labour, Manpower Planning and Social Welfare of Zimbabwe, Chairman, Mr. Brett, Workers' Vice-Chairman, Mr. Halinen, Government representative of Finland, Reporter, for formulating and adopting the Committee's report and conclusions which most respectfully and most earnestly I commend to you for unanimous adoption.

In its report and conclusions contained in *Provisional Record* No. 21, the Committee expresses the hope that the parties concerned in South Africa will speed up and continue their negotiations and conclude an agreement on a new Constitution for South Africa within the shortest possible time-frame. Expressing its aversion to violence and its concern that turmoil and violence may impede the negotiations, the Committee expresses the hope that all segments and sectors of South African society will heed the call of the international community for the avoidance and cessation of such violence.

Like the marathon runner who pulls out all the stops and burns up all his energy as he nears the finishing line, the constituent members of this noble Organisation, all lovers of freedom and social justice, should strengthen their solidarity and redouble their efforts to help put an end to a regime of racism and inequality.

As the last mile is about to be completed it behoves the International Labour Organisation and the social partners to maintain the Declaration on Action against Apartheid and the Programme of Action, and to support the Committee's report which includes the Conclusions of the Tripartite Conference on Southern Africa, held in Harare, to assist in the transition from discrimination to democracy in South Africa.

The sanctions in the Declaration on Action against Apartheid and in the Programme of Action must be maintained. Having said this, I request you to take note, as in previous years, of the reservations put forward by a very small minority of employers from such countries as the United States, the United Kingdom, Germany, the Netherlands, France, Italy, Switzerland, Israel and the Nordic countries, in respect of specific sanctions mentioned in the Declaration on Action against Apartheid and in the Programme of Action.

I must hasten to add, however, that these reservations do not indicate in any way a dilution or a diminution in employers' support, which I can certainly guarantee. There is a universal resolve to continue with renewed vigour the war against the abominable political system of apartheid.

In conclusion I appeal to all the members of the International Labour Organisation and to the constituent members present here today to adopt by consensus the Committee's report and conclusions and to relay to the Government and people of South Africa an urgent message that reaffirms our fidelity to the fundamental principle enshrined in the Declaration of Philadelphia that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity" in a message that defines in clear, unmistakable terms the desire of the prestigious and respected International Labour Organisation to set up a strong infrastructure of democracy, freedom, equality and social justice in South Africa.

Fellow delegates, I associate myself with Mr. Halinen, the Reporter of the Committee, in asking for unanimous approval of the report of the Committee on Action against Apartheid contained in *Provisional Record* No. 21.

Mr. BRETT *(Workers' delegate, United Kingdom; Vice-Chairman of the Committee on Action against Apartheid)* – I would like to begin by adding my voice to those paying tribute to our Committee Chairman, Mr. Nkomo, Minister of Labour, Manpower Planning and Social Welfare of the Republic of Zimbabwe, who presided over our deliberations with experience and wisdom. He had to return to Zimbabwe on Tuesday but was unfailing in his desire to obtain a consensus in the Committee and more particularly in this Session of the Conference. I would also like to express the gratitude of the Committee for the services of our Reporter, Mr. Halinen. His was a difficult task, particularly during the deliberations of the working party, but he brought to that task the experience of logic for which our Nordic colleagues had been rightly commended over many years. I would also like to pay particular tribute to Mr. Hernandez and his colleagues in the Employers' group. They were a tower of strength and without their contribution we could not have arrived at the conclusions we are now putting before you.

The Committee had as its introduction to the debate the conclusions of the Harare Tripartite Conference held in Zimbabwe from 5 to 8 May, the breakdown of the Codesa II talks, and the report of the Director-General.

The Committee was clear in its deliberations. The responsibility for the breakdown of the CODESA II talks lies with the National Party of South Africa and its refusal to accept compromise on the question of the majority required in a constitutional assembly.

In an era when many constitutional changes require no more than a majority decision of the citizens of a country and a two-thirds majority is the norm for those decisions considered to be of overwhelming constitutional importance, the South African Government's demand for a 75 per cent majority clearly demonstrates in our view their unwillingness to subject themselves to the democratic test and to accept the will of the electorate. There is a suspicion, nay a fear, that the South African Government wishes to see the removal of the appearances of apartheid while retaining the power and privilege gained through the apartheid system. Therefore our Committee on Action against Apartheid, after lengthy discussion, has arrived at the conclusion that maximum international pressure and sanctions in line with United Nations resolution 46/79A must continue until the apartheid system has been fully eradicated.

I am sure everyone in this hall wishes to see the end of apartheid. We only divide into the optimists and the pessimists. The employers are to be numbered amongst the optimists in that they believe this might be the last sitting of the Special Committee on Action against Apartheid. Some governments can only be described as super-optimists in that they are so confident they have already removed sanctions.

The Workers' group can be accused of being pessimists, though we would claim the mantle of realists. We see nothing to date that would persuade us that sanctions should not be maintained. A view we share with Mr. Mandela, who voiced similar sentiments during his recent visit to Scandinavia when he called for the maintenance of sanctions until a democratic government has been established in South Africa. On 8 June 1990 Mr. Mandela stood on this rostum and asked that we walk the last mile with him. Two years later that mile has not yet been completed and it is the de Klerk Government that is putting obstacles in the way of the completion of our journey. Our countermove to that obstacle should be to redouble our determination to see the total abolition of apartheid and I would wish to note that the policy of apartheid would not, in the workers' view, end with the scrapping of the apartheid laws, nor with the election of an interim government. There will still be work for the ILO to do.

As spokesman for the Workers' group, allow me to express our high appreciation to the Director-General on his excellent *Report on the application of the Declaration concerning action against Apartheid in South Africa*. The revelation of the Director-General that 14 apartheid laws remain on the statute book constitutes a severe denial to those who said that the pillars of apartheid had been removed. Among the remaining laws figuring prominently are the Electoral Act of 1979, which makes no provision for the voting rights of the Black population, and the Bantu Homeland Citizenship Act, whereby people living in the so-called Bantustans are foreigners in their own country of birth. The other discriminatory Acts relate to the discrepancies in the compensation for injury and sickness laid down by the Mines and Works Act; to education with more spent on Whites than Blacks; to welfare, with Whites receiving large pensions and other social services while their Black colleagues receive little or nothing.

The report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the Republic of South Africa draws attention to the serious problems caused by the existence of 11 different sets of labour-related legislation in the various territories into which South Africa is currently divided. The Commission urged the Government to address these problems with a view to ensuring that workers and employers throughout these territories enjoy the basic rights of freedom of association and collective bargaining.

The South African Government should take urgent measures to implement the conclusions and recommendations of the Commission, and we urge the Director-General to follow up and report on progress made in this direction to the Economic and Social Committee of the United Nations.

For the Workers' group there is not a shadow of doubt that apartheid still remains in place, and I need not repeat the arguments developed by the representatives of COSATU and NACTU who addressed our Committee and pleaded for continued support by the ILO in their struggle against apartheid. There are a number of facts that we believe need re-telling.

Firstly, despite the agreements signed between the parties concerned, there are still, by our estimate, some 450 political prisoners held in South African prisons.

Secondly, the failure of the South African Government to take appropriate measures in accordance with the provisions of the National Peace Accord and curb the violence has left 14,000 people dead. That, in our view, demonstrates a lack of commitment on the part of the South African Government to take its full responsibility as a Government to ensure peace and security in the townships, and indeed the whole country.

This latter assertion is confirmed by the 100-page report of Amnesty International on the security forces' complicity in torture and political killings from 1990 to 1992. This report was released just after the termination of our general debate within the Apartheid Committee, or I am sure it would have featured largely in that discussion. It goes on to say that from March 1990 to the end of March 1992 alone, when indeed the world's media were focused on the drama of political negotiations, more than 7,000 people were killed, victims of large-scale attacks on communities, of targeted assassinations, of attacks by mysterious killers on commuter trains, of unprovoked shootings by the security forces. In March of this year, 400 people died during a surge of political violence which was particularly marked in the run-up to the 17 March all-White referendum.

The Amnesty International document relates the police involvement in the torture and death of detainees and the killing of unarmed demonstrators in the so-called independent homelands. It also details Security Force complicity in killings by Inkatha Freedom Party supporters in Natal and the Transvaal and their involvement in torture and political killings in the context of the Cape Town taxi war.

Other evidence of police involvement in the violence is the judgement delivered in April 1992 by the Natal Supreme Court on the Trust Feed massacre, President George Andrew Wilson concluding that Captain Brian Mitchell and four police special constables carried out the cold-blooded politically motivated murder of 11 men, women and children in 1988.

The Amnesty report concludes that ultimately, however, it is the Government which controls the resources and the security forces, and so it is under the obligation to take all possible steps to ensure that people can live peacefully and without fear within their own communities.

If the authorities continue to fail to intervene effectively and impartially when there is violence, and to make security forces accountable for their actions, then the prospects for a democratic transition in South Africa are seriously threatened. The hardening attitude of the Government is forcing the ANC and COSATU to revert to mass action, including marches, demonstrations, strikes, factory occupations, etc. In an attempt to shift the negotiating deadlock of Codesa, the ANC organised a mass rally last Tuesday to commemorate the 1976 Soweto uprising. The Government replied by asking half a million reservists to be put on stand-by in a move to intimidate the ANC, pushing the confrontation further. The Government also introduced a law in Parliament which would give the police extended powers to detain people without charge for interrogation purposes and the Attorney General authority to deny bail.

We believe it is important not to send the wrong signals from this Session of the Conference to the South African Government. During the work of the Committee we also examined, as I have said, the work of the Group of Independent Experts. Our Committee noted, with regret, that there was a decrease in the number and standard of replies to the ILO questionnaire. We regret that the European member States in particular declined to fulfil their responsibilities, and in that sense restricted themselves to a common reply. We all need to retain vigilance and determination, such as was shown in earlier years, and if we do so then we will shorten the last mile to be taken, with signals from this Session that will be taken quite clearly as disapproval of the South African Government and a call for further and urgent negotiations.

The conclusions and recommendations of the Commiteee on Action against Apartheid, we believe, reflect the aspirations of the majority of the population of South Africa. In measuring the value of our report, we can look at both the strength of the language and the breadth of support for it, because we believe it is crucial that our report has the broadest support. We have, with the assistance of the Employers, made a number of concessions in the text of the report to meet the sensitivities of the government. However, it remains a powerful indictment of the present situation in South Africa and a clear signal for the way forward. We would render the greatest service to democracy if we were to adopt the report and its conclusions unanimously. In doing so we would demonstrate our resolute condemnation of apartheid and endorse a clear call for an early negotiated political settlement, leading the creation of a unified, non-racial and democratic South Africa.

Finally, I would like to place on record the appreciation of the Workers' group for the effort of all members of the Committee, the representative of the Secretary-General, Mr. Abdel Rahman, his colleagues in the secretariat, and the interpreters. Their competence and devotion were an essential ingredient in the work of our Committee.

Finally, may I refer you to the final paragraph of our report, which is not a conclusion but an appeal, actually made in Harare on behalf of a trade union colleague, Mr. Chihana, incarcerated in Malawi without charges: a living reminder that injustice knows no boundaries. We ask you to join us today in demanding his release.

I commend to you the report and conclusions.

Original – Spanish: The PRESIDENT – Before we open the discussion on this report, I should like on behalf of the Officers of the Conference to express to the Chairman of the Committee, Mr. Nkomo, the two Vice-Chairmen, Mr. Hernandez and Mr. Brett, and to the Reporter, Mr. Halinen, our sincere thanks for the excellent work they have carried out.

Their work has been most fruitful and they have submitted a report of high quality.

We now move on to the general discussion.

Mr. SUNMONU *(representative of the Organisation of African Trade Union Unity)* – I would like, on behalf of African workers and the Organisation of African Trade Union Unity, to express our appreciation to the Director-General for the high quality of his *Special Report on the application of the Declaration concerning Action against Apartheid in South Africa.*

I also congratulate the Chairman, Officers and members of the Commitee on Action against Apartheid for their report and conclusions.

Any unbiased person will see that some small progress has been made in South Africa on the eradication of apartheid since last year.

In appreciation of this small progress, the international community has awarded the de Klerk Government with more than it deserves by the partial lifting of sanctions. We are, however, concerned about the unnecessary haste with which some governments with vested interest in South Africa want the rest of the sanctions against it to be lifted, even when the de Klerk Government has little to show for it.

Need we remind those governments that the removal of apartheid laws from the Statute books in

South Africa has not destroyed apartheid on the ground – even within the communities in housing, education, health and in governance.

The de Klerk Government is still minority, White, racist, undemocratic, corrupt and therefore illegitimate. The question of violence has not been properly addressed and reports hold the de Klerk Government as not only being responsible for the violence but also the chief financier and promoter. Violence is used by the minority regime of South Africa to delay the democratic process. We cannot therefore understand how a government that is reputed to be the best-armed in Africa, assisted by an array of security apparatuses, can claim to be powerless in stopping the township violence in South Africa. How can the minority Government of South Africa explain why there is an unprecedented increase in violence only in the Black communities that have offered the most resistance against the regime, like Soweto, Sharpeville, Sebokeng and Alexandra?

We are happy to note that in spite of attempts by the White judge who inquired into the cause of violence in South Africa to "whitewash the de Klerk Government of complicity in the township violence in South Africa", the recent report of Amnesty International on South Africa laid the blame for township violence securely on the de Klerk Government.

The other important aspects of the situation in South Africa that should be taken into consideration are the fact that the majority of South Africans still have no vote today and that there is no agreement on the mechanisms for the transfer of power.

The premature lifting of sanctions and the absence of sustained international pressure have contributed immensely to slow progress towards a non-racial democracy in South Africa. In order to move South Africa toward the final death of apartheid and the emergence of a non-racial united and democratic South Africa, the following steps should urgently be taken by the minority regime and all the parties and groups involved in the CODESA negotiations: an immediate end to township violence; the immediate formation of an interim government with a Black majority; an election of a constitutional assembly by all South African adults of voting age to draft a new non-racial, democratic Constitution for South Africa; the adoption by referendum of a new South African Constitution; and, finally, the non-racial election of a new South African Parliament based on the new Constitution.

Part of the existing sanctions can be lifted by the United Nations and the international community progressively as the above steps are taken in South Africa. It will then be left to the new non-racial, democratic South Africa to tackle the enormous social and economic problems brought about by decades of oppression and exploitation of the Black majority through apartheid – these include education, housing, health and employment.

We are proud that the Organisation of African Trade Union Unity affiliates, namely, COSATU and NACTU, have played and continue to play a very active part in the process of the destruction of apartheid and the restoration of democracy, social and economic justice in South Africa. COSATU and NACTU should work fervently for the unity of the South African labour movement, so as to facilitate the early achievement of the above noble objectives.

We commend the ILO for its assistance to the workers and democratic trade unions in South Africa. We ask for an increase in ILO's technical assistance to these organisations at this critical juncture in South Africa's history. A non-racial, democratic South Africa will be a welcome member of the Organisation of African Unity (OAU) and one of the main pillars of Africa's economic integration.

I, on behalf of African workers and the OATUU, support the adoption of the report and conclusions of the Committee on Action against Apartheid and commend it for your adoption.

Mr. KAILEMBO *(representative of the International Confederation of Free Trade Unions)* – On behalf of the International Confederation of Free Trade Unions, representing 110 million members from all over the world, I would like to express my overwhelming support for the conclusions of the Committee on Action against Apartheid.

I hope that the report of the Committee and its conclusions will be adopted by consensus, so as to send a message in clear and unmistakable terms to the South African Government that apartheid must be dismantled and replaced by a unified, non-racial and democratic South Africa.

I would also like to congratulate the Chairman, Mr. Nkomo, and members of the Committee for their dedicated work to advance the noble cause and ideals of freedom, democracy and social justice for the great majority of people still suffering under the abhorrent system of apartheid. Over the years, the work of this Committee has contributed significantly to consolidating further the ILO as a true abode for those who are struggling against exploitation, injustice and violation of trade union rights.

Unfortunately, the negotiation process at the Convention for a Democratic South Africa (Codesa) came to a halt on 15 May. The reluctance of the South African Government to hand over power to the majority and its proposal to entrench minority power to veto decisions in an elected Constituent Assembly were largely responsible for the breakdown of negotiations. Reinvigorated by the Whites-only referendum of 17 March, the National Party and its allies adopted a rigid position at the negotiating table and made proposals which would ensure that they continue to rule the country under the cloak of democracy.

The ICFTU, therefore, will continue to vigorously campaign against the South African regime and to call on the international community to exert maximum pressure, including sanctions in line with the United Nations resolution of 13 December 1991, in order to bring about an early abolition of apartheid. The ICFTU and its affiliates have been in the forefront of the struggle against apartheid. We have consistently supported the negotiation process, but have also emphasised that there can be no guarantee for the outcome of a genuine, non-racial democracy until a new Constitution, drawn up by the elected representatives of the people of South Africa, is in place.

Last year on this platform we said that the changes taking place in South Africa had not, as yet, affected most of the fundamental basis of apartheid. We warned the international community against too much optimism. Events have proved us right. We are dealing with a shrewd and vicious Government. But let me explain why we took that position and we still maintain it today.

Although a few apartheid-related laws have been repealed, some important ones still remain on the statute books. These include the Constitution Act of 1983, which provides for the tricameral Parliament, the Social Pensions Act, which lays down that White pensioners are paid more than Black, the Bantu Homelands Citizenship Act, which made Blacks alien in South Africa, and laws which continue to provide for racial, segregated education. Even the Population Legislation Act, a key legislative law for the application of apartheid, was only partially repealed in June 1991. Furthermore, the Internal Security Act was only amended; a person can still be detained for ten days without trial.

Hence, it is clear that apartheid has by no means come to an end. Mr. Cunningham Ngoukana, General Secretary of NACTU, told the Committee that it was important to maintain the existing measures against the regime as an indication that the international community would not be satisfied until apartheid was eradicated totally and a democratic constitution was in place. The determination of democratic trade unions in their fight against the brutal system of apartheid is remarkable and they deserve our fullest support.

After the collapse of talks at Codesa II there are signs of growing impatience and resentment among the workers. Mr. Jay Naidoo, General Secretary of COSATU, informed the Committee that his organisation had decided to embark upon a programme of mass action as from mid-July in order to break the political deadlock, based on its demands for an interim Government of national unity by the end of this month. The ICFTU fully supports the democratic trade unions of South Africa in their action to force the Government to abdicate power. It is perfectly understandable for voteless masses to demonstrate in the only ways available to them. If the Government does not respond to reason, it will have to respond to strong pressure which in turn should be supported by the international community.

The lack of good faith of the Government is further exemplified by the delaying tactics being used by it regarding the granting of basic workers' rights to its own employees in the public sector, and to the farm and domestic workers. Extension of labour legislation to cover farmworkers was one of the undertakings given by the Government in 1990. This commitment implies the extension to farmworkers of four basic pieces of legislation: the Labour Relations Act; the Basic Conditions of Employment Act; the Wages Act; and the Unemployment Insurance Act. Up to now, no concrete action has been taken by the Government. Hence workers in these three sectors continue to be denied basic rights.

Moreover, there have been numerous acts of violence and intimidation against trade unionists. The ICFTU strongly condemns the South African Government for its failure to take appropriate action to arrest and bring to justice the perpetrators of these acts of violence. Let me quote just a few examples of such cases.

In January, the house of NACTU's General Secretary, Mr. Cunningham Ngoukana, was raided by the police. Mr. Ngoukana was reported to have been threatened and his property damaged by the police. In March, police arrested and detained NACTU's President, James Mndaweni, for several hours. In February, the General Secretary of COSATU, Jay Naidoo, was reported to have made public substantial evidence of a plan by security forces to assassinate trade unionists. A key target was Moses Mayekiso, General Secretary of NUMSA. On 2 February, a grenade attack on the home of Sam Ntuli, an official of NUMSA, caused injuries to five people; Ntuli was subsequently killed by a group of gunmen on 29 September. A man was killed when the house of Sipho Cele, COSATU's Northern Natal Regional Secretary, was attacked in April. COSATU is reported to have said that there had been repeated attacks on Cele. Organisers of NEHAWU, Mike Myembeze and Humphrey Maxegwana in East London, claimed that they had been abducted in February at gunpoint.

There has been a series of collective arrests of trade unionists in the course of disputes, particularly following the November strike launched by COSATU and NACTU to protest against the introduction of VAT on basic foodstuffs. An estimated 175 members of NUM and SACCAWU members were arrested, mostly for participation in illegal marches, and 83 more NUM members were detained for alleged intimidation. On 18 November, 19 members of the chemical workers' union, SACWU, were arrested while picketing a Cape Town warehouse. The following day, 33 shop stewards of SACCAWU were held after a sit-in at the head office of Pick'n Pay. These, as I said, were only a few instances where freedom of association and trade union rights came under severe attacks. Hence, trade union organisation and recruitment activities were seriously undermined.

I wish also to share the concern of the Workers' Vice-Chairman of the Committee on the wave of violence which is sweeping the country. The failure of the Government to act effectively to curb the continuing and intensive violence, which has cost the lives of 14,000 people, has raised doubts about the Government's commitment as a responsible partner in the negotiation process. Only the day before yesterday, ten more people were killed in Soweto where the ANC was holding a mass rally to commemorate the 1976 uprising in an attempt to put pressure on the Government to resolve the political deadlock. Violence, which is becoming a common feature in South Africa, is claiming the lives of ten people every day. The ICFTU strongly condemns the South African Government for its unwillingness to take measures in accordance with the National Peace Accord to deal with the question of violence.

The ICFTU reaffirms its support for the legitimate struggle of the Black people of South Africa to abolish apartheid and to establish a united, non-racial and democratic South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms and human and trade union rights. Ending apartheid means majority rule in an undivided society.

Through the ICFTU Coordinating Committee on Southern Africa, which meets twice a year, with the participation of COSATU and NACTU, the ICFTU coordinates and maximises all forms of assistance to the independent trade unions, such as organisational, educational and institution-building projects which are sponsored at the request of democratic trade unions. Around 30 projects were implemented last year and will continue this year. The total annual budget for the ICFTU-coordinated programme in South Africa is around 18 millions rands.

The ICFTU also maintains a consolidated legal and relief fund for assistance to imprisoned and restricted trade unionists, for workers undergoing hardship during strike action against recalcitrant employers, to assist the unions fighting legal battles against employers who exploit apartheid and its laws, employers who dismiss workers *en masse*, the victims of violence. This fund has, over the years, enabled trade unions to fight and win recognition battles and win precedent-making cases which have assisted in the overall fight against apartheid.

The ICFTU Congress in Caracas, Venezuela, in March this year, adopted a resolution reaffirming our longstanding pledge and commitment to give maximum support to the democratic trade unions in South Africa, and to maintain maximum pressure as a lever to advance the process of change until a non-racial democratic government is established.

The Congress also called on the international community to respond positively in the transition and post-apartheid period to the need for a parallel programme of affirmative action to stimulate economic growth and job creation, and stressed that priority should be given to workers' education and training. The ICFTU supports the democratic trade union movement in the process of negotiations in a tripartite economic forum intended to restructure the economy and to attract new investment. Transnational corporations seeking to invest in South Africa should agree to abide by an investment code. This unified and comprehensive code, incorporating the minimum international labour standards, should assist in reconstructing the economy. The need for such a code was discussed at the last ICFTU Coordinating Committee meeting held in Geneva on 5 and 6 June with the participation of representatives of COSATU and NACTU.

The key to the successful transition to a democratic order lies within the country and is being determined by the Black majority. However, international pressure has had and continues to have a significant impact on the developments in South Africa. The ICFTU appeals to the international community to increase its material, financial and other contributions to the victims and opponents of apartheid to help them address the socio-economic inequalities in the fields of education, health, housing and social welfare.

I wish to take this opportunity to express our grave concern to the Malawi Government for the arrest and detention without charges of Chakufwa Chihana, Secretary-General of SATUUC since 6 April. We fully support the recommendation of the Committee that the Conference should send an appeal to President Kamuzu Banda, asking for the immediate release of Chakufwa Chihana and the opening of SATUUC offices.

In concluding, I would like to place on record my organisation's full support for the request expressed by Mr. Bill Brett, Workers' Vice-Chairman of the Committee on Action against Apartheid, that the report as contained in *Provisional Record* No. 21 be endorsed unanimously by the Conference to give the clearest possible message to the South African Government of the consequences of resisting the demand for a sovereign interim government now and a democratically elected Constituent Assembly by the end of this year.

Mr. GOMOMO *(representative of the African National Congress)* – I would like to congratulate Mr. Nascimento Rodrigues on his election as President of the 79th Session of the International Labour Conference. I would also like to congratulate the Director-General for the tireless work the office has undertaken to make this meeting possible.

COSATU represents 1.5 million paid-up members and is the largest centre of organised workers in South Africa.

To all those committed to democratic change in South Africa, apartheid is not dead. Apartheid is still in place. The legacy of decades of White minority rule continues to devastate our people and the country. Political violence lays waste to our country, killing innocent men, women and children. Because of the partiality of the security forces, people have completely lost faith in the capacity of the police to act against the perpetrators of violence.

Therefore, our country continues to be wracked by violence of state-sponsored third-party vigilantes and conservative political organisations and the counter-violence of people who have to defend themselves. This comes amid major evidence of government involvement in murder and corruption.

The Government continues to restructure the economy unilaterally, increasing industrial conflict, as tens of thousands of workers are retrenched into the unemployed pool that already comprises 40 per cent of the workforce and is close to 6 million.

Linked to this is the political logjam in which the present regime blatantly pursues proposals at Codesa which are designed to perpetuate White minority rule. The notions of forced coalitions, revoking presidencies, veto rights for minority parties, make a mockery of universal principles of democratic transformation.

COSATU, the ANC and other democratic formations and our people as a whole will not accept the continued economic and political domination by a White minority. Two years have passed. Millions of our people live under the scourge of political violence and starvation. There is an urgency to our need for fundamental transformation.

We are demanding the establishment of an interim government of national unity and the holding of democratic, non-racial elections for a constitution-making body in this year.

If the present regime refuses to reach agreement with our negotiators by the end of June, then we are left with no option but to take a national mass action to break this political logjam. NACTU and COSATU are going to be at the forefront of this action.

This International Labour Conference has an important role to play in the final stage of our struggle against apartheid. International pressure, including the maintenance of existing sanctions, must be continued to compel the present regime to negotiate in good faith with the leaders of our people.

Secondly, technical assistance must be extended to those non-racial democratic organisations to ensure that the legacy of economic apartheid is addressed and that the playing field is leveled. We cannot allow a situation led by de Klerk to be both a play and a replay during the transitional phase. We are determined to ensure that these inequalities are addressed through a programme of economic reconstruction that involves bona fide negotiations between the key players in the economy.

Thirdly, economic development in South Africa can only be within a framework of the present respect of trade union and human rights. The report of the Fact-Finding and Conciliation Committee of the Governing Body is a prerequisite for establishing such a framework of labour standards. This is certainly a concrete role for the ILO to play in the future and even in the post-apartheid era.

In relation to foreign investment, COSATU has proposed an investment code for multinational companies to ensure that there is respect for such labour standards.

In conclusion, we wish to pay tribute to the ILO for all its work in support of our struggle for democracy in South Africa.

Our people are determined to win their freedom now. Nothing is going to stop our march to freedom, certainly not the intransigent de Klerk Government.

The challenge for those who support our just and legitimate struggle is whether you back our efforts to remove this crime against humanity – apartheid – from the face of the earth. Every delay, hesitation or reluctance means the difference between life and death for thousands of innocent men and women and children in South Africa. I wish to call upon the Conference to adopt the Report of the Committee on Action against Apartheid.

Ms. **PEDERSEN** *(Worker's delegate, Norway)* – My address to this assembly is first of all to declare, on behalf of the Nordic trade unions, our support for the adoption by the Conference of the report and the conclusions of the Committee on Action against Apartheid. It is our sincere hope that this report will be adopted by consensus.

As stated in the Special Report of the Director-General, a strategy is needed to deal with the realities of the present situation, and to face future challenges.

The report and the conclusions of the Committee represent a comprehensive approach to face the threats and the obstacles that still will have to be overcome in the process of change, and to give direction and assistance for the creation of a new, non-racial, democratic society in South Africa.

Although there have been some positive developments in South Africa, the apartheid system still remains. No major and irreversible change has taken place as regards the eradication of apartheid.

The South African Government is responsible for the standstill in the negotiations, reflecting their hardened attitude since the holding of the all-white referendum.

It is therefore important still to put maximum international pressure on the Government to ensure both the creation of an interim Government and the adoption of a new and democratic Constitution. In this regard, sanctions should be maintained, especially in respect of arms, oil and finances, in line with the policy of the United Nations. We are convinced that sanctions and international pressure, coupled with domestic, democratic opposition, have led to progress in terms of changes. The lifting of sanctions by industrialised countries, before the necessary conditions have been met, is to be regretted.

The Committee on Action against Apartheid underlines in its conclusions that a climate of free political activity cannot exist in an atmosphere of continued violence, such as exists in South Africa.

This violence is a human tragedy and a serious threat to the work for positive change in the country. The South African Government must take its full responsibility and introduce measures to fight violence and put an end to the bloodshed.

The South African authorities must further ensure the immediate release of all remaining political prisoners and provide for the unhindered return of political refugees and exiles.

The Special Report of the Director-General warns that "while changes have occurred, racial discrimination will undoubtedly persist until a new and democratic Constitution is in place; even then it is likely to take decades before the scars of apartheid are finally healed".

In a transition period and in a future post-apartheid South Africa, international assistance will be needed to ensure the reflection of political change into the economy and in social life.

In this respect, the conclusions of the Tripartite Conference in Harare form an important basis for future action.

They include the need to support the democratic trade unions and to strengthen workers' educational programmes; the establishment of a tripartite system and a tripartite body for negotiations; assistance in labour and industrial relations matters; and the development of a Code on Investments for South Africa. In this work the ILO has an important role to play.

Priority should also be given to a comprehensive programme for education and training of the black population to enable it to occupy crucial positions in different institutions and organisations in a non-racial and democratic country.

We fully support the conclusions relating to the social, economic and labour aspects of sub-regional integration in post-apartheid southern Africa. Here we want to emphasise the development of cooperation, in particular the cooperation between the trade unions in this region.

It was with sorrow that we learned of the arrest and detention of Chakufwa Chihana, General Secretary of the Southern African Trade Union Coordinating Council and the closing of the SATUCC office in Lilongwe, Malawi. We strongly support an immediate call from this Conference for his release and for the reopening of the office.

The Nordic trade unions have long taken an active interest in the work against apartheid; together with many other unions, we have been in the forefront of those supporting the building of strong, democratic trade unions in South Africa, an essential part of the South African anti-apartheid movement.

We will walk along with our friends in the trade unions and other democratic forces in South Africa in their efforts to put an end to the apartheid system, and will assist them in healing the scars from a brutal and repressive regime.

Let us all join in this effort.

Mr. **MAKHANDA** *(representative of the Pan-Africanist Congress of Azania)* – On behalf of the Pan-Africanist Congress of Azania (South Africa), I should like to congratulate Mr. Nascimento

Rodrigues on his unanimous election to the presidency of this 79th Session of the International Labour Conference. I join the previous speakers who have lauded his reputation for diplomacy and his ability to foster consensus, which I believe he shall achieve.

Allow me also to extend our deep appreciation to the Director-General and the ILO for the unflinching and generous support we have always received in our struggle to eradicate apartheid. My delegation welcomed the observation the Director-General made on our situation when he delivered a statement in Addis Ababa recently.

May I now thank very much the Chairman of the Committee on Apartheid, the Honourable Mr. Nkomo, Minister of Labour, Manpower Planning and Social Welfare of Zimbabwe. His leadership both here and at the recently concluded Tripartite Conference on Southern Africa has been rewarding and very gratifying. He has evinced the qualities that have made him the true freedom fighter that he is. My thanks and appreciation extend further to Messrs. Hernandez and Brett, for whom I have great respect, and to those governments, especially of the front-line States like the United Republic of Tanzania and Zimbabwe, who have championed our cause. I would also like to express my special appreciation to Miss Hak, Employer representative from the Netherlands. Her interventions in the Committee have convinced me that she has the interests of all our people at heart. Last, but not least, permit me to thank the members of the secretariat and the Officers, who are always ready to help.

We come here before you once again, not as a people with a righteous disposition, but as victims whose cause we have found to be just and worthy of international support. We come to report what has transpired in the search for justice, peace and equity, which you have always supported for so many years. We, as victims of a policy that the majority of mankind has declared a crime against humanity, have rightfully made preference for its peaceful eradication, a preference which has always been ours from the beginning of our struggle. We have accepted this method hoping and believing it will redress centuries of dispossession and deprivation.

To this end, we called a gathering of all organisations and leaders in our country from 25 to 27 October 1991, to map out a peaceful strategy for negotiations that would enjoy national support. I should mention here that this call went even to White organisations and leaders of our country, who responded positively to the invitations.

On the said dates, 92 organisations composing a Patriotic United Front (PUF) met in Durban, South Africa. They represented political, labour, business and traditional leaders, Bantustans, and many other organisations and groups. It was the most historic and representative gathering that has ever been assembled under one roof in our country. For three days, open discussions were conducted under the full glare of the local and international media to formulate a National Programme for Peaceful Negotiations with the de Klerk regime.

At the end of the three days of public debate, a National Programme for Peaceful Negotiations was adopted unanimously without reservations by the 92 organisations. The salient points of the Programme are:

- an endorsement of negotiations;
- a call for negotiations to take place in a democratic forum with participants having a national mandate;
- a call for negotiations to be convened by a neutral party and at a neutral venue, and with the inclusion of independent facilitators;
- the objective of all these negotiations is to be the transfer of power from a minority regime to a democratically elected majority government;
- the mechanism for obtaining such a mandate and transfer must be through a constituent assembly, elected on the basis of one person, one vote, using a common voters' roll. This constituent assembly would then draw up a new non-racial and democratic constitution which will reflect the will of all the people of South Africa.

Having adopted the National Programme, the 92 organisations mandated the Pan-Africanist Congress of Azania and the African National Congress to meet with de Klerk and work out details based on this programme.

On 29 November 1991 such a meeting did take place with the de Klerk regime. Aware of the united action of the oppressed, the regime sought to divide it by inviting its puppets from the Bantustans, 14 in all, to this meeting. The regime itself was represented by two delegations – the National Party plus the Government. De Klerk therefore managed to prepack this meeting with 16 votes on his side, votes of puppets that have never been recognised by the international community to this day. One of these Bantustans – the one administered by the military under General Holomisa – has since indicated that it is ready to have the Transkei reincorporated into South Africa after a referendum. We have welcomed this position, and we held our very successful Third Congress in its capital. De Klerk and his cohorts subsequently rejected the National Programme for Negotiations.

It would be of particular interest to this august body to know that at the 29 November 1991 meeting, the Pan-Africanist Congress, once it realised that de Klerk wanted to use numbers to thwart the people's will, demanded that both COSATU and NACTU, two of the national federations in our country who participate in an advisory capacity in the Committee on Action against Apartheid, be invited to participate in the meeting and in other subsequent meetings. This was outrightly rejected by de Klerk and his cohorts. We therefore had no option but to pull out of CODESA.

For a detailed report of the CODESA proceedings, please see my intervention made in Harare, contained in *Provisional Record* No. 4, 79th Session, paragraph 36.

We were convinced then, as we are now, that CODESA can never deliver a democratically elected government as it is currently constituted and operating. The failure of CODESA II vindicated our analysis. In essence, de Klerk in CODESA is playing the roles of judge, jury and prosecutor all at the same time. I want to inform you, however, that the PAC has continued bilateral talks with the regime, in accordance with the mandate of the Patriotic United Front. On 12 April 1992, at Abuja, Nigeria, under the auspices of the OAU Chairman, President Babangida, the PAC met with the de Klerk regime.

These talks are continuing so that we can get back to the national programme.

Allow me now to give the regime's position in its own words. Speaking in Parliament on 21 May, de Klerk's Deputy Constitutional Development Minister, Dr. Tertius Delport, had this to say regarding the breakdown of CODESA: "The breakdown of CODESA II had not been about mere percentages, but about basic differences of opinion over federalism and the representation of minority parties in the government executive." He further went on to say that "it is clear that the Government regarded federalism as an important basic principle that would have to be agreed to by CODESA and could not be left to an elected constitution-making body to decide".

In the above statement to the racist minority Parliament we therefore find the central attitude towards negotiations of the de Klerk regime. They do not believe in the rule of the majority. This is not to say that de Klerk has made a secret of this position. No, he has openly repeated it many times. During the White-only elections, pamphlets distributed on behalf of CODESA made this very clear. They stated: "If you are afraid of majority rule, vote yes on 17 March." We all know the yes vote received over 62 per cent of the White vote.

We can now see clearly why de Klerk and some of his international supporters do not want to conduct negotiations in a neutral venue under a neutral chairperson and with impartial facilitators. Such conditions prevail in negotiations concerning the Palestinian, Angolan, Cambodian and many other questions.

All of a sudden, the champions of democracy, the practitioners of due process, seem to want to abet and condone one who defiantly wants to be the judge, the jury and the prosecutor. In this case he even wants to go further, hand-picking those who are going to be the spectators in his court.

As for the conducive climate being created for negotiations in South Africa, all agree that nothing even approximating such a climate exists. In the Committee I pointed out that at the rate our people are being killed everyday by faceless murderers, by the year 2000, only eight years from now, we will have lost 54,000 men, women and children since 1984. Our United Nations representative, Dr. Motsoko Pheko, has aptly described the situation in South Africa as "a place where there is genocide by the regime, the country is a field of rotting corpses and weeping orphans and widows."

The adage that one sows the wind and reaps the whirlwind does not seem to be limited in space or time. It would be a sad epitaph indeed to all of mankind, which has spent three decades devoting its energies, time and resources so resolutely and commendably, if it ended up with nothing to show for all of its efforts but corpses, scarred bodies and ashes.

We want peace – not the peace of the graveyard, but peace in which man's God-given genius and creativity can blossom, to make our country and world His kingdom, a kingdom in which government, worker and employer can truly approximate the Holy Trinity of three-in-one. This concept is very much plausible in this tripartite and august body the ILO – where each complements the others to create stability, prosperity, harmony and peace, so truth can reign.

For these reasons, my delegation would recommend, with all the humility it can muster, that this august gathering adopt the conclusions of the Committee on Action against Apartheid which reflect the genius and the creativity I mentioned above.

Mrs. CARR *(Workers' delegate, Canada)* – It is an honour for me to stand before you this morning and speak to you as a worker on behalf of my country, Canada.

The economic future of post-apartheid southern Africa will be influenced by a variety of factors, including the policies adopted by a new South African Government. A progressive South Africa could become the motor for economic growth of the region. But it could also become a sponge which absorbs raw materials and cheap labour and dumped manufactured goods, thus further exacerbating the uneven economic development in the region.

South Africa's economic weight, as well as its own glaring disparities, provide strong arguments for regional coordination; that is, extending the SADCC approach to southern Africa as a whole, including a democratic South Africa.

If South Africa can now aspire to democracy, non-racialism and non-sexism, there is no excuse for continuing human rights violations on the part of any other country in the region or around the world.

Drought, division and human rights violations do not bode well for equitable post-apartheid regional development. But this region, with democratic, non-racial and non-sexist South Africa as its engine, could become a model for the rest of the continent, and is that not what we are striving for? It has the people, it has the resources and it has the will. It now needs creative cooperative mechanisms, a little respite from Mother Nature, and a lot of help from its friends around the world.

Organised labour has been the driving force for democratic reforms in South Africa. And the giant federations of COSATU and NACTU are poised to play a leading role in the economic integration of the whole southern African region, and particularly in South Africa. A seminar on this subject was recently organised by the ILO in Harare, with very impressive results.

And now we all look forward to the date or the day, which we hope will be very soon, when an interim Government will be constituted and a Constituent Assembly, a new Constitution and a democratically elected Government in South Africa will be there once and for all. The diverse and imaginative South African people will find a way, and I am sure, I am absolutely positive about that. And we hope that it is very, very soon. And we must continue to make sure that that comes about.

Let me just share with you that Nelson Mandela, when I met with him in his office in Johannesburg last month, assured me that he saw the trade union movement as having played and is continuing to play a key major role in his vision of a new South Africa, a proud South Africa. A South Africa for all people who live there. A South Africa that is democratic, non-racial, without discrimination, without hate, without violence. That is the vision that we all have to share in this hall. And that is a vision that we have to make sure happens in South Africa as quickly as possible. And while you are in this hall and you are speaking from this podium, you must have that in your heart just as well as they do, because without that kind of feeling you will never be able to survive anywhere else in this world if you are not part of making sure that South Africa becomes free and democratic and very soon.

That is why we give a commitment as we do. The ILO's excellent record on dealing with South Africa took a great step forward recently with the publication of the report of the ILO Fact-Finding and Conciliation Commission on Freedom of Association concerning the Republic of South Africa, entitled: *Prelude to change: Industrial relations reform in South Africa*. The report urges the Government of South Africa to undertake vigorously reforms to its industrial relations system in order to guarantee the basic rights of freedom of association and collective bargaining as vital attributes of a free society.

The Special Tripartite Conference in Harare in May of 1992 dealt with the social, economic and labour aspects of subregional integration in post-apartheid southern Africa. The Conference considered it was premature to remove existing sanctions or to review at this time the ILO Declaration concerning Action against Apartheid and agreed, after strong interventions from both COSATU and NACTU, that the green light not yet be given for opening an ILO office inside South Africa. The Conference did agree, however, that ILO activities inside South Africa should begin as soon as the proposed democratic, interim Government is in place, and we hope it will be by the end of this year.

I was encouraged by the high-level agreement between the Workers' and the Employers' groups at this Special Tripartite Conference. We were able to agree that for some ILO projects inside South Africa, preparatory work can already be undertaken and that this preparatory work can take place in or outside South Africa.

I was also able to brief Nelson Mandela during the course of the Special Tripartite Conference, as I have said, on the progress that we were making, and I reported also to the Conference that the ANC President expressed his appreciation for the stand that the ILO was taking and also for the stand of those countries that continue to support the Declaration and of those that are fighting inside South Africa for democratic freedom. He was very much appreciative of that and will always continue to be.

The labour movement fully comprehends the need to strengthen economic fundamentals through productivity and growth, but certain basic rights must clearly be respected: the right to know, the right to participate, the right to security within change, and the right to share in the benefits, and inside South Africa these rights also have to be applied. The Canadian Labour Congress, at our last Congress held last month, adopted this as part of our Congress decisions.

In our international policy statement that we adopted unanimously, we stated in part that "the Canadian Labour Congress joins with African workers in applauding the movement of many single-party States towards more pluralistic democracy. We continue to pledge our support to work in solidarity with trade union organisations throughout the region to achieve an end to poverty and social and economic injustices. We salute the heroic efforts of the independent black trade union movement of South Africa led by COSATU and NACTU."

Their courage has been one you cannot comprehend unless you have been part of it. The fact that they are prepared to give us their lives in the street fighting for democracy and freedom is one you cannot comprehend unless you have been part of it. You in this hall have a feeling that even I cannot comprehend because I have not been there inside to be part of it. But we have to stay with them during this process which is now so clear. In their continuing fight against the oppression of apartheid and its aftermath, we must pledge our ongoing support.

We note, however, that the so-called referendum, which excluded black voters, stands as a reminder that apartheid and its masters and its disenfranchisement of people still exist in South Africa. Progress has resulted from the steadfast efforts of the ANC and South African workers and their union with the support of the international trade union movement through its continued pressure for sanctions, and we call upon the Government of Canada and all governments of the world to support, through appropriate sanctions along with other measures, the ANC and the long-suffering disenfranchised of South Africa as they walk the last mile to freedom, to peace, to the release of the political prisoners, to the end of violence and to equality, equality in their own country, equality before the law and equality amongst all people around the world.

My Congress absolutely supports the recommendations and conclusions contained in the report of the Committee on Action against Apartheid. I must say one more thing. There have been rumours amongst the people in this hall that perhaps this should be the last time that the Committee should meet on this question. I would suggest that it would be a very very serious mistake to consider to have its work ended before we make sure the democratic process is in place.

Mr. LESCAULT *(Workers' adviser, United States)* – Thank you for allowing me to speak from my seat. I apologise that I cannot rise to the platform.

On behalf of the Workers' delegation from the United States and our organisation, the AFL-CIO, we are pleased fully to support the report of the Committee on Action against Apartheid. Our endorsement of this report is based on the Director-General's Report on last month's tripartite conference in southern Africa, events in South Africa this past year and our discussions with the trade unions in South Africa. Taken together, we are saying yes – a movement towards a democratic, non-racial South Africa is occurring. This movement, however, has not been fast enough. It continues to need a strong push from the international community and it definitely needs our continued attention and vigilance.

To expand on that, we can all applaud the formation of Codesa late last year. The failure of Codesa II, however, was a direct result of foot-dragging on the part of the South African Government. We reject the notion that the Government's position in Codesa II was merely a negotiating tactic of tough talks. This is not the time for posturing showmanship. This is a critical period, a time to allay fears, satisfy aspirations and institute the foundations of democracy in a country ravaged by apartheid.

In 1983, it did not take the White Government two years to establish a tricameral government. Immediately, that small gesture towards democracy omitted the majority population and minimised the role of the Asian and Coloured communities. That tricameral Parliament, however, was put in place not in two years, not in one year, but in a matter of months. The procrastination of the de Klerk Government is a costly exercise in entrenching factionalism, promoting violence and maintaining the inequities of apartheid to gridlock diplomacy. The consequence of this policy is the escalation of violence in South Africa. There is no question that security and protection of life and property are responsibilities of the State. The inability of a government to provide that protection is a single, most serious indictment against the State. In South Africa, the question is not the ability of the police or the security forces to maintain law and order. Collectively, they have a proven record over many years of protecting the interest of the White community. That protection was based on controlling the Black population. It is not a great leap forward to change this mandate to a policy of protecting the interests of all South Africans by controlling the violent elements in South Africa.

We would like to congratulate the ILO and the participants to the Tripartite Conference on Southern Africa held last month in Harare. The AFL-CIO fully supports and endorses the conclusions in paragraph 62 of that report. We believe the significance of Harare lies both in the conclusions reached and the timing and place of the meeting. The conclusions accurately reflect the events in South Africa and the appropriate course of action necessary to address those events. Of importance is the issue of trade union rights and extending those rights to all workers, particularly farm, domestic and public sector workers. We in the labour movement are increasingly concerned that the gains made by the trade union movement will be abrogated in favour of political expediency and either change will be derailed or delayed as other problem areas consume a new government. We fully support the trade union movement and its efforts to establish the appropriate forms to pursue these issues as quickly as possible.

It is particularly relevant that the meeting was held in Harare, that is at the doorstep of South Africa. It is also fitting that the ILO is prepared to enter South Africa with its vast technical expertise when the opportune time arises. We fully support the constructive role the ILO could play in a new South Africa. Of particular significance in both Harare and the report of this Committee are the considerations for the future. The report asks this Conference to support the future needs of South Africa in the areas of education, training, regionalisation and investment. There is no doubt that the education policies of apartheid have created a dual system of privilege and poverty. We all know that equal education is the first criterion in promoting equality of opportunity. The task before the international audience is providing that equal education. It will not be easy. It will take the same commitment and resources that went into the entire apartheid campaign. The training needs of South Africa are shared with other industrialised countries and compounded by the practices of apartheid. Technological change and economic displacement are making the skilled worker of today the unemployed unskilled worker of tommorrow. The situation for Black South Africans is more dire as the unskilled worker becomes the unemployed at a faster rate, with less prospect of returning to the labour force. The AFL-CIO fully supports education and training as an ongoing programme, as essential components of democracy and development.

This Session of the International Labour Conference is being asked to urge the ILO to increase its support and assistance to neighbouring and frontline States. The world has changed rapidly. We tend to look at Eastern Europe and the former Soviet Union when we consider these changes. Southern Africa in less than three years has undergone an almost complete change. I would submit that only two countries in the region had not undergone any significant political change – Botswana and Malawi. Botswana because it enjoys a history of democracy; Malawi because it has not changed since its independence.

The stabilisation in southern Africa can only be ensured, however, by assisting these countries by policies and programmes that promote growth and minimise unhealthy competition and hostilities.

For the first time, I believe, this report recognises the importance of investment in South Africa during the transitional and post-apartheid period. We fully support the initiative to design and implement and investment code for South Africa. Such a code negotiated and written by appropriate bodies in South Africa will serve to establish recognisable standards, that level the playing field in the area of industrial relations in that country.

I would like to conclude by commenting on paragraph 50 of the report regarding the situation in Malawi. The AFL-CIO attended the trial of the SATUCC Secretary-General, Chakufwa Chihana. As everyone knows now, Chihana did not appear in court as scheduled on 6 or 7 May. He did not appear again on 2 and 3 June. Since being arrested on 6 April 1992; Chihana has not been charged with any crime. He has been arrested for 73 days now.

Reminding you at this Conference of this year's theme of democracy, I would like to relate the incidents of 6 April 1992 in Malawi. Chihana, arriving by plane, was arrested immediately at the airport. By the end of the day Chihana was in jail; five staff members of SATUCC were in jail; the regional organisation was closed; documents seized; Chihana's lawyer had his passport confiscated; and two other SATUCC staff members in Zambia conducting a regional trade union workshop effectively became and remain de facto exiles from Malawi. All these actions occurred because one man – Chakufwa Chihana – promised to return to Malawi and utter the words "we want democracy". I can ask the question: Is Malawi the model we are striving for or is Malawi the model we are striving to get away from?

With these comments, the AFL-CIO respectfully supports the report of the Committee on Action against Apartheid and hopes that it be unanimously supported by all.

Mr. MPANGALA *(Workers' delegate, United Republic of Tanzania)* – I stand here on behalf of the workers of Tanzania to support the report of the Committee on Action against Apartheid, contained in *Provisional Record* No. 21, and call on this Conference to adopt this report.

It is not a long time ago since Zimbabwe hosted the Tripartite Conference on Southern Africa, with particular reference to the question of apartheid in

South Africa. That Conference, as this Conference too, was privileged to hear testimony from the workers of South Africa, represented by COSATU and NACTU. That testimony clearly underlined mixed feelings on changes taking place in South Africa owing to the de Klerk Government's failure to live up to its promises to undertake a series of reforms, including the reform of labour legislation, which will end apartheid in South Africa. In fact, it would appear that the Government of South Africa has hardened its attitude since the March All-White referendum.

It is obvious that the Codesa talks are encountering some difficulty in reaching a promising solution to the question of majority rule in South Africa. Violence in South Africa is still claiming many lives, without any visible efforts on the part of the Government to contain such a situation. There is evidently an urgent need for this situation to be kept in check if we are serious about dismantling apartheid. That is why there can be no room for disagreeing with those who consider that the ILO Declaration concerning Action against Apartheid is still valid. But those who consider that this Declaration is out of date can only convince us to review it if in doing so we will come up with a much harsher declaration which would quicken the dismantling of apartheid in South Africa.

My delegation would like to make it abundantly clear that this is no time to relax the pressure on the de Klerk Government in the application of sanctions, especially in respect of arms, oil and financial relations, in line with the United Nations policy. I would like to make a special call to this Conference to discourage all those countries which may be tempted to allow migration of labour from outside southern Africa.

Comrade Mandela has made a call to all people of good will to walk with him this last mile to freedom and the dismantling of apartheid. This last mile is apparently a very difficult mile. It is a long mile, longer than usual, and indeed this mile is bound to show who merely pays lip service to the dismantling of apartheid and who is truly serious and sympathetic to the cause of the majority of South Africans.

We are witnessing countries which are over-anxious to cover this last mile, not with Mandela but ahead of Mandela. One is bound to ask why. The answer is not hard to find. It is, in my opinion, out of greed to get there first, ahead of other countries. Greed is a vice and countries which are rushing to reach Pretoria before Mandela can but be looked at with great suspicion. We all know that these same countries are bound to be the great beneficiaries of peace and tranquillity which will be the results of the dismantling of apartheid.

Apartheid is not only evil but sinful, and I call upon all governments to assist South Africans to dismantle apartheid and do it now.

Another disturbing situation is the eventful violation of human and trade union rights by the Government of Malawi. This Government arbitrarily arrested Mr. Chakufwa Chihana, a Malawian who is in the service of the Southern African Trade Union Coordination Council as its Secretary-General. he was arrested for calling for democracy in Malawi, though such words were uttered not on Malawian soil but outside Malawi. He is thus suffering from such a brute detention for no sin, but because he is a national of Malawi who wishes to express his feelings freely wherever he may be. This arrest, and the arrest of other staff members of SATUCC, culminated in the closure of SATUCC offices.

Malawi is a member of the Organisation of African Unity. It is also a member of the Southern African Labour Commission, the ILO, the United Nations, the Commonwealth and SADDCC. Malawi subscribes to the constitutions, rules and regulations of these important bodies, yet it accords little respect to such regulations. The gross violation of human and trade union rights by the continued detention of Mr. Chihana must not be condoned or tolerated. My delegation fully supports the Committee's conclusion regarding Mr. Chihana and the Malawi Government. I strongly appeal to this conference to endorse it without any reservation.

Finally, I call on this Conference to resolve to bring pressure to bear on the Government of Malawi in order to bring about the immediate and unconditional release of Mr. Chihana, the reopening of the SATUCC Office in Malawi and the guarantee of free movement of the staff of SATUCC who are Malawi nationals by restoring to them the necessary travel documents.

Mr. WOJCIK *(Workers' delegate, Poland)* – On behalf of the Workers' delegation of Poland I should like to declare our continuous support to the struggle of our sisters and brothers in South Africa against apartheid.

Over the past few months we have noted several encouraging developments in connection with the abolishment of the inhumane system of racial segregation. We welcome the steps taken by President de Klerk to dismantle apartheid, especially the abolition of the basic legislative pillars of apartheid.

Nevertheless, there are also signs that give rise to serious concern; they are already existing and newly emerging symptoms and they stand in the way of the total dismantling of apartheid.

We feel that the measures taken and announced by President de Klerk are encouraging but not entirely sufficient. A good part of the racially determined legislation and the institutional apparatus perpetuating apartheid remains intact. While it remains in force, the world community should not take the progress made towards the elimination of the apartheid system for the finally accomplished deed.

In the field of labour legislation one should note with optimism the amendments made to the Labour Relations Act, which removed serious legislative impediments to the enjoyment of trade union rights. No less significant is the fact that the amendments translated into law the provisions of agreements reached by the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU) on the one hand and the central employers' organisation, the South African Employers' Consultating Committee on Labour Affairs (SACCOLA), on the other. The progress in labour relations has also been reflected in moves to restructure and reform the National Manpower Commission (NMC) with view to transforming it into a genuine tripartite platform.

However, there are still serious legistative restrictions on trade union freedom which will have to be removed to ensure that all labour laws in South Africa meet the standards of the ILO. In particular, labour laws should be extended to the groups of workers who have previously been uncovered: farm workers, domestic servants and public employees. The right to collective bargaining should be respected and guarantees for basic labour standards strengthened.

We are following developments in South Africa with particular attention since the struggle of the Solidarnosc Trade Union and that of COSATU and NACTU have much in common in terms of goals, structural background and strategy. Our experience shows that trade unionism cannot remain indifferent to a wider background of political and structural impediments to its existence and development. There are no genuine trade union rights without respect for representative democracy and human rights. We find that our experience is therefore of relevance to the situation in South Africa. We have deliberately chosen for ourselves in Solidarnosc the peaceful and non-violent methods of struggle for independent trade unions, democracy and human rights. Consequently, we appreciate the fact that over the past years the struggle of Black workers for self-determination has continued virtually without resorting to violence. Therefore we are deeply concerned about increasing tensions and violence between different groups of the Black population.

Since Solidarnosc contributed essentially to the erosion of communist regimes in eastern and central Europe, we hope we have at least a moral right to call on the non-racially oriented population of South Africa to show its collective wisdom in its search for ways to avoid interracial tensions and conflicts.

Solidarnosc fully subscribes to the conclusions of the Committee on Action against Apartheid and supports the adoption of the report, together with its conclusions.

Mr. KAIBARA *(Workers' adviser, Japan)* – It is a privilege and honour for me to have been given the opportunity to speak on behalf of the Japanese Trade Union Confederation (RENGO), with a membership of 8 million, on the report of the Committee on Action against Apartheid.

First of all I want to say that I support the adoption of the report and its conclusions.

It may be true that in South Africa several policies related to apartheid have been revised in the course of the past few years, thanks to strong international pressure including that of the ILO, not to speak of the struggle in South Africa itself. It may also be true that a certain degree of dialogue has taken place between the Government of South Africa and the representative organisations of the people of South Africa. But this is just a step towards a true and necessary solution to an abhorrent problem that is called apartheid. The door may have been opened but there is still a long thorny path in front of our friends there before they can reach the house of democracy. The dialogue for the establishment of an interim government, supported by the majority of the people, is still under way, but the progress is too slow, darkening the prospect of formulating a democratic constitution and of elections held on the basis of one vote for one person in the near future. The Government of South Africa is not discharging its duties in enforcing effective measures to put an end to the appalling violence that still prevails in South Africa. A substantial number of political prisoners still remain incarcerated in South Africa. Bantustans which constitute a basic sub-system of apartheid have not yet been incorporated into the South African State, in spite of the recent commitment by the Government of South Africa.

Apartheid in South Africa must be totally eradicated and the international community should not be misled by measures that may well be cosmetic. Over the course of many years RENGO has promoted various activities in demanding the complete elimination of apartheid in South Africa and has called for international sanctions against South Africa.

We have repeatedly advocated that until the policy of apartheid is completely and immediately abolished, sanctions should not be lifted. At this stage, we once again appeal to the international community and to our Government not to slacken sanctions against South Africa so that the Government of South Africa is not misled to believe that the international community can be easily deceived by pretentious policy measures. I say this because this is the desire of our brothers and sisters there, because people who might be the direct victim of sanctions dare to say, in spite of possible pains and agonies, that they want the sanctions for the sake of freedom and democracy, which constitute the cornerstone of the human life.

We have to express our regret that some governments, turning a blind eye to reality, have been premature in lifting such sanctions. I regret to say that when the Japanese Government, decided to lift sanctions and to establish diplomatic relations with South Africa, the Japanese Trade Union Confederation (RENGO) had to make a strong protest against it. The sanctions were lifted by the Japanese Government with the excuse that South Africa is already in the process of democratisation.

The Japanese workers, represented by RENGO, demanded that the Japanese Government be vigilant concerning the move initiated by the Government of South Africa and maintained that the touchstone of such an initiative is the acceptance of an interim government by the Government of South Africa. So long as our fellow workers in South Africa ask us for the maintenance of sanctions against South Africa we should respect their wishes.

Furthermore, President de Klerk visited Japan recently at the invitation of our Government, and it is reported that our Government and the business community offered the head of the South African Government positive economic cooperation. But we, on the labour side, expressed our opposition to such an offer.

The Japanese workers have been supporting the democratic trade union movement in South Africa. It is the democratic trade union movement in South Africa that has made a significant contribution to the fight against apartheid. It is our wish to continue to support our fellow workers in South Africa. We have also cooperated with the liberation movements in South Africa by extending assistance morally and financially, and will continue to work closely with the African National Congress through it office in Tokyo.

The conclusions of the Committee on Action against Apartheid presented before you have been worked out after intense discussions, and adopted by the Committee by an overwhelming majority after a record vote. I fully endorse the position taken by the Workers' spokesman in his discussion on the report of the Committee on Action against Apartheid. In this context, I hope that the conclusions of the Committee will be adopted unanimously by the Conference.

Taking this opportunity, I would like to pay my sincere respect and express my heartful thanks to Mr. John L. Nkomo, Chairman of the Committee, and to the two Vice-Chairmen, especially to the Worker Vice-Chairman, Brother Brett, for their hard work in the important and difficult work of the Committee.

Last but not least, I would like to make a strong appeal to the Government of Malawi to take immediate steps to release Brother Chihana, General Secretary of the Southern African Trade Union Coordination Council and to reopen SATUCC offices there, as mentioned in the last paragraph of the conclusions of the Committee.

Mr. DA SILVA *(Government delegate, speaking on behalf of the European Community)* – I have the honour to take the floor, on behalf of the European Community and its member States, in our debate on the Report of the Committee on Action against Apartheid.

We would like to congratulate the Director-General for another excellent *Special Report on the application of the Declaration of Action against Apartheid in South Africa*, which we have read with interest.

The Community and its member States continue to follow very closely developments occurring in South Africa. We have consistently maintained that the abolition of apartheid must be brought about peacefully, through negotiations, and we have therefore welcomed, and support fully, the Codesa process. We call on all concerned to work actively to put an end to violence in the country, sharing in particular the concern of the Director-General that this violence should not continue to compromise the talks. We welcome the commitment of all parties to continue the complex negotiating process and urge all the representatives of the South African people to make a renewed and determined effort to finalise arrangements for the transitional period, including an agreement on the establishment of an interim government. The Community and its member States will continue to support the creation of a democratic and non-racial South Africa and the well-being of all its people.

In recognition of the fundamental changes which have taken place in South Africa, the European Community and its member States have lifted most of the restrictive measures they had imposed in 1985 and 1986.

In May, we approved another report on the application of the EC Code of Conduct for companies from the EC with subsidiaries, branches or representation in South Africa. The report showed that the EC companies are increasingly reaching agreement with unions on direct recognition and collective bargaining. Ninety per cent of the companies reported specific policies of employing and promoting black Africans into supervisory/management jobs.

In respect of the Conclusions of the Committee on Apartheid which the Conference is asked to endorse, the European Community and its member States have a number of reservations. In general, we are disappointed by the negative tone of these Conclusions, which in our view do not do justice to the positive developments over the past year or reflect the more realistic and forward-looking attitude which prevailed at the Tripartite Conference on Southern Africa in Harare. The European Community and its member States can endorse most of the Conclusions of the Harare Conference but must dissociate themselves from Conclusion 10. As we made clear at this time last year, we regard certain aspects of the updated Declaration and Programme of Action as obsolete.

Furthermore, the European Community and its member States would like to state that they interpret conclusion 11 of the Harare document as referring to the mandatory arms embargo imposed by the Security Council and to the provisions of other Security Council resolutions on the import of arms from South Africa and the export of equipment and technology destined for military or police purposes in South Africa.

In our view, failing to lift trade and investment sanctions now can only disadvantage the poorest in South Africa and the country's long-term development potential.

Finally, I should like to end by expressing our full support for the proposal, brought forward from the Harare Conference, that the ILO should begin now to prepare projects for technical assisance in South Africa. We hope that the early establishment of an interim government will enable the rapid implementation of such projects.

Original – Chinese: Mr. HUANG *(Workers' adviser, China)* – I should like, first of all, to pay tribute to the Report of the Committee on Action against Apartheid submitted to the Conference. This Report, which reflects the present stage of the anti-racist struggle of the South African people and notes the changes that have occurred in the past year in South Africa, stresses that the governments, employers and workers of the various countries must continue to put pressure on the South African authorities to force them to abolish apartheid as soon as possible.

During the past year, the South African people have scored remarkable victories in their struggle against racism. Thanks to the untiring efforts, over many years, of the Blacks to acquire their rights to existence and political status, and thanks to the political and economic pressures brought to bear by the international community, the South African authorities have been forced to repeal the legal pillars of apartheid – thus paving the way for a political settlement of the South African problem. However, we believe that a piece of paper is not enough; and that the South African authorities will have to make considerable efforts to dismantle the system of apartheid.

The most serious crime of apartheid was to deprive the Black South African majority of their political rights. Consequently, any racist measures applied by the South African authories have always been violently condemned by the Chinese workers and their trade union. What is more, the latter have always given their support to all the workers and people in South Africa fighting against racial segregation. In our opinion, the South African authorities should: first, put an end to arbitrary arrests and trials of

Black trade unionists and all other anti-racist activists, immediately release political prisoners still detained and allow all exiles to return to their homeland; second, adopt all measures to eliminate discrimination against workers and the Black population as regards education, employment, housing, medical services and others, as quickly as possible; third, allow the South African people to conduct normal political activities and take the necessary measures to prevent any repetition of violence; fourth, remove any obstacles to constitutional negotiations in such a way as to bring about as soon as possible a new constitution based on racial equality, with a view to dismantling the abominable system of apartheid.

We must be realistic and realise that certain forces in South Africa are clinging obstinately to their racist positions and will never be able to accept defeat, engaging in obstructive activities and sabotage. Constitutional negotiations in South Africa will therefore continue to be stormy in the future and many difficulties could still arise along the tortuous path of progress. But we believe that if the multiracial people of South Africa continue to work together, a new, united, democratic and non-racial South Africa will soon come into existence.

Original – Arabic: Mr. MAATOUK *(representative of the International Confederation of Arab Unions)* – We were hoping, as did several other delegates, that the process of change would be speeded up in South Africa. We had much hope in the negotiations which had begun, but, to date, we have seen no sign that apartheid will soon disappear. The racist Constitution, which excludes the participation of the Black population from social life, is still there, it still exists. The sequence of several years of segregation still exists in the various aspects of the social, ecomomic and cultural life of the country.

The International Confederation of Arab Unions shares the concern for the violence which is threatening the negotiations, which are already slow enough because of the opposition expressed by the White extremist minority and, in particular, the national peace agreement is still far from reaching its objectives. We reiterate here the need for a guarantee, expressed by the Government of South Africa, to do away with violence and to distribute resources justly and to put an end to the remaining racist laws, including the laws which deprive the Africans of the right to vote, and citizenship in the Bantustans, in an attempt to remedy the results of many years of apartheid.

As we read the Director-General's *Special Report on the application of the Declaration concerning Action against Apartheid,* we see that there is still a gap between the different standards of life between Whites and Blacks, and that attempts are still being made to establish family planning for Blacks, it being said by some that the Black population is a bomb with a time fuse. It is therefore clear that the assurances of change are not sincere, be they at the social, cultural or economic levels.

We also note, with satisfaction, that there is now a great awareness among black Africans which only strengthens the trade union movement, the process of democratisation and the respect for the legitimate rights of peoples. We condemn all direct and indirect pressures exerted against the trade union movement in Africa, of whatever origin. We condemn the detention of prisoners and the terrorist activities spying against African unions and African trade unionists. We note that the situation is not respectful of the United Nations resolutions and we ask all the unions to take whatever steps are necessary to respect the resolutions of the United Nations and to maintain sanctions against the South African Government until the full and total elimination of apartheid is achieved.

Finally, we would like to confirm the full support we give to the report of the Committee on Action against Apartheid and the decisions and resolutions of the Special Tripartite Conference on Southern Africa in Harare.

Mr. HAMERNIK *(representative of the World Federation of Trade Unions)* – On behalf of the World Federation of Trade Unions I want to declare our full support for the report of the Committee on Action against Apartheid of the 79th Session of the International Labour Conference and particularly for its conclusions.

As I stressed in my statement at the Harare Conference, many changes have occurred since the last International Labour Conference, both in South Africa and at the international level, in respect of developments in the southern African subregion. Several UN bodies considering the apartheid question reached the conclusion that there is a need to encourage dialogue in South Africa with a view to establishing an interim government and creating a non-racial society where all citizens enjoy equal rights and duties.

A foundation of democracy and social justice is crucial for any country and South Africa cannot be an exception. Dialogue to establish a non-racial society has been unfortunately jeopardised by a recent wave of violence. As the Special Report of the Director-General on the application of Declaration concerning Action against Apartheid in South Africa underlined, violence took place not only in communities, but also in factories and mines, thus seriously affecting the activities of trade union. It is regrettable that although the Government has adequate resources to deal with the major outbreaks of violence, little has been done to prevent this violence. Therefore, many questions have been raised about the Government's commitment to end these regrettable events.

When we arrived in Harare, we were full of optimism since talks in Codesa II were about to begin. Unfortunately our optimism was dashed when we recognised that these talks failed to reach a substantive conclusion over how decisions should be taken in the elected body which would draw up a post-apartheid Constitution.

Nevertheless, taking into account the statement of Mr. Nelson Mandela here in Geneva at the end of May, where he noted that considerable progress had been made, even though not all the proposals put forward by the ANC had been realised, the statement endorsed the general expectation that mutually acceptable compromise can be found. We are deeply convinced that the present negotiations have come to a point where dialogue has already prevailed.

Patience and determination are needed in order to bring results and to prevent the country from descending into further violence. The delay in bringing about the end of apartheid could make the country then ungovernable. In this connection, we cannot ignore the significant influence which has been exercised by South Africa in the subregion. South Africa is still, despite all the problems and difficulties, an economic and military power and the most developed country in the subregion.

But, at the same time, we cannot ignore the fact that post-apartheid South Africa will face many serious challenges. One of them is increasing foreign debt. This fact may significantly complicate the task of a future democratic government, which will be faced by a lack of finance to address the inequalities created by apartheid. There are serious crises in housing, education, health and employment, that will require billions of dollars to redress.

The Special Report of the Director-General, therefore, rightly pointed out that a strategy is needed to deal, not only with the realities of the present changing situation in South Africa, but particularly to face up to future challenges. I think that it should be our main preoccupation in the near future.

Finally, I would like to draw attention once again to the remaining effects of the destabilisation caused by South Africa to neighbouring and front-line States. In this connection I must say that we cannot accept that the South African Government continues to occupy illegally the enclave of Walvis Bay and to exploit Namibian workers under apartheid laws there.

Original – Arabic: Mr. DERBY *(Government delegate, Libyan Arab Jamahiriya, speaking on behalf of the Arab States)* – In the name of God, the Merciful, the Compassionate! I should like to quote a verse from the Koran: "O mankind, we have created you male and female, and appointed you races and tribes, that you may know one another. Surely the noblest among you in the sight of God is the most godfearing of you. God is All-Knowing, All-Aware."

These are the teachings of the All-Powerful and we will remain upon this path of righteousness until the day of last judgement.

However, in spite of these heavenly teachings, some obsolete entities are trying to maintain racist political regimes in South Africa and in occupied Palestine and this is in violation of the teachings of God the Almighty and in violation of the principles of equality and justice and freedom and equity between peoples without discrimination. But these are the people who have disobeyed God.

For almost 30 years and in particular since 1963, subjects such as racial discrimination and apartheid in South Africa have been examined by the International Labour Organisation, and addressed by the International Labour Conference, which published a Declaration which has been revised several times with a view to making it more effective in line with developments which have occurred.

It is thus clear that humanitarian subjects of this type are of interest to this Organisation because it is the conscience of the world and the struggle against apartheid is the backbone of the activities of the ILO, because apartheid violates fundamental human rights and freedoms as enshrined in the Declaration fo Philadelphia and in international labour standards.

It is clear that the group of Arab States which I am representing does not wish to enumerate exhaustively all the violations which have been perpetrated blatantly before the eyes of the whole world, violations in the area of education, housing, teaching, and other barbaric acts. Solidarity between Arabs and Africans in the struggle against apartheid has already been tried and tested and all the Arab peoples feel solidarity with the struggle of the peoples and workers of South Africa. This is solidarity based on a matter of principle, the unity of the struggles of peoples, and goes well beyond simple solidarity and declarations and slogans. It is a principle which is translated into specific action and assistance.

In this respect, we commend very highly the work being done by all the international organisations, including the ILO, and by national organisations, and the part which they have been playing in speeding the elimination of this abominable regime, which is a blot upon the history of mankind. We know that there is still a long, hard struggle ahead and we must not flag in our efforts to assist the people of South Africa until it recovers its sovereignty and free will.

Within the group of Arab States, we pay tribute to the people of South Africa for their having achieved certain measures, but we believe that total elimination of apartheid can be achieved only with the establishment of an interim government which represents all the different sectors of the population, and in particular the ANC. The objective of such a government would be to implement democracy, justice and the respect of human rights in conformity with the basic principle of one person, one vote.

In this context, if the supreme goal of all the fighters is to be achieved, we feel that any relaxation in the sanctions in the spheres of arms, oil or financing would only hinder the application of measures. In other words, international pressure against South Africa must be maintained until that regime bows to the will of the workers.

The Arab group is happy to see that dialogue has begun between the various parties. However, the repeal of some apartheid laws does not necessarily entail the demise of the regime because we might merely be witnessing a subterfuge against the Black peoples. There are still 14 racist laws in force which must be repealed promplty.

The Group of Arab States fully endorses the resolutions, recommendations and conclusions of the Committee on Action against Apartheid contained in paragraphs 48 and 49. This is the minimum which everyone should accept until the total elimination of this regime, which must be eliminated, along with the other dictatorial regimes throughout the world.

We feel that the ILO still has a part to play because the post-apartheid era will be one in which reconstruction, training and retraining will be required so that those sectors of the population which have been affected by apartheid can finally enjoy a decent life after all the injustice and repression which they have suffered over so many years.

We would like to be able to come back here next year to say that apartheid has come to an end and to welcome the advent of a non-racist regime. Moreover, we would also like to see an end of the Israeli regime so that the people of Palestine can enjoy their rights. The ILO would then be able to assume its social and economic responsibilites.

Original – French: Mrs. FAUCHERE *(representative of the World Confederation of Labour)* – In spite of the abolition of the laws which were the pillars of the apartheid system and in spite of present negotiations aimed at creating a non-racial and democratic South Africa, the WCL considers that there should be no relaxing of pressure. Action and sanctions should continue. This is one of the main priorities of the WCL, aimed at the total, absolute, irreversible eradication of this unjust and heinous system.

Changes made to legislation by the de Klerk Government fall far short of solving the problems of the black majority in South Africa. The obstacles to an agreement between the different parties to the Convention for a Democratic South Africa (Codesa) demonstrate that the Pretoria regime is not ready to grant serious concessions to the majority of the country. Therefore, the chances of a new constitutional order are extremely hypothetical. This situation continues to perpetrate flagrant discrimination in the spheres of education, vocational training, health, housing and access to jobs, etc. On the question of land ownership, 87 per cent of the country is still reserved for the white population. The areas for black inhabitants do not even have running water or electricity.

The WCL condemns the atmosphere of violence that continues to reign in South Africa, particularly in the factories and in the mines. It denounces the active and passive complicity of the police and the South African army in the massacres which take place in the black townships, which have claimed thousands of victims.

With regard to employment and the standard of living, 50 per cent of the population presently lives below the breadline. Six million people, that is 42 per cent of the job market, cannot find work in the formal sector. According to surveys carried out by the ILO, some 60,000 children between the ages of eight and 14 work as farm labourers, which is one of the highest rates in the world.

Racial imbalances can be found at all different levels of the economy.

According to statistics, the percentage of blacks in the professions is very low, for example 0.1% account for engineers, 6% lawyers and less than 4% for enterprise managers. The consequence of this, WCL supports the call from the unions and particularly COSATU, for the creation of a national centre where workers, employers and public authorities can meet to negotiate the major economic questions that will be arise during the transitional period.

The economic and social situation resulting from discrimination and negligence has shown is characterised by high inflation, and large numbers of dismissals of workers. There have been token gestures, and investment aimed at compensating for the inequality suffered by the black population are in fact insignificant and have made no visible improvement.

The functioning of the unions is obstructed by indirect and direct pressure on the part of the Government, the police and a network of private militia. Union premises are raided, union members arrested, legitimate strikes declared illegal, etc. Serious violations of workers' fundamental rights are committed South Africa.

Black workers are still working under extremely difficult conditions. We see that there is a clear lack of will to implement safety and protection measures for the health and well-being of the workers in different sectors of activity. Thus the number of occupational diseases and accidents is increasing every year.

Regarding social justice and democracy, we condemn the failure to honour commitments taken by President de Klerk to free all political and trade union prisoners, and the refusal to grant the right of return to all political exiles. We deplore the fact that many countries have lifted sanctions and have restored diplomatic relations and trade links with South Africa while the signs of apartheid are still very visible.

The WCL demands that sanctions be maintained and that governments cease their aid to South Africa until a new, democratic, non-racial constitution is in force, enshrining the principle of one man, one vote.

The WCL calls on the ILO at this august assembly not to relax its efforts to do away totally with apartheid. Accordingly, we demand that the Committee on Action against Apartheid remain in place, for it is indispensable that the ILO continue its mission for the establishment of a just and democratic society in South Africa.

The WCL also would like the mandate of the special group of experts to be extended to bring the situation in South Africa completely to light. It also would like to ask ILO to increase its cooperation with non-racist South African trade unions during this difficult period of transition.

And finally, the WCL subscribes to the conclusions of the Tripartite Conference on Southern Africa which took place in Harare in May, and in which we participated. We would ask this assembly to adopt the Report that has been submitted to it.

(The Conference adjourned at 1 p.m.)

Twenty-fifth sitting

Thursday, 18 June 1992, 3.15 p.m.

President: Mr. Mugalla

Ratification of Conventions by Switzerland

Original – French: The CLERK OF THE CONFERENCE – I have pleasure in informing the Conference that the Director-General of the ILO has registered the ratification by Switzerland of the following international labour Conventions: the Guarding of Machinery Convention, 1963 (No. 119), and the Asbestos Convention 1986 (No. 162).

This brings the total number of ratifications of international labour Conventions to 5,693.

Report of the Committee on Action Against Apartheid: Discussion (*concl.*)

The **PRESIDENT** (Mr. Mugalla) – We shall now resume our discussion of the report of the Committee on Action against Apartheid.

Mr. **SHAMENDA** *(Workers' delegate, Zambia)* – Mr. President, since I am speaking for the first time, I would like to join the others in congratulating the President and Vice-Presidents on their election, and to say that I am impressed with the manner in which they have conducted the proceedings of the Conference.

On behalf of the Zambian workers and those of the Southern African Coordinating Council, I wish to pay tribute to the Director-General and his staff for the very impressive and down-to-earth report on the situation in southern Africa and on apartheid in particular.

I also wish to pay tribute to the international community for the pressure and action it has taken against South Africa, which I have no doubt contributed greatly to the changes now taking place in that country.

The struggle has been difficult and bitter. The South African regime has made friends fight among themselves, made friends quarrel, made friends bitter, and to some extent, has turned some friends into enemies. But we all agree that apartheid is evil.

We all have an obligation to humanity to see to it that apartheid is completely eliminated. I would, therefore, like to associate myself with those who have spoken previously in endorsing the excellent report of the Committee on Action against Apartheid. I would have liked to have seen tougher conclusions; nevertheless, in the spirit of tripartism, I have no doubt that this Conference shall adopt all the conclusions in total.

This issue of apartheid is consuming a lot of time and a lot of resources. Therefore, we have to be extremely cautious in our final approach. The situation in South Africa has improved, but that is not good enough. The situation has got to change. All of us come from countries where people are free; the majority of them can determine their own destinies. How can anyone, in this century think of reforming apartheid rather than eliminating it completely?

We demand an interim government in South Africa. We demand the immediate release of all political prisoners in South African jails. We need peace in our region. Look at the destabilisation South Africa is causing for its neighbouring countries. Some of us do not just read about the tragedy: we witness it and we feel it.

While a small group of people are living a comfortable life inside South Africa, the majority are starving. A good number of people are dying everyday. A lot of our people, even outside South Africa, have died and are still dying. The majority of our people are living in poverty. Why? Because of the evils of apartheid.

The South African regime is encouraging and spearheading violence in that country in order to misdirect the focus of the international community and delay democratic change in that country. We must fight against these tricks and continue with the pressure on South Africa.

As President of SATU, let me now turn to the conclusion dealing with the detention of our Secretary-General, Brother Chakufwa Chihana. Chakufwa Chihana is a well-known fighter for human rights and secretary for many years to the Committee on Actions against Apartheid. Once more I would like to commend the ILO and its Tripartite Conference on Southern Africa which met in Harare from 5 to 8 May this year for their firm stand in demanding the immediate release of Chakufwa Chihana and the reopening of our SATU offices in Lilongwe, Malawi.

The violation of human rights cannot be condoned anywhere. We cannot condone it in South Africa, and we cannot allow it to show its ugly face in free Black Africa. Is this the price Chakufwa must pay for all the years he spent at the ILO fighting for other people's freedom and human rights?

I pay tribute once again to this Committee for its recommendations on Brother Chakufwa and the SATU offices, and I call upon the Conference to support its conclusions. I further appeal to member States of the ILO to put pressure individually on the Malawian Government to respect human and trade union rights. The Malawian Government is a signatory to the Social Charter of SALC and should therefore respect its obligations.

Let me conclude by paying special tribute to the ICFTU and other affiliates of the ICFTU for the role they have played in this matter. If it had not been for the ICFTU mission to Malawi, Chakufwa's lawyers and indeed his wife would not have been able to see him in jail.

This Organisation, the ILO, was established to promote and protect human and trade union rights.

Miss HAK *(Employers' delegate, Netherlands)* – This year two important and significant meetings took place in Harare. It is difficult to judge which one was the most important. The outcomes of both meetings were encouraging and give rise to hope. Whilst some people expressed optimism about recent political developments in South Africa during the sittings of the Committee on Apartheid last week, others were not so optimistic.

I would like to inform you, as I informed the Tripartite Conference on Southern Africa held in Harare in May, about the actions taken by employers to form a new non-racial democratic employers' organisation in South Africa, as recommended by this Conference at its last two sessions. To follow up on this recommendaton, a seminar on "Prospects for the creation of a representative body of employers in South Africa" was held in Harare on 1 January 1992. At that meeting, representatives of the Foundation of African Business and Consumer Organisations (FABCOS), the National African Federated Chambers of Commerce (NAFCOC) and the South African Employers' Consultative Committee on Labour Affairs (SACCOLA) expressed their agreement on the principle of creating a unified and representative non-racial umbrella organisation of employers in South Africa which was able to represent and defend the common interests of its constituents while preserving their specificity and identity. These organisatons unanimously agreed to work towards this objective by reporting on the proceedings of the seminar to their respective organisations and by recommending to them that a joint Working Party be set up as soon as possible to study the various aspects of creating such an organisation.

Following the seminar, an employers' mission visited South Africa and it can now be reported that a Working Party was set up and has held several meetings. As indicated, the ultimate goal will be the formation of a new non-racial, democratic employers' organisation, officially supported by all the employers' organisations in South Africa.

This principle of such an organisation is not in doubt, but the outcome of the discussions has to satisfy all the constituent organisations. The Working Party has made progress and next July a plenary meeting will be held in order to bring together the leaders of all the employers' groups concerned. As for us, we are willing to give further support and assistance where necessary. A study tour by employer experts to South Africa is scheduled as well as a study tour by South African employers to Africa, Geneva and some European countries.

Employers in South Africa have a role to play, and are playing it in the on-going restructuring process in South Africa. Progress has been made by the social partners in South Africa in the establishment of social and economic institutions where they themselves can play a key role. In this connection, the restructuring of the national manpower committee and the establishment of an economic forum, both constituted on a tripartite basis, should be mentioned. Employers have an important role to play in the establishment of sustained economic growth.

For us in the ILO the time has come to look to the future rather than contemplate the past. The ILO can and should play a role in establishing a new democracy in South Africa. Through its tripartite expertise it can contribute significantly. I join others in expressing the wish that next year, after an interim government has been formed, South Africa will once again become a member of the ILO. We will do out best to help South African employers to play their role not only at the national but also at the international level.

Original – Arabic: **Mr. EL-AMAWY** *(representative of the Arab Labour Organisation)* – In the name of God, the Merciful, the Compassionate! The Arab Labour Organisation, which is taking part in this Session devoted to the discussion of the Director-General's *Special Report on the applicaton of the Declaration concerning action against apartheid in South Africa,* has, thanks to cooperation between Africa and the Arab world and to the united efforts of those who fight every type of discrimination anywhere in the world, followed the positive developments taking place in South Africa as a result of the international pressure which has obliged the regime of South Africa to abandon its discriminatory policy which is against all international laws and traditions, and in addition is against religious doctrine which condemns all discrimination based on racial or any other criteria.

We have also followed the developments of the Harare conference which gave very satisfactory results of interest to all the international community and particularly to the ILO.

In particular we would like to draw attention to the conclusions which state that it is premature to change the declaration of the ILO concerning the fight against apartheid and certain sanctions should be kept in force against South Africa in line with the resolutions of the United Nations.

Having studied the recommendations and conclusions of the Committee on Apartheid contained in its report, we note that the Committee endorsed the conclusions of the Harare Conference. We therefore congratulate the Chairman, the Reporter and the members of the Committee for their work in this respect.

We in the Arab Labour Organisation share the concern of the Committee on Apartheid over the obstacles set up by the regime of South Africa, which is trying to rid itself from international sanctions so as to recover what it has lost as a result of the fight against apartheid led by Nelson Mandela.

We consider that any obstacles to the establishment of the interim government are a form of discrimination, and any non-ratification of the Constitution will lead to more casualties and will result in the postponement of the setting up of a system based on social justice and equal participation by all members of society. Moreover, there is no valid reason for the delay in releasing prisoners, when the parties in conflict are negotiating to establish social peace. Our Conference has done well to take up the resolution to keep the selective sanctions concerning finance and oil so that the regime of South Africa will submit to the will of the international community.

The South African people are commemorating the anniversary of the events of Soweto, which led to a large number of victims. We share with them their feelings of grief. We also share the feelings of the Palestinian Arab people, who are suffering from colonialisation, discrimination and all forms of atrocities.

We call on the ILO and the international community to support these peoples so that apartheid is eliminated from South Africa. We appeal once more to the ILO to establish a programme of assistance to the South African people when this regime has ended. We also appeal and invite all delegations which have expressed reservations to abandon their reticence so that we may come to an unanimous resolution in support of the measures taken by the ILO since 1964 to put an end to this regime of discrimination and apartheid. We shall in this way respond to Nelson Mandela, who appealed from this very hall for us to "walk the last mile" together towards the elimination of apartheid.

Mr. HALINEN *(Government adviser, Finland, speaking on behalf of the Nordic countries)* – On behalf of the Governments of the Nordic countries – Denmark, Iceland, Norway, Sweden and Finland – I have the honour to address the International Labour Conference on the question of apartheid.

The Nordic Governments agree with the importance which the ILO attaches to the issue of apartheid. The system of apartheid has seriously impeded the development of labour relations and the employment situation in South Africa. Apartheid is a gross violation of human rights – institutionalised racial discrimination constitutes a denial of the most fundamental human rights affecting everyday life in South Africa.

Consistently, the objectives of Nordic action against apartheid have been the complete dismantling of apartheid through peaceful means and the institution of a united, democratic and non-racial South Africa.

During the past few years we have seen considerable progress in South Africa towards the creation of a non-racial society and democratic form of government. The convening of Codesa in December 1991 marked a turning-point in the political process. The outcome of the referendum in March was encouraging. The Nordic countries look forward to the parties agreeing on establishing transitional arrangements, which will be the next step on the way to a democratic, non-racial South Africa. These developments have been duly taken into account in the Nordic countries' cooperation with South Africa; we expect the process to continue without unnecessary delays.

The profound changes in South Africa were acknowledged in resolution 46/79A adopted by consensus at the United Nations General Assembly in December 1991. These changes also have implications for the decisions and activities of the International Labour Organisation. It is obvious that the ILO Declaration concerning Action against Apartheid, as well as the Programme of Action annexed to it, have become obsolete in many respects.

The ILO has long been in the forefront in the struggle against apartheid. To maintain this position in the present situation, it should be able to work in South Africa within its mandate. The Organisation has over previous years given valuable support through its programmes to the victims of apartheid in exile. Today the people of South Africa need the ILO's contribution and in particular policy advice in the labour and social field.

The Nordic countries continue to provide assistance to the victims of apartheid and we urge all countries to do likewise.

Today we are deciding on the conclusions reached by the Committee on Action against Apartheid. We very much regret that, despite serious efforts by all parties, full consensus was not reached in the Committee.

In our view, some Committee's conclusions unfortunately do not respond to the current situation in South Africa.

The Nordic Governments trust that the way has been irrevocably charted for a democratic and non-racial South Africa. But one must bear in mind that the legacy of apartheid cannot be dismantled overnight. We are seriously concerned about the violence which claims new victims every day in South Africa and we urge all parties to work actively in order to reverse this cycle. The international community should be prepared to support these efforts in a manner agreed upon by the main parties in South Africa.

The Nordic Governments express their strong hope that the ongoing political process may continue uninterrupted. They will welcome a new South Africa in which all its people, irrespective of race and colour, will enjoy the same fundamental freedoms and human rights.

Original – Spanish: Mrs. AROSTEGUI MEDEROS *(Government adviser, Cuba)* – At a time when some powers are attempting to submit before this Conference a very optimistic picture of the process of dismantling apartheid, I would like to call the attention of all the member States of the ILO to the fact – although there have been positive changes in South Africa – that the crime of apartheid is very far from disappearing. A proof of this is the escalation of violence in the Black neighbourhoods, the abuse of authority by the security forces, the death squads, the repression of students and trade unionists, the policy of forced labour by the population, the bantustanisation, the restrictions placed on freedom of expression and the lack of medical care and education suffered by the Blacks in South Africa.

We would like to salute the fact that the spirit which has prevailed in the meetings of the Committee on Action against Apartheid has been favourable to the maintaining of the political and diplomatic isolation of South Africa so as to accelerate the process of change in the country. Along these lines, we must point out that the Government of Cuba does not maintain any diplomatic, consular, economic, financial or military relations with South Africa. It considers that the policy of maintaining sanctions is a very important form of dissuasion and that it is the fundamental link in the fight against apartheid.

My country wishes to express in this form its solidarity with the just cause of the South African people and its total endorsment of the ANC's struggle and its desire to hold a Constituent Assembly and to achieve the creation of an interim government which will lead to a free, united and democratic South Africa.

We recognise the role played by the ILO in the task of abolishing apartheid and contributing to a just and equitable social order. But, as the Director-General has so aptly pointed out in his Special Report before this session of the Conference, it is necessary not only to identify a strategy which will enable us to confront objectively the new situations in South Africa, but to begin now to ask objectively, and with realistic and substantial solutions in hand, what problems will have to be faced in a future South Africa without apartheid.

We believe that the effects of this very brutal and repressive regime will extend for many years the work which the ILO will have to carry out in South Africa within its field of competence, particularly because the solution of this problem may be delayed by the complicity and support given to this regime by certain powers.

Mr. FREEMAN *(Government delegate, United States)* – South Africa is changing rapidly – much of the apartheid system has been dismantled and negotiations are under way to create a non-racial democracy. The Committee on Action against Apartheid is not keeping up with these changes. In this report the Committee clings to outdated rhetoric and obsolete tactics. The conclusions in the report still endorse sanctions in several places. Sanctions are yesterday's tactics.

Today the United States Government cannot accept any reference to sanctions other than the United Nations arms embargo. We also reject the ILO's antique Declaration and the Programme of Action, both of which are endorsed by this report, because they call for comprehensive sanctions and the severing of all relations with South Africa. Further, the United States Government has concerns about the language used in the conclusions which state without reservation that "a substantial number of political prisoners remain incarcerated" in South Africa and that there is not a free political climate there. For these reasons we called for a vote in committee and opposed the conclusions, although we strongly support some of them. For example we welcome plans to send the ILO staff to South Africa to organise education and training programmes for non-racial workers' and employers' organisations. We fully support the last conclusion protesting against the arrest and continued detention of trade unionist Chakufwa Chihana by the Government of Malawi and we join with the Committee in urging Malawi to release him.

We recognise that negotiations have temporarily stalled. We urge both sides to get on with the essential job of making a democracy. The time has come to focus international attention on the need to encourage the ongoing negotiation process and to channel assistance to the majority population in South Africa. The time has come for all of us to work together to achieve a truly free and democratic South Africa.

Original – French: Mr. MUTOY *(representative of Pax Christi International)* – It is with genuine pleasure that I, on behalf of Pax Christi International, take the floor at this 79th Session of the International Labour Conference to join with all those who have expressed their determination to strive for a new social order in South Africa.

Pax Christi would like to pay tribute to the report submitted by the Committee on Action against Apartheid. We will not enter into details on its contents but would simply emphasise the fact that it faithfully reflects the actions undertaken – and which remain to be undertaken – by the ILO in this field.

As we all know, the announcement of the equality of political rights is wishful thinking if it does not go hand in hand with specific action to implement it, most specifically in terms of access to employment, training, and freedom of association; indeed, this action is a pre-requisite for the implementation of an equal opportunities policy. This requires a number of activities, including a fair training policy taking into account the unfair situation among those of different races in South Africa.

Social and economic apartheid are direct results of political apartheid and are more difficult to overcome than other forms of discrimination. Changes at present under way in South Africa must therefore include the social dimension. Social inequalities, poverty and the working conditions of non-White workers are not unrelated to the wave of violence currently characterising inter-community relations.

Pax Christi International is aware that the impasse in the process leading to the total elimination of apartheid is due to the refusal of those who will not give up the privileges they now enjoy under the existing situation and who are determined to resort to violence and crime to maintain the dictatorship of the White minority. But it also takes account of the fears of those who are prepared to follow the dictates of their conscience and sense of justice but are not fully reassured as to their future when the system has been totally dismantled.

Tremendous efforts in education for peace must be made alongside the political negotiations. The union associations and movements promoting human rights and peace are, with the Churches, the architects of a climate of confidence. Pax Christi International therefore asks the Conference to adopt the recommendation of the Committee concerning the release of Mr. Chakufwa Chihana, Secretary-General of the SATUCC, and the re-establishment of trade union freedom in Malawi.

Mr. SALIMIAN *(Workers' delegate, Islamic Republic of Iran)* – Apartheid is taking in its last breath, its countdown has started, so it is our duty, as Mr. Nelson Mandela has said, to walk the last mile on the way to the end of apartheid.

We believe that this devil has been seriously wounded, so maximum pressure must be exerted for its eradication from the soil of the earth.

A number are of the opinion that the wicked apartheid regime is in the process of handing over power to its legitimate owners, but the actual fact is that the racist regime has failed in its efforts. In the political field, due to the pressure exerted by the oppressed people of South Africa and the growth of political activities and struggles of the African National Congress and because of the weakening of the activities of the international organisations as a result of the influence of the friends of the South African Government, such as the United States and the United Kingdom and the regime which is usurping the occupied territories, this South African regime has gradually been pushed to the point of desperation.

In the military field, due to the failure of its military activities in Namibia and its defeat in the front-line African States as a result of the admirable resistance of the people, the racist Pretoria regime was forced to withdraw and compelled to change its policies.

There are some events which must be emphasised. The Government of South Africa has adopted delaying tactics to destabilise the democratic transition by promoting violence and social disorder. The Government has been exposed for using State funds to promote violence and acts of cold assassination which have left 11,000 dead since 1984.

In one COSATU branch, 75 trade unionists have been murdered in the last two years. This continuous violence has threatened the lives of the Black inhabitants and resulted in further intervention by the security forces. We believe that it is a major threat to the peace process and remain convinced that Codesa is the forum for the peaceful transition to democracy.

The referendum of 17 March indicated that 69 per cent of the White voters favoured the continuation of political reforms and constitutional negotiations, but the deadlock in Codesa II has shattered these expectations. The ANC has shown a spirit of openness by accepting a 70 per cent majority to resolve the dispute on the majority required to amend the Constitution. The South African Government is compromising the Codesa talks by the high level of violence within the country.

We are of the opinion that the continuation of sanctions concerning arms, oil and finances, etc., is essential; they must be continued until apartheid has been totally dismantled. It is regretted that some governments have been too quick to lift some sanctions, before any major changes have occurred concerning the eradication of apartheid.

Although President de Klerk has announced the official death of apartheid, the Special Report reveals that at least 14 apartheid laws are still in force, such as the Electoral Act, which gives rights to Whites, Indians and Coloureds, but exclude Blacks. The labour legislation does not yet cover farm workers, domestic servants and public employees, in contravention of the Laboria Minute, agreed upon in 1991. We believe the abolition of some apartheid legislation was the result of the unyielding pressure by the oppressed people of South Africa and the vigorous support of the international community. So strenuous efforts are still required to bring about the eradication of apartheid.

Under these circumstances it is very dangerous, out of simple-mindedness or a misplaced belief that any basic change in the policy of this racist regime has occurred, to consider that proper attention has been given to the Black majority by the abolition of some apartheid laws. In the long run, this could result in the worst possible conditions. The tyrannical history of South Africa could repeat itself if the concepts of "majority government" and "democracy" are disregarded.

We are of the opinion that the world movement and the popular uprising of the front-line States, especially the oppressed people of South Africa, must continue the search for effective ways to bring about the downfall of the apartheid regime. The economic isolation of the Pretoria regime, effective sanctions by the Organisation of African Unity, especially by the front-line States, real international sanctions, especially by the Western world, are all measures which, if implemented, would bring the racist regime to its knees.

The loans and business transactions of the Western countries are like blood reaching the dried blood vessels of the apartheid regime. If the sanctions were effectively implemented by the United States and West European countries, the people of South Africa would have achieved their independence and legitimate rights years ago, and the problems of apartheid would have been solved for ever.

The people of South Africa clearly know which powers and governments are responsible for the continuation of their government of horror. They also know that countries like the United States and some others in West Europe, which are indirectly involved, are a party to the murder of so many people over so many years.

The true leaders of the people of South Africa clearly know that the retreat of the racist regime had been at the cost of numerous sacrifices in the form of torture, imprisonment or death. Therefore, any negligence and compromise would be unforgiveable.

I fully support the report and the conclusions adopted by the Committee on Action against Apartheid, and hope that they will be adopted unanimously by the Conference.

Mr. AHMED *(Workers' delegate, Pakistan)* – It is for me a great privilege to join all the other distinguished speakers in supporting ths important Committee's report and its conclusions.

I should also like to offer my sincere congratulations to the President, who is chairing this historic Conference.

The Chairman of this Committee, Mr. Nkomo, and the two Vice-Chairmen, Mr. Hernandez, representing the Employers, and Mr. Brett, representing the Workers, along with the other distinguished members of the Committee, have done a very positive and useful job. They deserve our commendation and appreciation for bringing these conclusions and recommendations before this august house.

We would also like to take this opportunity to convey our deep appreciation of the work of the ILO and the Report presented to this forum by the Director-General, as well as the decision of the Governing Body to hold a Tripartite Conference on Southern Africa in Harare in May 1992. On that occasion, Mr. H. Maier, the Deputy Director-General of the International Labour Office, was present to convey the Office's position regarding apartheid. We welcome the conclusions of all those who are taking part in this Conference.

Apartheid is a crime against humanity, and we have seen during the course of recent years that there has been a positive development of attitudes regarding apartheid, even among the majority of the Whites. Fifty-nine per cent of Whites voted in the recent referendum for a continuous reform in the political system of South Africa, so that the Black majority, which is a victim of this crime against humanity, should no longer suffer and so that apartheid should be eliminated.

But despite the mandate given by the Whites we see that the present regime in South Africa is still not proceeding to dismantle apartheid. The Black majority is still denied basic rights. There is much violence, the workers and the people are victims of murder and innocent lives are being lost. And all of this is the responsibility of the State.

Similarly, the State still is enforcing labour laws which discriminate against the Black majority and Black workers. These laws must be repealed. They are one of the basic elements of apartheid.

I am not going to repeat what has been said earlier by our distinguished colleagues from this rostrum, but I will certainly stress that all religions and all reformers throughout the ages, including our Holy Prophet, stated that no man is to be judged on the basis of race, colour or creed, and that men should be appreciated by their spirit only.

Similarly, the instruments of international organisations such as the United Nations and the ILO clearly state that there should not be discrimination on the basis of race, colour or creed, and that all human beings should enjoy a sense of freedom and equality, and the opportunity for progress enshrined in the Declaration of Philadelphia. But today we still find this crime being committed against the whole of humanity, in the form of apartheid.

In view of the conclusions which have been submitted by the Committee, we believe that it is necessary to continue to impose sanctions.

Our country, Pakistan, still maintains these sanctions, in order to demonstrate our commitment to combat this crime against humanity, apartheid, and to wash this evil from the face of the Earth.

We fully support the conclusion in paragraph 5, which reiterates that the ILO's work should be expanded in the fields of worker's education, technical cooperation and vocational education for non-racial organisations of the workers and employers. We also support paragraph 50, pertaining to the recommended release of Mr. Chihana, the trade unionist. We believe what Nelson Mandela declared from this rostrum in 1990, that it is now a question of going one last mile to the distination. That journey is bound to end, and the people of South Africa are bound to achieve the right of self-determination.

We must continue to demonstrate our solidarity by observing sanctions and giving all moral and material support to the black people. We therefore urge this assembly to adopt this report and the conclusions.

Mr. BAIER *(Government adviser, Austria)* – Before turning to the report of the Committee on Action against Apartheid, I wish to express my appreciation to the Director-General for his own Special Report on the application of the Declaration concerning Action against Apartheid in South Africa. It contains assessments of the ongoing important developments in South Africa and underlines their considerable significance for the total eradication of apartheid. Furthermore, the report illuminates the grave economic situation and its disastrous consequences on social development in South Africa, especially with regard to the labour market.

The Austrian Government welcomes the clear commitment of all parties to reach substantive progress in the Convention for a Democratic South Africa and to pave the way towards the establishment of a transitional government. Regardless of recent setbacks, it is our firm conviction that Codesa merits full encouragement by the international community. We shall bear in mind that, as long as a Constitution which denies elementary human rights to an overwhelming majority of the population exists, there can be no significant improvement in the social and labour field.

Many of the Committee's conclusions are acceptable to us. Others, however, appear to be unbalanced and clearly go beyond the Organisation's mandate. They should be dealt with by the competent institutions of United Nations system.

Original – German: Mr. ALDER *(Government delegate, Switzerland)* – Switzerland has unequivocally stated its views on the Government of South Africa's policy of racial discrimination for years at the International Labour Conference. It has frequently stated, on numerous occasions, both to the Government and to the leaders of the opposition in South Africa, that Switzerland cannot condone a policy of racial separation and racial discrimination in any country, or on any grounds.

In South Africa, positive, major moves are now under way. In the Referendum of 17 March 1992, the population very clearly expressed its support for the reform process initiated by the Government, and stated its readiness to contribute to the change towards a multi-racial, democratic South Africa. At the same time, it dealt a firm blow to the extremists in its own camp.

Neither the Report of the Director-General nor that of the Committee really touch upon these positive changes. Instead of acknowledging their political and historical significance, they deal one-sidedly with the negative aspects of the most recent developments. Much as we support the call to all parties concerned to end the serious violence which is taking place, and much as we also appeal to the Government of the Republic of South Africa to release the remaining political prisoners and to respect trade union freedom in all circumstances, we cannot believe that one-sided positions within an international organisation can make a positive contribution to the continuing dialogue in South Africa. Matters, as yet unresolved, must be handled by South Africans themselves within the framework of Codesa.

We are extremely sceptical about a number of points in the Report, which we feel are not really within the field of competence of the International Labour Organisataion; for instance, the question of whether international sanctions against South Africa should be continued at the present time or lifted. We also have doubts as to whether the International Labour Organisation is really in a position to be able to "ensure" sustained economic growth in southern Africa, as is stated in Conclusion 5 (i) of the Report of the Committee.

The situation in South Africa – particularly as regards the continuing violence and the ensuing, serious violation of human rights committed by supporters of all camps – is, as always, a matter of very serious concern. But, on the other hand, it also gives rise to hope. International organisations can strengthen these hopes by making a positive contribution. A Committee Report, such as the one before us, can I think make a valuable contribution to this end, and my delegation welcomes in principle work of this nature. Nevertheless, we would have preferred its content to have been more balanced and to have placed more emphasis on the positive developments that have occurred. Despite many promising signs, we feel bound to admit that there are still serious inequalities in South Africa; and we should like to encourage the Government and the opposition to continue along the path they have chosen and to work together constructively.

Original – French: Mr. SENE *(Government delegate, Senegal)* – My delegation already spoke a number of times before the Committee on Action against Apartheid, as is indicated in paragraphs 14 and 47 of *Provisional Record* No. 21. We are taking the floor here today because new facts have arisen which, in our opinion, deserve to be studied in the light of the conclusions contained in the Director-General's Report.

The examination of the Special Report of the Director-General on the Application of the Declaration concerning Action against Apartheid in South Africa has always been one of the most eventful moments during the various Sessions of the International Labour Conference because, to be quite truthful, no specialised institution has contributed as much as the ILO, within the terms, of its mandate, to the universal struggle against discrimination in all its forms, and particularly against the system of apartheid.

In any case, the assertion of the respect of human rights and fundamental freedoms is today a certainty as has been demonstrated by the unanimous reprobation of apartheid and racial descrimination by the ILO and the whole United Nations family.

Thus the ILO, as a pioneer, has been able to mobilise a vast solidarity movement of the forces of progress throughout the world, through its tripartite structure, in order to offer its moral and material support to the victims of the scourge that is apartheid, and that brings racism to the level of a dogma.

With the end of the Cold War the winds of freedom are blowing over the planet and are bringing about far-reaching changes which are altering the geo-political aspect of the world. South Africa entered into this process with the advent of a statesman of great renown who has a clear vision of the future. I am referring to of course President Frederik de Klerk. With intelligence and realism, he has been able to carry out fundamental reforms which go towards the dismantling of apartheid. But even if he has declared apartheid to be officially dead it is nonetheless true that there are still a number of measures to be taken to replace the racist regime with a non-racial and democratic, a free and fraternal, South African society.

Therefore, we must repeal the Electoral Act of 1979, as the Report states, an act which grants the right to vote to the whites, the coloureds and the Indians, but excludes the blacks. So the same should go for the acts regarding Bantustans, the reserves of cheap labour, where the blacks are kept in inhuman, revolting conditions.

There are also, of course, other discriminatory laws which apply to education, health, social services, lousing etc.

In other words, despite the considerable improvements which have been achieved by the positive reforms of Mr. de Klerk's Government, there is still much to be done. And even once apartheid has finally been abolished and dismantled, there will always remain traces of suffering, traumatism and wounds, as well as the aftermath of the oppression which can only be eradicated with patience and wisdom, time and the observation of democratic, dignified and civilised democratic participation.

But at present how could we be anything but worried given the upswing of violence which has ravaged the black townships, the factories and the mines, and which is a threat to civil peace.

Undoubtedly, this serious issue affecting people's safety, is the responsibility of the South African Government.

However, since the referendum of 17 March 1992 where almost 69 per cent of whites voted in favour of the reforms and negotiations so as to set up a new constitutional order, it would appear that the National Party of President de Klerk is no longer making any progress, and since that date it appears to want to make as few concessions as possible.

For all these reasons, my delegation feels that the ILO should strengthen the fragile position of black trade unions and their rights in this crucial phase of the Codesa negotiations, the Convention for a Democratic South Africa, which brings together the party in power and the white Government on the one hand, and the opposition movements and the black majority on the other.

The ILO, faithful to its vocation, must assist in the advent of democracy and social justice in South Africa in accordance with the conclusions of the Tripartite Conference on Southern Africa held under its aegis in Harare in May 1992.

Need it be mentioned that Mr. Nelson Mandela, President of the African National Congress (ANC), who addressed our assembly in unforgettable terms in 1990, recently said in Geneva that what the black majority wants is a transitional government and a constituent assembly to be set up following honest and free elections.

Since the failure last month of Codesa II, the anti-apartheid alliance set up by the ANC and the Congress of South African Trade Unions (COSATU) decided to organise unprecedented mass demonstrations if the Government did not accept to give up its place to an interim government.

What is new is that since 16 June, the day before yesterday, 70 gatherings were organised throughout the country on Tuesday in memory of the 500 black children who were shot dead in Soweto by the police for protesting against an education reform that imposed the teaching of Afrikaans in schools.

While maintaining dialogue with the Government, the black opposition is planning a series of actions similar to these carried out in Eastern and Central Europe which received the West's support.

The least we can say is that the South African Government has already mobilised a considerable number of troops by calling up thousands of reservists and keeping them in a state of alert in order to avoid any possible violence.

The employers are threatening massive lay-offs should there be strikes as they can easily find replacement workers among the country's six million unemployed.

The leader of the ANC has a clear idea of what is at stake and has already appealed to his activists to respect strict discipline and not to listen to certain voices in their midst which belong to *agent provocateurs* who are inciting them to violence in the white areas of the city. Such violence, he has said, would be absolutedly disastrous.

On 30 May during the meeting of a neo-Nazi group, the extremist white leader, Eugene Terreblanche, declared that the movement's activities are "ready to fight to the last man and right to the end, to exterminate the blacks if they come to power". This gives some measure of the seriousness of the situation.

Senegal thus wholeheartedly approves the conclusions of the Committee on Action against Apartheid. The parties involved in the Codesa negotiations should spare no effort to find an agreement so as to set up a democratic and non-racial transition government.

The South African Government, as a signatory of the National Peace Agreement, must put an end to the violence, which has become endemic. It must also free political prisoners, repeal the law on bantustans and establish relations based on mutual respect and trust with neighbouring States.

Finally, the ILO, in the framework of its technical cooperation programmes, must provide assistance to workers' and employers' organisations which are non-racial and democratic and which respect international labour standards.

Senegal, which has established contact with both parties and which is going to welcome this month the Summit of the OAU Heads of State, will spare no effort to assist all South Africans to pursue dialogue and negotiation to build a non-racial and democratic nation in peace and justice.

Such is the message which this session of the Conference must send to them as a body, by adopting the conclusions of the report, because we believe that the time is right to build on this southern land bursting with both economic and social potential a nation based on solidarity, radiant with economic progress, an exemplary model of human fraternity and democracy, for the sake of Africa and humanity as a whole.

Mr. GHATOWAR *(Government delegate, India)* – Over the past year the process initiated in South Africa continues towards what we hope will be a logical but long-overdue conclusion – the establishment of a democratic and non-racial society. During the year which has elapsed much has happened in South Africa that deserves our attention. The ILO has played a salient role which is evident from the *Special Report of the Director-General on the Application of the Declaration concerning Action against Apartheid.*

This year has seen the continuation of good work by the group of independent experts to follow up and monitor the implementation of sanctions and other action against apartheid: the convening of the Special Tripartite Conference on Southern Africa in Harare in May 1992 and the report of the Fact-Finding and Conciliation Commission on Freedom of Association which examined the complaint of infringement of trade union rights in South Africa presented to the ILO by COSATU.

My Government appreciates the active role played by the ILO within its areas of competence and in the field where it has gained considerable expertise over the years. These areas include the close monitoring of the evolving situation in South Africa, the continuation of international pressure for the ending of apartheid and assistance to the liberation movements, workers' and employers' organisations in their campaign to establish a democratic and socially just society. We would like to endorse these actions of the ILO, taken in close coordination with other UN bodies and in line with the relevant UN resolutions.

As we examine the developments in South Africa, let us first look at the positive aspects. Negotiations between all the major players, including the Government and the African National Congress, have set in motion a process which looks to the future to explore the constitutional shape of a non-racial democratic and undivided South Africa. This historic Convention for a Democratic South Africa (Codesa) has had two sessions. While progress is slow, it is hoped that it will resolve significant questions such as constitutional principles, the nature of the interim government, the creation of a free climate of political participation, target dates for key decisions and their implementation procedures. A referendum called in March this year by President de Klerk resulted in the endorsement of the continuation of the reform process.

However, while the statutory pillars of apartheid are being slowly eroded, 14 apartheid laws still remain on the statute books. Furthermore, the legacy of decades of racial discrimination in the social and economic fields is still present in the structure and functioning of society. In 1991, the per capita income for Blacks was estimated as being one tenth of that of Whites. In the major 100 companies in South Africa, only 2.2 per cent of the managerial staff are Black. The World Bank has reported unusually high per capita public spending on Whites but social services to the Blacks continue to be neglected. This is also reflected in the disparities in the educational system where the State spends up to five times as much on the education of White children as on Black children. Such statistics highlight the need for continued efforts to address the social and economic backlog of apartheid.

My Government's consistent commitment to the support of the oppressed majority in South Africa in their fight for their legitimate rights needs no reiteration. In keeping with the decision taken by the meeting of the Commonwealth Heads of Government in Harare in October 1991, India has taken steps to lift certain restrictions concerning cultural and sporting events and the promotion of tourism. We did this in the belief that some progress was being made in the dismantling of apartheid. However, we also believe that remaining sanctions should be lifted only in stages, according to further developments in South Africa, an important step of which should be the establishment of an interim government in which the Black majority and other communities be fully represented. My Government, meanwhile, is determined to continue its financial assistance to the front-line States and to provide moral and material support to the liberation movement in South Africa.

We reiterate our endorsement of the ILO's activities in the context of the situation in South Africa and agree that it should stand prepared to extend assistance required at the appropriate time in the light of further positive developments. We do this in the belief that each of us here has an important contribution to make to ensure the fulfilment of the aspirations of the majority and in the estabishment of a democratic non-racial South Africa.

Original – Russian: Mr. BORCHEVSKY *(Government delegate, Russian Federation)* – The Government delegation of the Russian Federation supports the conclusions and recommendations that have been presented to us for consideration by the Committee on Action against Apartheid.

We do not consider this material as ideal. We do not agree with the harsh tone of some of the paragraphs, but we do believe that on the whole the Committee's report does meet its main objective – it can have a positive influence on the development of the democratic process in South Africa.

Russia consistently and steadfastly advocates the complete dismantling of apartheid and the rapid transition of the Republic of South Africa to a non-racial democracy. We are pleased to note the significant progress that has been achieved in the democratic reorganisation of South Africa and the positive changes in its external political activity. The results of the recent visit by President de Klerk to Russia give us reason to hope that the irreversable process of democratic transformation in South Africa will be successfully concluded. By our practical actions we are attempting to give the necessary support to the negotiation process taking place in the framework of the Convention for a Democratic South Africa (CODESA). The Government of Russia, under present circumstances, sees neither juridical nor political reasons preventing the development of business, scientific, cultural, and sporting links, tourism and direct air and sea links with South Africa. At the same time Russia intends to continue rigorously to observe, until such a time as they are lifted, the mandatory military and nuclear sanctions against South Africa as decided by the United Nations Security Council.

In conclusion, we would like to note the qualitatively new non-confrontational atmosphere in the consideration of this important question at the present Session of the International Labour Conference.

Not only those in the Committee who supported the conclusions and recommendations, but also those who abstained or voted against them have the same objective – to hasten the final collapse of apartheid and give support to the efforts that are being made in that direction at the present time.

We consider that this unity of purpose on the part of all States, employers and workers is the most important result of this Session of the Conference and that it demonstrates the truly powerful international support for the process of reform in South Africa.

We would like to join with the representative of the Netherlands Employers' delegate, Miss Hak, and express the hope that these reforms will allow us to welcome plenipotentiary representatives of a new transitional non-racial government of South Africa to the next International Labour Conference.

Mr. BLAVO *(Government delegate, Ghana)* – The international community has witnessed a number of changes in South Africa since February 1990. These changes have taken the form of the release of some political prisoners, authorisation of political organisations, the lifting of the state of emergency and the repeal of the set of legislation that forms the pillars of apartheid, namely the Amenities Act, the Land Act, the Group Areas Act and the Population Registration Act.

As a direct outcome of these developments, this Conference had the honour and privilege of being addressed by Mr. Nelson Mandela, leader of the ANC, in 1990. These changes have been possible because of the resolutions and declarations adopted by the International Labour Conference, among other bodies, with a view to drawing attention to the repugnant policy of apartheid and its destructive effects on the majority of the population of South Africa.

My delegation would like to take this opportunity to commend the ILO and, indeed, all the delegations that made it their policy to speak out against the policy and practice of apartheid in South Africa, in this as well as other forums.

While we welcome the positive changes in South Africa, we regret to note that a number of other discriminatory laws still remain on the statute books and a good number of political activists remain in prison. My delegation would also like to point out that merely removing laws from the statute books is not enough. The authorities in South Africa should also ensure that all racially discriminatory practices have been eradicated.

Futhermore, a lot remains to be done at the economic, social, educational and cultural levels – not only to rid some sections of the white population, specifically the security forces, of the apartheid mentality which they still like to exhibit, but also to correct the after-effects of decades of racial, cultural, economic and political subjugation of the Black majority. It is in this connection that the Government of Ghana welcomes the establishment of the Convention for a Democratic South Africa (Codesa). The setback suffered by Codesa in failing to reach agreement on the machinery for drawing up a democratic constitution for South Africa is therefore a matter of concern to us.

Another development that is of concern to the Government and people of Ghana is the violence in the townships. In spite of the positive changes referred to earlier, the past few months have seen acts of violence of an unprecedented nature committed in the provinces of South Africa.

This state of affairs cannot be allowed to continue. We in Ghana have always believed that the positive changes in South Africa cannot be sustained without continued external pressures. It is for this reason that my delegation would like to emphasise the continued importance of the role of the international community in exerting such pressures as are necessary on the authorities of South Africa, to facilitate the creation of the conditions conducive to the realisation of a non-racial democratic society in South Africa. It is also by exerting such pressures that the authorities in South Africa can be made to accept and discharge their responsibilities in maintaining law and order and thereby bringing peace and security to all the people of South Africa.

While my delegation welcomes the achievements of the past two years in South Africa, we would like to point out that the struggle for a non-racial democratic society is not yet over. We are reminded daily by the news media that the struggles continue in the streets, in the townships, in the mines, in the cities and all over South Africa, as the black majority demands the restoration of their basic human rights and fundamental freedoms.

At this stage in the struggle of the people of South Africa, the support of the international community is as crucial as it was in the past. It is therefore the hope of this delegation that, as in previous years, the International Labour Conference will demonstrate its solidarity with and support for the struggling people of South Africa by adopting the Report and conclusions of the Committee on Action against Apartheid, this time without a vote.

The resolutions on South Africa have of late been adopted without a vote at the UN General Assembly and at the UN Commission on Human Rights. We believe that this example can be emulated in this forum. Indeed, so far as the delegation of Ghana is concerned, the conclusions of the report contained in *Provisional Record* No. 21 are rather mild. We therefore urge all delegations to join in its adoption by consensus. By so doing, this body will be sending a clear message to the authorities in Pretoria on the need to expedite the political reforms already begun.

Original – Chinese: Mrs. ZHANG *(Government adviser, China)* – I would like to take this opportunity to express our thanks to the secretariat for the work it has done. The Chinese Government delegation appreciates the report submitted to the Conference by the Committee on Action against Apartheid.

This report gives a detailed account of the South African people's struggle against apartheid. It points to the positive changes that have taken place in South Africa over the past year and it also stresses the need for governments, employers and trade unions to continue to exert pressure on the South African authorities to force them to abolish the apartheid system at an early date.

In recent years the South African Government has taken a series of important reform measures for which we would like to express our appreciation, and we note that Codesa has made some progress in its negotiations. We hope that the South African Government will make further efforts to ensure the continuation of the ongoing peace process. At the same time we hope that all the liberation organisations in South Africa will further close their ranks in this critical moment of the constitutional negotiations. We hope that you will take a common stand so as to bring about a united democratic and non-racial new South Africa at an early date.

The past year has witnessed continued progress of the struggle of the South African people against apartheid with remarkable achievements. We are very glad for that. We wish that they will make new progress until final success.

The Chinese Government has always supported the just struggle of the South African people against racism and we support the comprehensive sanctions against South Africa. In the future we will, together with the countries of southern Africa, keep pressure on the South African Government and make positive efforts to bring about a political settlement to the South African question.

We look forward to the early emergence of a united, democratic and non-racial South Africa.

Original – French: Mr. ATSOUAYE *(Government delegate, Congo)* – Our delegation is honoured to be able to address this august Conference where we are working for peace, freedom and democracy and raise our voices through our organisation, the ILO, to denounce the anti-social practices which our brothers and sisters in South Africa suffer from. We would like to avail ourselves of this opportunity to salute the convening of this Conference which is held at a historic moment and we would also like to express our gratitude to all those who have been working towards the inclusion of our country on the Committee as a deputy member. We would like to express our gratitude and we do hope that our Government will do its utmost not to disappoint you.

We have noted the ILO's actions on southern Africa as well as those of the international community, the employers, workers, Government members and the Group of Independent Experts, and express our solidarity with all those working for democracy in South Africa.

Our national solidarity movement with the South African people, bearing in mind our underlying motives, has contributes to a positive solution of the South African situation in keeping with the wishes of its people and the interests of the international community. We can but rejoice at any step forward but are disappointed at obstacles remaining in the way of an effective solution.

Despite this contradictory situation, it is our firm conviction that at the end of the day the will of the people of southern Africa to achieve national unity and the support of the whole vast range of the international community behind this just cause, the present pressure towards sovereignty, democracy and peace will mean that sooner or later South Africa will be reunited in independence and peace. But, as the South African people hope, through the statements made at this Conference by various speakers, we do hope that the remaining obstacles will shortly be overcome and that we will shortly achieve the elimination of apartheid, putting an end to the tragedy of the country's racial division and in this way wiping out the threat of conflict which is ever present.

Negotiations which have begun, not without difficulty, have strengthened our view that it is important, more than ever, that the international comunity express its wish for a speedy and expeditious solution to the problems of South Africa which necessitates the involvement of all parties.

We all know the history of Africa and its role in the commonwealth of nations. It is the cradle of mankind and has always been present at the great moments of history. Great contingents of people have gone out over the world from Africa and it is in Africa that some now affluent nations began. Today, as everyone knows, Africa has all the eyes of the world on it and its list of misfortunes, disasters, poverty and so on and so forth. In southern Africa, apartheid continues to give rise to our concern and unfortunately has not yet reached its point of no return. Apartheid and racial discrimination cannot constitute legitimate policies, more particularly in the field of employment where subjective, racial criteria cannot prevail. This concern has naturally brought us here together under the aegis of the ILO to think together about the future of South Africa which has been divided against the will of its people and to find the necessary cures.

Many praiseworthy efforts have been undertaken, both by employers, workers and governments. We have all done our utmost and worked diligently to make our necessary contributions, but these efforts, which we certainly appreciate in our delegation, will not suffice for the future of a democratic South

Africa and we feel that more must be done by the Government of South Africa to wipe out apartheid. This is why our delegation, which unreservedly supports the measures that have been taken towards the dismantling of apartheid without conditions for a united, free and prosperous South Africa, demand that they be strengthened. The rationale behind ideologies has often served to disguise oppression. But now the time has come for us to preach mutual assistance, cooperation and international solidarity on the basis of recognition that peace can only be brought about by healthy economic development and social justice for all peoples of the world who have a constant struggle against deprivation, apartheid, partition and poverty, wherever they exist.

Our country, the Congo, continues to support just causes across the world and will unreservedly support all liberation movements in favour of democracy, independence and peace and social progress. The struggle for peace is a condition of development. There can be no peace on this earth while human rights are being abused anywhere in the world

Our country, the Congo, is ready and willing to struggle alongside the Committee on Apartheid, the Group of Independent Experts and with anyone else in order to uphold and ensure implementation of our conclusions here. And once again we congratulate you on the conclusions to which this Committee has come. We take note of the Director-General's *Special Report on the Application of the Declaration concerning action against apartheid in South Africa.* We believe that the ILO must continue to work on this and reaffirm the commitment and policy of our Government in international cooperation for the developments which we find listed in this Declaration. And we also reaffirm the principles and objectives behind the Declaration on progress and development in social areas, as well as the guiding principles behind policies and programmes of social protection on development in the near future. We are asking for effective implementation of them as means of bringing around a fair social situation in South Africa. And also note with grave concern the interest expressed by various speakers on this issue in discussions that have been at times contradictory but which have led to the approval of the conclusions of the Committee. We call on the international community to pay particular attention to the deteriorating economic and social situation in southern Africa and to ensure that present developments and international world relations do not add further to the present difficulties of southern Africa. We also call on all delegates to take initiatives and apply consistent measures after this Conference so as to achieve the goals laid down in the framework of the elimination of apartheid. National policies in the areas of employment, education, the well-being of our children, the participation, without discrimination, in the process of development, as well as the inclusion and full participation of women in development, because all human beings whatever their race, belief or gender are entitled to material and spiritual development, enjoying freedom and dignity, economic security with equal opportunities.

As we move towards the twenty-first century and with the advent of the new social and economic order beyond political situations, let us still at least work towards security and safety across the world and not just in southern Africa. And we hope that we will shortly see a single, indivisible and prosperous, independent and democratic South Africa.

Original – Arabic: Mr. AL-SABBAH *(representative of Palestine)* – In the name of God, the Merciful, the Compassionate! I should like – on behalf of Palestine and on my own behalf – to congratulate the Chairman of the Committee on Action against Apartheid, Mr. Nkomo, Minister of Labour, Manpower Planning and Social Welfare, Zimbabwe. He presided over the work of this Committee brilliantly and gave it a touch of authenticity because he is a former champion of freedom and believes firmly in the right to self-determination. Therefore, on behalf of the Palestinian people – a people who have suffered under the shameful occupation of Israel – I should like to thank him for his efficient work.

I should also like, on behalf of the Palestinian people I am honoured to represent at this forum, to congratulate sincerely the people of South Africa and the workers in this country. I congratulate them for the victory they have won after a struggle of many years. They indeed obtained a victory: in spite of a number of obstacles that we must eliminate forever, the racist regime in South Africa will disappear forever.

The success of the Tripartite Conference on Southern Africa, held in Harare last May, and the conclusions of the Committee give us many grounds for hope. We see them as a good omen for the future. We believe that the racist regime is breathing its last breath and that it will soon expire. We should therefore like to encourage the people of South Africa in their struggles.

Whatever happens, any delay in the dismantling of this regime will only prolong the suffering of this people and perpetrate the existence of a system which flouts all international laws and will be overthrown.

Neither racial discrimination nor apartheid sould be tolerated in our age; they should be eliminated. No relations of this kind should exist between human beings and nations.

The Palestinian people, irrespective of their class and social origin, fully supports the conclusions of the Committee. In a number of cases, these conclusions could have been stronger to strengthen the struggle against this regime, which tries to hide behind a so-called dialogue and to hold on to its privileges by giving the white minority more rights than those of blacks, who are the traditional landowners in this part of the world.

We believe that without a democracy and without a constitution that grants equal rights to all, the provisional government cannot exist. The continuation of this regime only increases the suffering of the South African people. The regime is relying on foreign powers who share the same racist philosophy which should no longer exist in our modern society. The downfall of the South African racist regime would imply the downfall of another racist regime, which is occupying Palestine.

The Palestinian delegation supports the just conclusions of the Committee on Action against Apartheid which calls for the immediate liberation of political prisoners – imprisoned only because they expressed their opinion. We fully support this demand – as do all those who believe in peace and freedom throughout the world.

We should like to call upon the International Labour Organisation to provide technical assistance to the people and the workers of South Africa who have been suffering for so long, like us Palestinians, who are suffering under the occupation of a chauvinist minority.

We should therefore like to ask the International Labour Organisation and other competent bodies to support the conclusions of the Committee on Action against Apartheid, so that this programme might be incorporated in the framework of social development activities in order to lighten the burden weighing on the shoulders of the people of South Africa; indeed, they have been suffering various forms of deprivation for more than 50 years. It is time that racist regimes should be wiped off the face of the earth and that the people of South Africa should be able to exercise their basic rights, particularly the right to own land. They must be masters of their own destiny and future.

In concluding, I should like, on behalf of the Palestinian people to congratulate sincerely the people of South Africa and hope that they will soon be able to achieve social progress, equality and justice in their country. Our people will continue to support them in their fight for freedom because they are the victims of occupation, in the same way that we are in Palestine. Victory always comes to those who seek it.

Ms. LISWANI *(Government delegate, Namibia)* – I would like to congratulate Mr. Nascimento Rodrigues on his election as President of this august Conference. I wish to thank the Chairman of the Committee on Action against Apartheid, the Honourable Minister Nkomo, the two Vice-Chairmen and the members of the Committee for a job well done. The Special Report of the Director-General on the application of the Declaration concerning Action against Apartheid and the conclusions of the Tripartite Conference on Southern Africa in Harare, Zimbabwe have provided us with detailed information indicating the continued existence of apartheid in South Africa. It is a policy which is continuing despite the wishes of the people of South Africa and the international community.

The two speakers from South Africa, who witness the daily suffering of the people of that country because of the existence of apartheid is strong and alive in South Africa. No serious efforts are being made to dismantle it by the minority regime.

I represent the Government and the people of Namibia. My country emerged from decades of apartheid and colonialism just two years ago. The people of Namibia waged two decades of political, diplomatic and armed struggle against the same minority regime in South Africa. The people of Namibia had a prolonged struggle due to the bahaviour and deceitful tactics of the minority regime in South Africa, which torpedoed any peaceful solution to the conflict. It took over ten years of protracted negotiations before UN Security Council resolution 435 could be implemented. It was partially responsible for bringing about the independence of Namibia in 1990.

Today, two years after the independence of Namibia, UN Security Council resolution 432 calling for the reintegration of Walvis Bay into Namibia has still not been implemented. It is against this background and with our own experience in dealing with a minority regime that the Government of Namibia has cautioned that the few changes which have taken place so far in South Africa should not mislead us into relaxing our efforts to dismantle apartheid.

The people of Namibia believe that all pressure must be exerted on the apartheid regime until a democratic South Africa is born. The Government of Namibia will do all it can to assist the democratic process in South Africa, to fight for peace, social justice and the dismantling of apartheid.

Finally, I wish to support the calls made by previous speakers that this Conference adopt the report of the Committee.

Original – Arabic: Mr. EL-HERRAWI *(Employers' adviser, Egypt)* – Our work, as every year, is based on the Special Report of the Director-General on the application of the Declaration on Action against Apartheid in South Africa.

Apart from the report of the Special Tripartite Conference held in May this year in Harare, the Egyptian employers' delegation would like to say something about the positive developments which have been taking place in South Africa over the last few years. However, it must be said that these positive developments cannot mask the negative aspects such as violence, which is continuing and threatening the life of the Black population. It is necessary to put an end to this violence. Police intervention which leads only to a deterioration of the situation is an interference which must be halted.

Codesa II, unfortunately, did not reach an agreement as regards conflicts and the matters under dispute. Therefore it is essential that the present dialogue lead to success and that the Codesa III meets the legitimate and logical hopes and aspirations of the ANC.

On the basis of what I have just said and with a view to achieving the goal in question, the ILO is able to play an important role as regards the respect of labour legislation in South Africa in order to contribute to the changes – irreversible changes – which are taking place in South African society.

To this end, it would be appropriate to provide technical aid to the black trade unions and to the non-racist employers' and workers' organisations, which are subject to discrimination and to strengthen controls and monitoring – on the implementation of labour legislation in South Africa which suffers from discrimination as regards labour and trade union rights.

Preparing the way for the future society after the elimination of apartheid is a matter where the ILO must play its role and give great attention to this matter, since it will be possible to influence in a positive manner the future of millions of black workers in South Africa.

We should not forget that the respect for principles and internationally recognised labour standards in South Africa would also be the basis for the economic development of this country and future investment possibilities.

Many international organisations have discussed the matter of apartheid and have reached the following conclusions. First of all, they recognise the need to encourage and continue dialogue in South Africa for the creation of a provisional government, thus establishing the basis for a non-racist society where all citizens would enjoy equal rights and obligations.

Secondly, continued pressure should be brought to bear by the international community on South Africa until such time as the goal has been reached; that is, the establishment of a non-racist democratic society in South Africa.

Therefore, the Employers' delegation of Egypt gives its support to the report adopted by the Committee on Action against Apartheid, and we would like to express our thanks to that committee and to its Chairman and the two Vice-Chairmen as well as the secretariat of the ILO, particularly Mr. Abdel Rahman, Assistant Director-General.

The PRESIDENT (Mr. MUGALLA) – The Conference has just completed a thorough discussion on this important question. Due account has been taken of all the comments and reservations made in the course of the debate which will be duly recorded, as well as the reservations mentioned in the report of the Committee.

May I take it that the report and the conclusions are adopted? I see no objections.

(The report and its conclusions are adopted.)

Allow me to express my satisfaction at the fact that this report and its conclusions have been adopted by consensus by our Conference. I believe that this consensus expresses the wish on the part of all delegations that in the shortest time possible we should witness the establishment and definitive consolidation in South Africa of a free and democratic society which fully respects the rights of both the majority and minorities of the communities which make up that country.

Once again, I would like to repeat my congratulations to the Chairman, the Vice-Chairmen and Reporter of the Committee for the excellent work which has been done.

(The Conference adjourned at 5.15 p.m.)

CORRIGENDUM

Provisional Record No 22, speech by Mr. AGAGUSEINOV: The speaker's name should be preceded by "Original – Azerbaijani"; on page 26, left-hand column, second full paragraph, line 7: after "education" insert: "In the 20th century we have witnessed a policy of genocide against the Azerbaijanis in total disregard of the International Covenants on Human Rights." In the right-hand column, at the end of Mr. Agaguseinov's speech, add the following four paragraphs:

"In nominal terms, household income has risen. However, these increases have quickly been outstripped by rises in the cost of living.

A social protection concept is currently being drawn up by the Republic's Government. This work has highlighted a number of deficiencies in the social standards of our Republic and the specific situation it now faces. It is therefore extremely important first and foremost to earmark a minimum budget for social programmes, taking into account the various social and demographic groups. Of course, we know that the new concept should not mean that everyone receives an equal share from the distribution system and from social benefits. It is thus important that we make as extensive use as possible of international experience by adapting it to our country's specific case. Our job now is to derive legislative and economic principles to set the parameters of our social protection system.

Before concluding I would like to emphasise that one of the most difficult tasks facing the trade unions will be to earn the trust of the workers. Already, existing trade unions are introducing reforms, and new trade unions have been established. We believe it is essential to guarantee freedom of association if the trade union movement is to develop. Thanks to the right of legislative initiative, we have brought before the Supreme Council a draft law which guarantees freedom of association, including certain basic rights of workers, such as the right to strike. We shall make every effort to see this law through the adoption process, as it establishes the conditions required for the development of a democratically based trade union movement.

I should like to make one last remark before concluding. Mr Hansenne has quite rightly noted that no sooner is political freedom established than the population feels more destitute than ever, since reactionary forces made use of their poverty for their own ends. I call on the International Labour Organisation to do everything possible to assist the countries that recently shed totalitarianism, so as to avoid a rebirth of dictatorship."

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Corrigendum 31

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Provisional Record

Seventy-ninth Session, Geneva, 1992

24 * (rev.)

Fifth item on the agenda: The prevention of industrial disasters

Report of the Committee on the Prevention of Industrial Disasters

1. The Committee on the Prevention of Industrial Disasters was set up by the International Labour Conference at its first sitting on 3 June 1992. It was originally composed of 140 members (61 Government members, 36 Employers' members and 43 Workers' members). To achieve equality of voting strength, each Government member having the right to vote was allotted 129 votes, each Employers' member 215 votes and each Workers' member 180 votes. The composition of the Committee was modified several times during this session and the number of votes attributed to each member was adjusted accordingly.

2. The Committee elected its officers as follows:

Chairman: Dr. Payaman J. Simanjuntak (Government member, Indonesia);

Vice-Chairmen: Mr. C. K. Hyder (Employers' member, Bangladesh) and Mr. P. Aro (Workers' member, Finland);

Reporter: Mr. T. Seymour (Government member, United States).

3. At its eleventh sitting the Committee appointed a Committee Drafting Committee composed of the following members: Miss C. Clemente (Government member of France); Mr. G. Simonnet (Employers' member, France); Ms. S. Mayman (Workers' member, Australia); and the Reporter of the Committee.

4. The Committee had before it Reports V (1) and V (2) prepared by the Office for a first discussion by the Conference of the fifth item on the agenda: "Prevention of Industrial Disasters". The proposed Conclusions submitted by the Office were contained in Report V (2).

5. The Committee held 17 sittings.

General discussion

6. The Assistant Secretary-General of the Conference, Mr. Morozov, addressed the first sitting of the Committee and proceeded with the election of its Chairman. The representative of the Secretary-General, Dr. Kogi, presented the two reports and reviewed the considerations which had led the Governing Body to place the item of the prevention of industrial disasters on the agenda of the Conference. Based on the discussions on the issues raised by the disaster in Bhopal in 1984, the International Labour Conference adopted, in June 1985, a resolution concerning the promotion of measures against risks and accidents arising out of the use of dangerous substances and processes in industry. In response to the resolution, the ILO took a number of actions including the convening of an ad hoc meeting of consultants, preparation of a manual on major hazard control and a code of practice on the prevention of major industrial accidents, organisation of a series of regional and national workshops and providing advisory services for establishing national systems for major hazard control as well as the development and operation of technical cooperation projects. These experiences showed that well coordinated efforts at national level were necessary to protect workers, the environment and the public from potential major industrial accidents. He noted that the Proposed Conclusions with a view to a Convention and a Recommendation in Report V (2) were based on replies received to the questionnaire in Report V (1). The Chairman thanked the Committee for his unanimous election and hoped to accomplish its tasks which have a significant impact not only on the improvement of working conditions and environment of workers in the major hazard installations but also on the protection of the general environment and the public. He expressed his confidence in a constructive spirit of cooperation.

7. The spokesman of the Employers' members stated that there was broad consensus among employers regarding the importance of establishing major hazard control systems. He underlined the employers' concern for the protection of the health of the workers, and noted that this concern prompted many employers to introduce in-plant safety measures. While pledging their cooperation in the formulation of new international standards on the prevention of industrial disasters, the employers cautioned that a systematic and practical approach should be adopted in dealing with the subject. The standards should be flexible, based on broad principles, and provide for exemptions of specific installations which are covered by separate guidelines. This approach would ensure acceptability by a large number of countries.

8. The spokesman of the Workers' members agreed that the Office text of the Proposed Conclusions was a very useful first draft for a Convention supplemented by a Recommendation. He noted that an increasing number of industrial disasters had incurred serious effects on the workers' health, neighbouring communities and surrounding environment. He stated that the rate and the extent of damage

caused to people and the environment had increased substantially in recent years. Common underlying causes included storage of large quantities of hazardous chemicals, process malfunctions, poor maintenance of machinery, inadequate emergency preparedness, poor legislative and inspection mechanisms, lack of information and absence of sound personnel policy. The subject of major hazard control thus received an impetus at the international level through activities launched by the ILO in collaboration with other international organisations. Particular reference was made to the resolution concerning the Promotion of Measures against Risks and Accidents Arising out of the Use of Dangerous Substances and Processes in Industry adopted by the International Labour Conference in June 1985 and action taken by the Office to give effect to this Resolution. There was little need for distinction between fixed and mobile installations. The instruments should address the risks regardless of where they were including those in transport. The responsibility for the safe operation of major hazard installations was clearly that of management. Prevention must be based on a cooperative tripartite structure.

9. The Government member of the United States considered that the instrument should take the form of a new Convention that comprised fundamental safety and health provisions for the prevention of industrial disasters. Several Government members, particularly those members from Argentina, Australia, China, Japan, Libyan Arab Jamahiriya, Poland, the Russian Federation, Switzerland, the United States and Zimbabwe also supported the adoption of new instruments. They specifically considered that the proposals should facilitate wider acceptability among the constituents by placing emphasis on the general characteristics of a major hazard control system.

10. The Government member of Switzerland proposed the establishment of an international alert system to avert industrial disasters especially among neighbouring countries.

11. The Government member of China noted that work on the prevention of industrial disasters was essential for the protection of the workers' health and should be supported by all member States. In view of the severity of previous accidents, strong action should be taken at the national level. It was the responsibility of the competent authorities and management to ensure the safe operation of major hazard installations.

12. The Government member of Japan underlined that the instruments should focus on the protection of workers and should refer to matters relating to the protection of the public and the environment. They should provide for the exclusion of installations by the competent authority where it has determined that an equivalent protection was provided under national regulations.

13. The Government member of the Libyan Arab Jamahiriya noted that the pace of industrial development was not paralleled by the application of advanced control technology aimed at averting industrial disasters. This resulted in the loss of life among the workers and the general public and in extensive damage to the environment. Therefore, priority was essential in this field.

14. The Government member of the Russian Federation emphasised the need for action to preven industrial disasters. Advanced technology and the wide use of chemicals necessitated action for the adoption of an international standard.

15. The Government member of Argentina stressed that tripartite cooperation was extremely important to ensure consensus for the implementation of major hazard control programmes. It was important to incorporate the issues of the protection o the environment and the public in proposed international standards. The provision of information to the workers and the public was also important.

16. The Government member of Poland emphasised that the hazards associated with advanced technology and industrial development required greate attention to risk assessment. The work on an instrument on the prevention of industrial disasters should take into consideration other ILO Conventions and the work done by other UN agencies and the exclusions envisaged in the instrument should be restricted.

17. The Government member of Australia noted that the Convention should be flexible so as to allow for the application of varying national practices in member States.

18. The Government member of Zimbabwe urged that the new instrument should avoid any duplication of the work of other United Nations agencies. The provisions for exemption of industrial activities from the scope of the instrument should be based on tripartite consultations.

19. The representative of the Commission of the European Communities reviewed its work in the field of major hazard control with specific reference to the EEC Council Directive on the major-acciden hazards of certain industrial activities (82/501/EEC) the "Seveso" Directive which was being updated The prevention of industrial accidents and the protection of the workers' health were the first line o defence for the subsequent protection of the genera public and environment. In this regard, the Commission was pleased to note that the proposed instruments had given due consideration to the principle embodied in the Directive. It looked forward to continuing collaboration with the ILO in future activities.

Examination of the Proposed Conclusions contained in Report V (2)

FORM OF THE INTERNATIONAL INSTRUMENTS

Point 1

20. An amendment proposed by the Governmen member of Japan to replace the words "through system of major hazard control also called proces safety management" by the words "through preventive and protective measures for major hazard installations", on the ground that the change made th instruments more flexible and comprehensive, wa withdrawn as the majority preferred the Office text

21. Point 1 was adopted without amendment.

Point 2

22. The Government member of Portugal speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom, member States of the European Communities (EC) withdrew two amendments that proposed to insert additional wording to the effect that the instruments should be essentially concerned with the protection of workers and that the Recommendation should also take into account aspects related to the protection of the public and the environment. The Office text that dealt with the form of the instruments was retained.

23. Point 2 was adopted without amendment.

PREAMBLE

Point 3

24. An amendment by the Workers' members to refer to additional four instruments in the preamble was withdrawn as the majority preferred to limit the reference to the most relevant instruments. The Government members of member States of the EC submitted another amendment to add the words "in order to point out the need for a global and coherent approach to occupational safety and health". This was subamended by the Workers' members to delete the reference to occupational safety and health. The amendment as subamended was adopted.

25. The Employers' members moved an amendment to make reference to the ILO Code of Practice on the Prevention of Major Industrial Accidents, published in 1991. This was subamended by the Workers' members simply to refer to it and avoid mentioning its use as guidance for national laws and regulations.

26. Point 3, as amended, was adopted.

Point 4

27. The Government member of Australia proposed to replace the word "accident" by the word "incident" throughout the text of the proposed conclusions to ensure broader flexibility and scope. The amendment was withdrawn following discussion. The Workers' members also submitted an amendment requiring that appropriate measures in major hazard control be the responsibility of the management. This was opposed by the majority and was subsequently withdrawn on the understanding that the responsibility of the management in major hazard control remained fundamental.

28. The Government member of Argentina withdrew an amendment in favour of another which had been submitted by the Workers' members requesting that the concept of "prevention" be added to clause (a). While the notion was accepted by some Government members, the Employers' members, supported by other Government members, resisted it on the grounds that it was impractical to attain zero risk. After a lengthy discussion, the Chairman decided to convene a tripartite Working Party to examine all amendments and subamendments to Point 4. The text proposed by the Working Party read:

The preamble should provide that the instruments should have regard to the need to ensure that all appropriate measures are taken to prevent major accidents; to minimise the risks of major accidents and to minimise the effects of major accidents. In doing so, proper consideration should be given to the causes of such accidents including organisational errors, human factors, component failures, deviations from normal operational conditions, outside interference and natural forces.

29. Point 4, as amended, was adopted.

Point 5

30. The Government members of member States of the EC proposed to insert the words "whilst essentially concerned with the protection of workers" after the word "instruments" which they considered would address the issue of worker protection more directly. The majority felt that the scope of the instruments should not be limited and opposed the amendment, which was withdrawn. Another amendment introduced by the Government members of Australia, Canada, New Zealand and Swaziland to ensure coordination and consistency within the IPCS and with other intergovernmental organisations was withdrawn in the face of opposition. The Workers' members submitted an amendment to enable the instruments to have regards to the work of other organisations. This amendment was also opposed by the majority and subsequently withdrawn.

31. Point 5 was adopted without amendment.

Proposed Conclusions with a view to a Convention

I. DEFINITIONS AND SCOPE

Point 6

32. An amendment proposed by the Government members of member States of the EC to insert the words "or mixture" after the words "mean a substance" in clause (a) was accepted. An amendment submitted by the Workers' members to insert the words "or organism" after the words "a substance" in the same clause was rejected by 69,006 votes against 40,672 in favour, with 4,557 abstentions. In consequence, the Workers' members withdrew the amendment which sought to refer to the biological hazards in clause (a). Another amendment was proposed by the Workers' members seeking to expand the definition of the term "hazardous substance" to include the notion of a combination of substances. The Employers' members opposed this amendment arguing that clause (a) was defining terminologies and not operational conditions and that this clause was defining hazards related to properties of substances and not to hazards related to situations. The Government member of Egypt withdrew a subamendment in favour of another proposed by the Government member of the United Kingdom supporting the views of the Government members of the member States of the EC which sought to insert the words "or combination" before the words "which by virtue". After a lengthy discussion on the amendment and subamendments, the Chairman called on the Working Party to examine the amendments and the subamendment introduced to Point 6.

33. The text produced by the Working Party for Point 6 read:

For the purpose of the Convention:

(a) the term "hazardous substance" should mean a substance or mixture which by virtue of chemical, physical or toxicological properties, either singly or in combination, constitutes a hazard;

(b) the term "major accident" should mean an unexpected, sudden occurrence, such as a major emission, fire or explosion, resulting from developments in the course of an activity within a major hazard installation, involving one or more hazardous substances and leading to a serious danger to workers, the public or the environment whether immediate or delayed;

(c) the term "major hazard installation" should mean that which processes, produces, disposes, handles, uses or stores, either permanently or temporarily, one or more hazardous substances or categories of substances in quantities which exceed the threshold quantity;

(d) the term "threshold quantity" should mean that quantity, prescribed in national laws and regulations, of a hazardous substance or categories of substances which if exceeded identifies a major hazard installation;

(e) the term "safety report" should mean a written presentation of the technical, management and operational information covering the hazards of a major hazard installation and their control in support of a justification for the safety of the installation.

During the debate on the draft text, the Workers' members remarked that the definitions needed to be re-examined in the light of the decisions to be taken by the Committee. The text proposed by the Working Party was adopted by consensus.

34. Point 6, as amended, was adopted.

Point 7

35. An amendment by the Workers' members to delete Point 7 was withdrawn in the face of opposition. The Government members of Australia, Poland and Zimbabwe proposed amendments to delete clause (a) on the grounds that the desired flexibility was provided by clause (b) of the same point. The amendments were opposed by the Employers' members and by some Government members who argued that the provisions in the instruments sought to exclude particular installations that were covered by specific regulations. The Government member of Cyprus submitted a subamendment to the amendments which proposed the deletion of clause (a) to restrict the exclusions from the application of the instrument to nuclear installations only. The subamendment was voted and rejected with 27,621 votes against, 279 votes in favour and 19,809 abstentions. Another subamendment by the Government member of Poland to restrict the exclusions from the application of the instrument to nuclear and military installations was voted and rejected with 27,063 votes against, 2,511 votes in favour and 18,693 abstentions. The amendment to delete clause (a) was voted and rejected with 28,179 votes against, 19,530 votes in favour and 1,116 abstentions.

36. An amendment proposed by the Government members of member States of the EC to add to the end of subclause (a) (i) the words "except for facilities handling non-radioactive substances at these installations" was adopted. An amendment by the Government member of China to delete sub-clause (a) (iii) to ensure inclusion of transport within the scope of the instrument was rejected by 112,406 votes against, 80,290 in favour, with 6,882 abstentions. The Employers' members proposed an amendment to delete the words "other than by pipeline" from subclause (a) (iii) arguing that considering pipelines as major hazard installations presented practical difficulties. They stated that various other means of transport should be excluded from the application of this instrument as relevant international standards existed. The safety measures for mobile facilities and fixed installations might be incompatible. The Workers' members opposed the amendment on the grounds that pipelines were considered fixed installations. In the face of more opposition by some Government members, the amendment was withdrawn.

37. The Government member of Japan withdrew two amendments to clause (b) that sought to insert the words "about the protection of workers" after the word "consultation" and to add to the end of the clause the words "by national laws and regulations" following opposition by the majority of the meeting. The Government members of Australia and the United States proposed an amendment to insert the words "and with other parties who may be affected" after the word "concerned" in clause (b) so as to ensure wider consultation. The Government member of Zimbabwe moved a subamendment to this proposal to replace the word "and" by "or" and to insert the word "interested" after the word "other". Following a discussion, the Government member of Zimbabwe agreed to delete the first part of his subamendment. The amendment, as subamended to read "and with other interested parties who may be affected" was adopted. The amendments submitted by the Government members of Australia and Zimbabwe to delete the word "further" from the third line of clause (b) was also adopted.

38. Point 7, as amended, was adopted.

Point 8

39. The Government members of member States of the EC submitted an amendment in three parts to Point 8. The first part that sought to delete the words "special problems of a substantial nature arise so that" was rejected by the meeting. The second part of the amendment sought to substitute the word "should" in the fourth line by the word "may". It was observed that in some countries major hazard control systems were in operation. In such cases, a requirement to draw up plans for the progressive implementation was irrelevant. The representative of the Secretary-General explained the implications of the words "should" and "may" in Conventions and the Employers' members, the Workers' members and several Government members opposed the substitution. The third part of the amendment sought to tie the plans of the progressive implementation of the provisions of the instrument to a time-frame of ten years. This too met opposition by the majority of the meeting. Subsequently, the amendment was withdrawn.

40. The Government member of Zimbabwe proposed an amendment dealing with the process of consultation in drawing up plans for the progressive implementation of preventive and protective measures. This was similar to an amendment proposed by the Workers' members who, following a discussion, proposed a subamendment to the amendment submitted by the Government member of Zimbabwe which was supported by consensus. The Workers' members proposed to add to the end of Point 8 the words "within an agreed time-frame" which was

subamended by the Employers' members to read "within a fixed time-frame" and adopted. The text of Point 8 as finally accepted read:

> Where special problems of a substantial nature arise so that it is not immediately possible to implement all the preventive and protective measures provided for in this Convention, a member State should draw up, in consultation with the most representative organisations of employers and workers, plans for the progressive implementation of the measures concerned within a fixed time-frame.

41. Point 8, as amended, was adopted.

II. GENERAL PRINCIPLES

Point 9

42. Seven amendments were introduced to paragraph (1). The amendment by the Government members of member States of the EC to delete the word "national" from the first line was withdrawn. The Workers' members withdrew an amendment seeking to add the words "and regulations" after the word "policy". The amendments submitted by the Employers' members to insert the words "and by consequence" after the word "workers", and by the Government member of Zimbabwe to insert the word "occupational" after the word "major" were also withdrawn.

43. An amendment was submitted by the Government members of Canada and the United States to extend the consultation process to include other parties who may be affected by major accidents. This was subamended by the Government member of Canada for consistency with the previous clause 7 (b) by inserting the word "interested" before the word "parties" and was adopted. The Workers' members proposed an amendment to add the word "adopt" after the word "formulate". This idea was accepted by consensus. The meeting decided to refer the matter to the Committee Drafting Committee.

44. The Government member of Japan proposed an amendment that sought to put emphasis on worker protection. Following a lengthy discussion, the amendment was accepted with 96,274 votes in favour, 92,070 votes against, with 2,294 abstentions. The text of the paragraph as amended read:

> 9 (1) In the light of national laws and regulations, conditions and practice, and in consultation with the most representative organisations of employers and workers, and with other interested parties who may be affected, each Member should formulate, adopt and periodically review a coherent national policy concerning the protection of workers against the risks of major accidents considering their effects on the public and the environment.

45. An amendment submitted by the Government member of Zimbabwe to paragraph (2) which sought consistency with previous texts was withdrawn. The Workers' members withdrew an amendment to the same paragraph which proposed inserting the words "and regulations" after the word "policy" indicating their willingness to re-examine the issue in 1993 with wording already adopted. The Workers' members submitted another amendment which proposed to end paragraph 9 (2) by the words "and, where appropriate, should promote the use of the best available safety technologies", arguing that it was in the interest of everybody to safeguard installations by the best technology. The Employers' members opposed the amendment on the grounds that the meaning of the word "best" was relative and that the proposal did not offer flexibility. In the face of similar concerns by the Government members of the United States and Hungary, the Government member of Zimbabwe introduced a subamendment to replace the words "best available" by the words "most suitable", whereas the Government member of Zambia introduced another to replace the words "where appropriate" by the words "where practical". While the Workers' members supported the second subamendment, the Employers insisted that neither of the subamendments offered an acceptable solution. The Chairman put the amendment by the Workers' members as subamended by the Government member of Zambia to vote and declared its adoption by 52,173 votes in favour, 3,162 votes against with 35,309 abstentions. A question of procedure was raised by the Employers' members following the declaration, as they had understood that the vote was on the subamendment and not on the amendment as subamended. The Government members of member States of the EC voiced the same opinion and the Committee decided to seek legal opinion. The Legal Adviser of the Conference explained that a declaration of the vote by the Chairman was final. Revoting would have been possible at the discretion of the Chairman, had the question been raised before the result of the vote was declared.

46. Point 9, as amended, was adopted.

Point 10

47. The Workers' members introduced an amendment to expand the text in Point 10 to include a process of consultation and a system of classification of all hazardous substances arguing that a system of threshold quantities alone were insufficient in defining major hazard installations. The Employers' members opposed this amendment on the grounds that it rendered the definition of major hazard installations more complex. This view was supported by the Government member of India. The Government members of member States of the EC stated that their amendment which sought to introduce wording similar to that proposed by the Workers' members as well as lists of threshold quantities could offer the basis of an acceptable subamendment. The idea was accepted by the Employers' members and by the Workers' members who submitted a subamendment to their amendment to replace the words "criteria for the identification of major hazard installations, which includes a system for the classification of all hazard substances" by "a system for identification based on categories of hazardous substances and/or a list of hazardous substances". Further subamendments were introduced by the Government members of the United States and Poland. Following a discussion, the meeting agreed on a text which accommodated the ideas in the original amendments introduced by the Government members of Poland regarding the deletion of the words "where applicable", the United States and member States of the EC to replace "6 (c) (i)" by "6 (c)". The meeting adopted the amendment as subamended and referred it to the Committee Drafting Committee. The Employers' members withdrew an amendment which sought to introduce the idea of consultations with technical bodies.

48. The Workers' members proposed an amendment to add a new paragraph, which they sub-

amended, in order to ensure that the system referred to in paragraph 10 (1) was regularly revised and updated. The amendment as subamended was adopted.

49. Point 10, as amended, was adopted.

New Point (after Point 10)

50. The Employers' members proposed a new Point which sought to protect confidential trade secrets whose disclosure to competitors could cause harm to the employers' business. The Government member of Hungary introduced a subamendment to specify the nature of information and to ensure the protection of the worker as well as the public and the environment. This was accepted by the meeting and referred to the Committee Drafting Committee.

51. The new Point, as amended, was adopted.

III. PREVENTIVE AND PROTECTIVE MEASURES

IDENTIFICATION

Point 11

52. An amendment was proposed by the Government members of Australia, Canada, New Zealand, Switzerland and United States which sought to insert the words "or the person or organisation having control of the installation" after the word "employers". In supporting the amendment, the Government member of Switzerland pointed out that under Swiss law, the employer was responsible for the safety and health of the workers whereas the responsibility for major accidents rested with the owner of the installation who may not be the employer. The representative of the Secretary-General noted that the term "employer" in general included the legal responsibility for all conditions of employment. It was defined in the Construction Convention No. 167 to cover the specific situation in the industry concerning the employment of contract labour. The Workers expressed some reservation regarding the implication of the proposals made in the amendment. The amendment was withdrawn. Identical amendments proposed for several other points were also withdrawn.

53. The Workers' members withdrew an amendment which sought to replace the word "list" by the word "criteria" in favour of another amendment submitted by the Government members of member States of the EC to replace the same word by the word "system". This amendment was adopted by consensus.

54. Point 11, as amended, was adopted.

ARRANGEMENTS AT THE LEVEL OF THE INSTALLATION

Point 12

55. The amendment proposed by the Workers' members to insert the words "documented, ongoing" before the word "system" was subamended by the Employers' members to delete the word "ongoing" and adopted. Pursuant to a previous discussion on clause 6 (a) the insertion of the words "including consideration of possible interactions between substances" at the end of clause 12 (a) proposed by the Employers' members was adopted by consensus.

56. The Workers' members proposed an amendment to clause (b) which sought to discuss the organisational and the technical measures under separate clauses, and emphasise the principle of the choice of chemicals and the use of adequate engineering control measures to minimise risk. This faced opposition from the employers who argued that the choice of chemicals which minimised the risks caused problems of practicable nature, and from the Government members of New Zealand, Poland, Senegal and the United States who preferred to retain the Office text. The Workers' members also proposed another amendment to subclause 12 (b) (ii) in which they presented the components of a detailed organisational system for the operation of a major hazard installation. The Government member of Germany supporting the views of the Government members of the member States of the EC opposed this amendment on the grounds that it was too detailed for the text of a Convention. Following further discussions, the Workers' members proposed a subamendment which sought to incorporate the two amendments they had already submitted. This subamendment was adopted by 64,032 votes in favour, 49,358 votes against with 2,668 abstentions. The adopted text of the amendments to clause (b) as subamended read:

> (b) the technical measures, including: design, construction, choice of chemicals, operation, maintenance and systematic inspection of the installation; . . . the organisational measures, including: training and instruction of personnel, staffing levels and hours of work, definition of responsibilities and control systems for outside contractors and temporary workers;

57. The Government members of member States of the EC proposed another amendment to subclause 12 (b) (ii) which required the provision of safety equipment. This amendment was adopted by consensus and its insertion in the relevant text of clause 12 (b) was left to the Committee Drafting Committee.

58. The Government members of Norway and Sweden proposed an amendment to introduce to clause (b) a new subclause to safeguard against the consequences of a major accident. The Workers' members supported this amendment while the Employers' members opposed it on the grounds that it broadened the scope of the Office text. The amendment was voted and adopted by 54,694 votes in favour, 50,025 votes against with 11,339 abstentions.

59. An amendment proposed by the Workers' members to insert the words "but not limited to" after the word "including" in clause (c) was withdrawn.

60. The Government members of Australia, Canada, New Zealand, Norway, Swaziland, Sweden, Switzerland and the United States proposed an amendment to introduce to clause (c) a new subclause which required the emergency plans and procedures to include "periodic testing and evaluation of the effectiveness of such emergency plans and procedures and revision as necessary". The Employers' members opposed the amendment since it involved a subject that was discussed elsewhere in the instrument. The Government members of member States of the EC and the Government members of Cyprus, Egypt, Poland and the United States supported the amend-

ment. In order to achieve consensus, the Employers' members proposed a subamendment to place the text at the end of 12 (c) (i). This was further subamended by the Government member of the United States to insert the word "site" before "emergency plans". The amendment as subamended was adopted.

61. The Workers' members proposed an amendment to introduce a new clause which addressed the question of consultation. The Employers' members remarked that this was the subject of Point 23, a view which was supported by several Government members. After discussion, the Employers' members proposed a subamendment to replace the words "and their representatives" by "concerned with respect to safety issues", which was rejected with 64,699 votes against, 46,023 in favour with 4,669 abstentions. The amendment of the Workers' members was adopted with 64,699 votes in favour, 45,356 votes against with 4,669 abstentions.

62. Point 12, as amended, was adopted.

NOTIFICATION

Point 13

63. An amendment submitted by the Workers' members to insert the words "workers and their representatives and the public" after the word "authority" was withdrawn. An amendment proposed by the Workers' members to place the words, "before it is put into operation, and, for existing installations, within an agreed time-frame" at the end of Point 13 was subamended by the Employers' members who proposed the substitution of the words "an agreed" by the words "a fixed" and adopted. The Workers' members withdrew an amendment which sought to define the term "competent authority" as it was understood that the meaning of this term in the proposed conclusions and in the Code of Practice was identical.

64. Point 13, as amended, was adopted.

SAFETY REPORT

Point 14

65. An amendment proposed by the Government members of member States of the EC to insert the word "detailed" before the word "safety" was withdrawn. The Government members of member States of the EC proposed another amendment which sought to insert the words "based on the requirements of Point 12" after the word "report" and to delete the rest of the paragraph. This amendment was adopted by consensus. The Workers' members withdrew an amendment which sought to add a new paragraph on the definition of safety report as it was already included in Point 6.

66. Point 14, as amended, was adopted.

Point 15

67. The Workers' members withdrew an amendment to clause (a) which sought to insert the words "significant to the safety level" after the word "modification" in favour of a similar amendment by the Government member of Poland which was adopted by consensus. An amendment by the Government members of member States of the EC to delete the word "national" was withdrawn.

68. The Government members of member States of the EC introduced a new clause to read "On the request of the competent authority" on the grounds that this gave powers to the competent authority to request updates on the safety reports. The Employers' members opposed the amendment since its provisions were addressed under clause (c). The Workers' members agreed that there was a need to empower the competent authority to request updates on safety reports especially in cases where the national laws and regulations mentioned under clause (c) did not exist. The Government member of Canada proposed a subamendment to replace clause (c) by the words "as prescribed by national laws or regulations". After discussion the Government member of Canada withdrew the subamendment and the original amendment by the Government members of member States of the EC was adopted by 68,701 votes in favour, 44,689 votes against with 5,336 abstentions. The proposal by the Workers' members to reverse the order of Points 15 and 16 was referred to the Committee Drafting Committee.

69. Point 15, as amended, was adopted.

Point 16

70. The Workers' members withdrew an amendment which sought to replace the word "or" by the word "and".

71. Point 16 was adopted without amendment.

GENERAL PROTECTIVE MEASURES

Point 17

72. Four amendments were introduced to this Point. The Government members of member States of the EC submitted an amendment to add the words "Taking into account the information provided by the employer" at the beginning of Point 17 which was adopted by consensus. They also submitted two other amendments the first of which proposed to delete the word "any" from the first line, while the second proposed to replace the word "contain" by the word "containing" and the words "which are" by the words "are produced and", seeking to specify the role of the competent authority in the preparation of off-site emergency plans. While the Workers' members agreed with the two amendments, the Employers' members and some Government members preferred to retain the Office text. After discussion, the two amendments were adopted with 69,368 votes in favour, 2,668 votes against with 47,357 abstentions. An amendment proposed by the Government members of Canada and the United States to add the words "and coordinated with relevant parties" at the end of Point 17 was adopted by consensus and the text was referred to the Committee Drafting Committee.

73. Point 17, as amended, was adopted.

Point 18

74. An amendment by the Workers' members to add the word "appropriate" before the word "information" in subclause (a) (i) was withdrawn, and clause (a) was adopted. The Workers' members and the Government member of Poland proposed two similar amendments which sought to replace the words "as soon as possible" by the word "immediately". While some Government members agreed with the proposals, the Employers' members opposed them on the grounds that the word was difficult to define and that it could induce premature action which would jeopardise the safety of the public. The two amendments were simultaneously rejected by 60,030 votes against, 52,026 votes in favour with 5,336 abstentions. The Government members of Canada, Norway, Switzerland and the United States withdrew an amendment dealing with the transboundary effects of major accidents in favour of a similar amendment which was proposed by the Workers' members and adopted by consensus.

75. Point 18, as amended, was adopted.

ACCIDENT REPORTING

Point 19

76. The Employers' members withdrew an amendment concerning the reporting of major accidents in favour of a similar amendment which was proposed by the Government members of Finland, Norway, Sweden and the United States and adopted by consensus. The amendment replaced in the first line the words "report a major accident immediately to" by the word "inform", deleted the word "to" in the second line and added the words "as soon as a major accident occurs" at the end of the Point. The Workers' members withdrew two amendments which sought to insert the word "concerned" after the word "other" and to delete the words "designated for this purpose" from the second line in Point 19.

77. The Workers' members proposed an amendment to insert the words "or near-miss" after the word "accident" on the grounds that the lessons learned from near-misses were useful in averting major accidents. The Employers' members opposed this amendment and argued that near-misses were difficult to define and that since they were useful as internal reports, the requirement to make them public would discourage employers from such reporting. The Government members of member States of the EC proposed a subamendment to the amendment suggesting to insert the words "and to make available to the competent authority the lessons learnt from near-misses previously discussed with workers and their representatives". The Employers' members insisted that introducing near-misses in a Convention would result in an unratifiable, controversial and extremely difficult instrument to apply. The Workers agreed with the subamendment and the amendment, as subamended was adopted with 66,033 votes in favour, 46,023 votes against with 4,002 abstentions.

78. An amendment by the Workers' members to introduce a new paragraph to Point 19 sought to introduce a definition of the term "near-miss". The Employers' members and some Government members disagreed with the proposal for reasons stated earlier. After discussion the amendment was adopted by 60,697 votes in favour, 51,354 votes against with 2,668 abstentions and referred it to the Committee Drafting Committee.

79. Point 19, as amended, was adopted.

Point 20

80. Two amendments which sought to introduce the requirement to report near-misses were withdrawn by the Government member of Poland and the Workers' members in view of the adoption of a similar amendment in Point 19, the proper placement of which was to be decided by the Committee Drafting Committee. An amendment submitted by the Workers' members to replace the words "as soon as practicable", by the words, "within an agreed timeframe" was subamended to replace the words "an agreed" by "a fixed" and adopted. An amendment by the Workers' members to introduce a detail to the scope of the provisions in Point 20 was withdrawn. Based on amendments introduced in previous Points, the Government members of member States of the EC withdrew an amendment which sought to insert the word "written" after the word "detailed".

81. A new paragraph reading "The report should include recommendations detailing steps to be taken to prevent a recurrence" introduced by the Workers' members was adopted and referred to the Committee Drafting Committee.

82. Point 20, as amended, was adopted.

SITING OF MAJOR HAZARD INSTALLATIONS

Point 21

83. The Employers' members proposed an amendment to replace Point 21 by a new Point which addressed the separation distances between new installations and populated areas, the likelihood and consequences of a major accident, and the safeguarding of existing installations from encroachment by public dwellings. This amendment was opposed by the Workers and several Government members who maintained that the proposed text was too detailed for a Convention and preferred the Office text. Subsequently, the amendment was withdrawn. Also withdrawn were three amendments by the Workers' members which sought to insert the words "and regulations" after the word "policy", to delete the words "where appropriate" and to change the subtitle of this Point to "siting and land-use planning"; and one amendment by the Government member of Cyprus which sought to replace the word "establish" by the words "ensure the establishment of".

84. The Government members of member States of the EC proposed an amendment which sought to change the text of Point 21 to read: "The competent authority should establish a comprehensive siting policy forming a part of national policy referred to in Point 9". This was subamended by the Workers' members who proposed to replace the words "forming a part of national policy referred to in Point 9" by a provision on separation distances between new and existing installations and the working and resi-

dential areas. The Employers' members disagreed with the subamendment on the grounds that it was not practical to apply separation distances to existing plants. Following discussion, the subamendment was adopted by 63,756 votes in favour, 45,080 votes against with 6,440 abstentions. The amendment was also adopted as subamended by 68,908 votes in favour, 43,792 votes against with 3,220 abstentions. Based on the outcome of this vote, the Workers' members withdrew an amendment which sought to insert the words "existing or proposed" before the word "major".

85. Point 21, as amended, was adopted.

INSPECTION

Point 22

86. The Workers' members proposed an amendment to replace Point 22 in which they detailed the requirement for training of qualified inspectors by the competent authority. The idea of training was the subject of another amendment submitted by the Government member of Cyprus which sought to coordinate such training through the ILO. The Government members of New Zealand and the United States proposed an amendment to replace the words "provide specific training for inspectors" by the words "have suitably qualified people". After discussion during which there were varied opinions on those amendments, the meeting decided to delegate the Working Party to deal with three amendments using the Office text as a basis. The proposed text which was adopted read:

> The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, assess, investigate and advise on matters detailed in this Convention and ensure compliance with national law.

87. Point 22, as amended, was adopted.

IV. RIGHTS AND DUTIES OF WORKERS

RIGHTS OF WORKERS

Point 23

88. An amendment by the Workers' members to introduce the idea of the workers' right to participate in cooperative mechanisms was opposed by the Employers' members and by the Government member of New Zealand on the grounds that the meaning of the term participation challenged the employers' overall responsibility in running the installation. The Government member of Switzerland stated that his country would not be in a position to comply with a provision that included the principle of co-decision involving workers and employers in matters of safety. The Government members of member States of the EC presented a subamendment that sought to provide for consultation and participation according to national law and practice. Accordingly, the Workers' members subamended the amendment by replacing the concept of "participation" by "consultation through cooperative mechanisms" and the amendment as subamended was adopted. The Workers' members proposed another amendment to insert the words "and risks" after the words "hazards" in clause (a) which was subamended by the Employers' members by replacing the word "risk" by the words "likely consequences", and adopted.

89. An amendment by the Employers' members introduced to clause (b) to replace the words "have the right to participate" by the words "be consulted, depending on their knowledge, skills and experience" was withdrawn in favour of an amendment submitted by the Government members of Canada, New Zealand and the United States which sought to replace the words "have the right to participate" by the words "have access to, and be consulted"; was adopted. The Workers' members' amendment to insert the word "regularly" before the word "instructed" was adopted.

90. A subamendment by the Workers' members to combine two of their proposed amendments introduced as new clauses concerning the workers' right to interrupt activities which they judged as hazardous, was adopted. The Workers' members' amendment to introduce a new clause to provide for the workers' protection from retribution for action taken by them in the interest of safety was also adopted. An amendment proposed by the Government member of Poland to introduce a new clause dealing with the provision of appropriate protective equipment was withdrawn.

91. Point 23, as amended, was adopted.

DUTIES OF WORKERS

Point 24

92. An amendment submitted by the Employers' members that sought to insert the words "and control" after the word "prevention" was adopted and referred to the Committee Drafting Committee. An amendment proposed by the Workers' members to add the words "and representatives" at the end of subtitle IV was adopted and referred to the Committee Drafting Committee.

93. Point 24, as amended, was adopted.

New Point after Point 24

94. The Workers' members withdrew an amendment to add a new Point concerning a system of data collection on major accidents as well as an amendment to propose a new subtitle on international considerations. The Workers' members submitted an amendment which sought to introduce a new Point on the liability for the consequences of a major accident. Though Workers' members believed that it was essential to include this Point in the Convention, they withdrew the amendment in view of the agreed formulation of the Point 9 (1) concerning national policy. The Workers' members submitted an amendment to add a new Point concerning the responsibility of exporting member States to communicate to the importing country, when all or some uses of hazardous chemicals, technology or processes were prohibited for reasons of safety in the exporting country. Several Government members and Employers' members opposed the amendment on the grounds that it was difficult to define the technology and to control its flow. The Government member of the

United Kingdom stated that the inclusion of such wording could render the instrument unratifiable by his Government. The Government member of New Zealand pointed out that the competent authority should be informed of the export of such technology and process in order to implement such provision. The amendment was adopted with 79,304 votes in favour, 7,084 votes against with 25,668 votes abstentions.

95. The Workers' members reiterated the importance of the liability issues based on the polluter-pays principle, covering the consequences of major accidents on the environment and the public; the inclusion of transport under the provisions of major hazard control systems and the protection of workers against biological hazards. They considered that these issues ought to be re-examined at the second year discussion of the 1993 International Labour Conference, with the understanding that biological hazards could be dealt with under different instruments.

96. The new Point, as amended, was adopted.

Titles of Sections

97. Several amendments that proposed to change the titles of the Proposed Conclusions with a view to a Convention were referred to the Committee Drafting Committee.

Proposed Conclusions with a view to a Recommendation

Point 25

98. The Employers' members submitted an amendment to replace the words "should be applied in conjunction with those" by the words "are intended to provide additional guidance in support" to emphasise that the Recommendation only provided additional guidance to the Convention. In the face of opposition by the majority on the ground that the Office text was consistent with language in other Conventions, the amendment was withdrawn.

99. Point 25 was adopted without amendment.

Point 26

100. The Government members of member States of the EC introduced an amendment that sought to replace Point 26 by another text that ensured the involvement of all relevant international organisations in information exchange. As the amendment did not specify the ILO in particular, the Employers' and Workers' members as well as several other Government member opposed it. The Government members of Australia, Canada, Finland, New Zealand, Norway and the United States submitted an amendment which sought to introduce the concept of cooperation between ILO and other international organisations and to provide for the exchange of information on major accidents and near-misses. While cooperation between the ILO and other organisations was supported by the Employers', Workers' and several Government members, the views regarding the reporting of near-misses were the cause of concern to the Employers' and some Government members. It was argued that such practice compromised the confidentiality of trade secrets, caused an unwarranted burden and consequently discouraged employers from in-plant reporting on near misses. The Workers' members argued that if the reports on near misses existed there was no reason not to make them available. Two amendments were submitted by the Workers' members that sought to require member States to report on major accidents without exception. After discussion, the Chairman called on the Working Party to examine the amendments introduced to Point 26. No agreement could be reached by the Working Party on an acceptable text.

101. Based on the results of the Working Party, the Government member of the United States subamended his amendment by the following text:

> The Recommendation should provide that the ILO, in cooperation with other relevant international and intergovernmental agencies, should arrange for an international exchange of information on:
>
> (1) Major accidents.
>
> (2) Lessons learnt from near-misses.
>
> (3) Good safety practices in major hazard installations including safety management and process safety.
>
> Member States should be encouraged to communicate on the items in (1), (2) and (3) above to the ILO.

The Government member of Finland proposed a subamendment to the text which introduced a fourth item that read: "(4) Technologies and processes that are prohibited for reasons of safety and health" noting the need to make due reference to it at the end of the text. Another subamendment submitted by the Employers' members to delete the words "near-misses" in paragraph (2) by the words "operating experiences" was withdrawn as it was opposed by the majority. The amendment as subamended by the Government member of Finland was adopted by 64,400 votes in favour, 38,870 votes against with 1,288 abstentions.

102. Point 26, as amended, was adopted.

Point 27

103. The Employers' members submitted an amendment which sought to delete Point 27 since the Code of Practice was formulated for use as practical guidance and not as a national policy instrument. They maintained that since codes of practice were formulated in a manner different from that of a Recommendation and had totally different legal status, their adoption in the form of this instrument denied the tripartite partners from the extensive discussions accorded to a Recommendation. They further stressed that any reference to a reviewed or an updated Code whose text was not known was not only impractical but also created a precedent which could inhibit future development of these publications as employers and other parties would refrain from participating in the preparation of future codes. The Employers' members urged that the implications should be more carefully re-examined and the issue should be raised at next year's Conference; otherwise the instrument would be difficult to implement. The Workers' members opposed this amendment and stressed that ILO codes of practice were adopted by meetings of experts convened on a tripartite basis and had to be approved by the ILO Governing Body before their publication. Faced with more opposition from Government members, the Employers' members withdrew their amendment.

104. The Government members of member States of the EC proposed and amendment to drop the reference to the guidance offered by the ILO Code of Practice to national laws and regulations. The Government member of the United States proposed an amendment to replace Point 27 by an outline summary of the contents of the Code of Practice. Two amendments were submitted by the Government members of Australia, Canada, Norway, Sweden, and the United States and the Workers' members which sought to ensure the revision and updating of the Code of Practice. The Government members of Australia and Canada submitted an amendment to insert the words "or other measures" after the words "laws and regulations". The Workers' members also proposed the deletion of the words "as far as possible" from the third line of Point 27. After discussion, the Chairman called on the Working Party to examine the amendments introduced to Point 27. Following its presentation, the text of the Working Party was not accepted. The Employers' members reiterated their position as recorded in paragraph 103.

105. Based on the draft text of the Working Party as the result of a discussion, the Government member of the United States subamended his amendment to read as follows:

> The Recommendation should provide that the national policy provided for in the Convention and the national laws, regulations or other measures to implement it should, as appropriate, be guided by the ILO Code of Practice "Prevention of Major Industrial Accidents", published in 1991 or as reviewed, revised and updated in accordance with ILO practice.

This was adopted by 61,180 votes in favour, 38,870 votes against with 4,508 abstentions after the two subamendments by the Government members of Hungary and the United Kingdom were withdrawn.

106. Point 27, as amended, was adopted.

New Point (after Point 27)

107. An amendment by the Government member of the United States to add a new Point after Point 27 relating to safety reports was withdrawn. The amendment by the Workers' members to introduce a new Point on the tripartite declaration of principles concerning multinational enterprises, which was originally proposed to a Point in the Convention was transferred to the Recommendation, was adopted by consensus.

108. The New Point was adopted.

Adoption of the Report, Proposed Conclusions and a Resolution

109. At its seventeenth sitting, the Committee adopted its report, subject to some changes requested by some of its members.

110. At the same sitting, the Committee adopted the proposed Conclusionsn as presented at the end of the Report with one modification: a reference to Point 19 in Point 11.

111. The Committee Drafting Committee had proposed two alternative definitions to the term "near-miss". The Reporter stated that the Committee was free to choose one of the two. The Committee adopted the text that referred to "any unplanned, sudden event involving one or more hazardous substances" which could have caused "serious injury to workers or the public, or serious damage to the plant equipment or the environment".

112. The Committee unanimously adopted a resolution to place on the agenda of the next Ordinary Session of the Conference an item entitled "Prevention of Major Industrial Accidents". The Committee noted that the Conclusions adopted with a view to a Convention and a Recommendation dealt with the prevention of major industrial accidents and considered that it was appropriate to amend the title accordingly.

113. The Employers' Vice-chairman expressed the appreciation of his group for the work of the Committee and its Drafting Committee and the results achieved under the able chairmanship and the cooperation exhibited by all members of the Committee.

114. The Workers' Vice-chairman was equally appreciative of the cooperation of the Committee and complemented its Chairman, members and Drafting Committee on the work done noting that the results have gone a long way in better protection against industrial disasters.

115. The Chairman thanked the three groups for their contributions. He called on the delegates to pursue their work during the course of the coming year on the basis of the report which would be communicated to the Governments, and in preparation for next years discussion during the Conference.

116. The report of the Committee, the Proposed Conclusions and the Resolution to place on the agenda of the next Ordinary Session of the Conference an item entitled "Prevention of Major Industrial Accidents" are submitted for consideration.

Geneva, 18 June 1992.

(Signed) Dr. PAYAMAN J. SIMANJUNTAK
Chairman
Mr. T. SEYMOUR
Reporter

Proposed conclusions

FORM OF THE INTERNATIONAL INSTRUMENTS

1. The International Labour Conference should adopt two international instruments concerning the prevention of industrial disasters through a system of major hazard control also called process safety management.

2. The instruments should take the form of a Convention supplemented by a Recommendation.

CONCLUSIONS PROPOSED WITH A VIEW TO A CONVENTION

PREAMBLE

3. The instrument should contain a Preamble referring to relevant ILO instruments, including the

Occupational Safety and Health Convention and Recommendation, 1981, and the Chemicals Convention and Recommendation, 1990, as well as to the ILO Code of Practice, *Prevention of major industrial accidents*, published in 1991, in order to point out the need for a global and coherent approach.

4. The Preamble should provide that the instrument should have regard to the need to ensure that all appropriate measures are taken to –

- prevent major accidents;
- minimise the risks of major accidents;
- minimise the effects of such major accidents.

In doing so, proper consideration should be given to the causes of such accidents including organisational errors, human factors, component failures, deviations from normal operational conditions, outside interference and natural forces.

5. The Preamble should provide that the instrument should have regard to the need for cooperation within the International Programme on Chemical Safety between the International Labour Organisation, the United Nations Environment Programme and the World Health Organization, as well as with other relevant intergovernmental organisations.

I. Definitions and scope

6. For the purpose of the Convention –

(a) the term "hazardous substance" should mean a substance or mixture which by virtue of chemical, physical or toxicological properties, either singly or in combination, constitutes a hazard;

(b) the term "major accident" should mean an unexpected, sudden occurrence – such as a major emission, fire or explosion – in the course of an activity within a major hazard installation, involving one or more hazardous substances and leading to a serious danger to workers, the public or the environment, whether immediate or delayed;

(c) the term "major hazard installation" should mean one which processes, produces, disposes, handles, uses or stores either permanently or temporarily, one or more hazardous substances or categories of substances in quantities which exceed the threshold quantity;

(d) the term "threshold quantity" should mean that quantity, prescribed in national laws or regulations, of a hazardous substance or categories of substances which if exceeded identifies a major hazard installation;

(e) the term "safety report" should mean a written presentation of the technical, management and operational information covering the hazards of a major hazard installation and their control and providing justification for the measures taken for the safety of the installation;

(f) the term "near-miss" should mean any unplanned, sudden event involving one or more hazardous substances, which but for the mitigation effects of safety systems or procedures, could have caused serious injury to workers or the public, or serious damage to plant equipment or the environment, or could have involved a loss of containment possibly giving rise to significant adverse effects.

7. The Convention should provide that:

(a) the following installations and branches of economic activity be excluded from its application:
  (i) nuclear installations and plants processing radioactive substances except for facilities handling non-radioactive substances at these installations;
  (ii) military installations;
  (iii) transport outside the site of an installation other than by pipeline;

(b) a Member may, after consulting the representative organisations of employers and workers concerned and other interested parties who may be affected, exclude from the application of the Convention such installations or branches of economic activity for which an equivalent protection is provided.

8. Where special problems of a substantial nature arise so that it is not immediately possible to implement all the preventive and protective measures provided for in the Convention, a Member should draw up plans, in consultation with the most representative organisations of employers and workers, for the progressive implementation of the measures concerned within a fixed time-frame.

II. General principles

9. (1) In the light of national laws and regulations, conditions and practices, and in consultation with the most representative organisations of employers and workers and with other interested parties who may be affected, each Member should formulate, implement and periodically review a coherent national policy concerning the protection of workers against the risk of major accidents, taking account of their effects on the public and the environment.

(2) This policy should be implemented through preventive and protective measures for major hazard installations and, where practicable, should promote the use of the best available safety technologies.

10. (1) To enable the identification of major hazard installations for the purposes of point 6 (c), the competent authority, or a body approved or recognised by the competent authority, should, after consulting the most representative organisations of employers and workers, draw up a system for their identification, based on categories of hazardous substances, a list of hazardous substances or both, together with their threshold quantities, in accordance with national laws or regulations or international standards.

(2) The system mentioned in point 10 (1) should be regularly reviewed and updated.

11. The competent authority, after consulting the representative organisations of employers and workers concerned, should make special provision to protect confidential information transmitted or made available to it in accordance with points 14, 16, 18 or 19, whose disclosure to a competitor would be liable to cause harm to an employer's business, so long as this provision does not lead to serious risk to the workers, the public or the environment.

III. RESPONSIBILITIES OF EMPLOYERS

IDENTIFICATION

12. Employers should be required to identify any major hazard installation within their control on the basis of the system referred to in Point 10.

ARRANGEMENTS AT THE LEVEL OF THE INSTALLATION

13. In respect of each major hazard installation employers should be required to establish and maintain a documented system of major hazard control which includes provision for –

(a) the identification and analysis of hazards and the assessment of risks including consideration of possible interactions between substances;

(b) technical measures, including design, construction, choice of chemicals, operation, maintenance and systematic inspection of the installation;

(c) organisational measures, including training and instruction of personnel, the provision of equipment in order to ensure their safety, staffing levels, hours of work, definition of responsibilities, and controls on outside contractors and temporary workers;

(d) emergency plans and procedures, including –

  (i) the preparation of effective site emergency plans and procedures to be applied in case of major accidents or threat thereof, with periodic testing and evaluation of the effectiveness of such site emergency plans and procedures and revision as necessary;

  (ii) the provision of information on potential accidents and site emergency plans to authorities and bodies responsible for the preparation of emergency plans and procedures for the protection of the public and the environment outside the site of the installation;

  (iii) any necessary consultation with such authorities and bodies;

(e) measures to limit the consequences of a major accident;

(f) consultation with workers and their representatives.

NOTIFICATION

14. Employers should be required to notify the competent authority of any major hazard installation which they have identified before it is put into operation or, for existing installations, within a fixed time-frame.

SAFETY REPORT

15. (1) Employers should be required to prepare a safety report based on the requirements of Point 13.

(2) The report should be prepared –

(a) in the case of existing major hazard installations, within such a period after notification as is prescribed by national laws or regulations;

(b) in the case of any new major hazard installation, before it is put into operation.

16. Employers should be required to transmit or make available to the competent authority the safety report referred to in Point 15.

17. Employers should be required to review, to update and to amend a safety report –

(a) in the event of a modification which has a significant influence on the level of safety in the installation or its processes or in the quantities of hazardous substances present;

(b) when developments in technical knowledge or the assessment of hazards make this appropriate;

(c) at such intervals as are prescribed by national laws or regulations;

(d) at the request of the competent authority.

ACCIDENT REPORTING

18. Employers should be required to inform the competent authority and other bodies designated for this purpose as soon as a major accident occurs and to make available to the competent authority the lessons learnt from near-misses, previously discussed with workers and their representatives.

19. (1) Employers should be required within a fixed time-frame after a major accident to present a detailed report to the competent authority containing an analysis of the causes of that accident and describing any steps taken to mitigate the effects of the accident.

(2) The report should include recommendations detailing steps to be taken to prevent a recurrence.

IV. RESPONSIBILITIES OF COMPETENT AUTHORITIES

OFF-SITE EMERGENCY PREPAREDNESS

20. Taking into account the information provided by the employer, the competent authority should ensure that emergency plans and procedures containing provisions for the protection of the public and the environment outside the site of each major hazard installation are produced, updated at appropriate intervals and coordinated with relevant authorities and bodies.

21. The competent authority should ensure that –

(a) (i) information on safety measures and the correct behaviour to adopt in the case of a major accident is disseminated to members of the public liable to be affected by a major accident without their having to request it;

  (ii) such information is updated and re-disseminated at appropriate intervals;

(b) in the case of a major accident, warning is given as soon as possible;

(c) where a major accident could have transboundary effects, there is cooperation and coordination among the States affected.

SITING OF MAJOR HAZARD INSTALLATIONS

22. The competent authority should establish a comprehensive siting policy arranging for the appropriate separation of existing or proposed major hazard installations from working and residential areas and public facilities. Such a policy should reflect the General Principles set out in Part II of the Convention.

INSPECTION

23. The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, assess, investigate and advise on the matters dealt with in this Convention and ensure compliance with national laws and regulations.

V. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

24. The workers and their representatives at a major hazard installation should be consulted through cooperative mechanisms in order to ensure a safe system of work. In particular, the workers and their representatives should –

(a) be adequately and suitably informed of the hazards associated with the major hazard installation and their likely consequences;

(b) have access to, and be consulted in the preparation of –

  (i) the safety report;

  (ii) emergency plans and procedures;

  (iii) accident reports;

(c) be regularly instructed and trained in the practices and control procedures for major accident prevention and in the emergency procedures to be followed in the event of a major accident;

(d) within the scope of their job, take corrective action and if necessary interrupt the activity where they have reasonable justification to believe, based on their training and experience, that there is an imminent danger of a major accident, and notify their supervisor or raise the alarm, as appropriate, before or as soon as possible after taking such action;

(e) not be placed at any disadvantage because of the actions referred to in (d) above.

25. Workers employed at the site of a major hazard installation should be required to –

(a) comply with all procedures and practices relating to the prevention and control of major accidents within the major hazard installation;

(b) comply with all emergency procedures should a major accident occur.

VI. RESPONSIBILITY OF EXPORTING STATES

26. When, in an exporting member State, all or some uses of hazardous substances, technologies or processes are prohibited for reasons of safety, this fact and the reasons for it should be communicated by the exporting member State to any importing country.

CONCLUSIONS PROPOSED WITH A VIEW TO A RECOMMENDATION

27. The provisions of the proposed Recommendation should be applied in conjunction with those of the proposed Convention.

28. (1) The Recommendation should provide that the International Labour Organisation, in cooperation with other relevant international intergovernmental and non-governmental organisations, should arrange for an international exchange of information on –

(a) major accidents;

(b) lessons learnt from near-misses;

(c) good safety practices in major hazard installations including safety management and process safety;

(d) technologies and processes that are prohibited for reasons of safety and health.

(2) Members should be encouraged to communicate information on the matters listed in point 28 (1) above to the International Labour Office.

29. The Recommendation should provide that the national policy provided for in the Convention and the national laws and regulations or other measures to implement it should, as appropriate, be guided by the ILO Code of Practice on the *Prevention of major industrial accidents*, published in 1991 or as reviewed, revised and updated in accordance with ILO practice.

30. In accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the ILO, a national or multinational enterprise with more than one establishment should provide safety measures relating to the prevention and control of major accidents, without discrimination, to the workers in all its establishments, regardless of the place or country in which they are situated.

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled: "Prevention of major industrial disasters"

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention and a Recommendation concerning prevention of industrial disasters;

Decides that an item entitled "Prevention of major industrial disasters" shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.

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Fourth item on the agenda: Protection of workers' claims in the event of the insolvency of their employer

Report of the Committee on workers' claims

1. The Committee on Worker's Claims was set up by the International Labour Conference at its second sitting on 3 June 1992. The Committee was originally composed of 170 members (66 Government members, 48 Employers' members and 56 Workers' members). To achieve equality of voting strength, each Government member was allotted 336 votes, each Employer member 455 votes and each Worker member 390 votes. The composition of the Committee was modified 12 times during the session, and the number of votes allotted to each member was adjusted accordingly.[1]

2. The Committee elected its Officers as follows:

Chairperson: Ms. Cabrera Armas (Government member, Venezuela).

Vice-Chairpersons: Mr. Varela Traverso (Employers' member, Uruguay); Mr. Lynch (Workers' member, United States).

Reporter: Ms. Moynihan (Government member, Canada).

3. At its ninth sitting, the Committee appointed a Drafting Committee composed of the following members: Mr. Erlenborn (Government member, United States), Mr. Burge (Employers' member, United States), Mr. Audette (Workers' member, Canada) and the Reporter of the Committee.

4. The Committee had before it Reports IV(1), IV (2A) and IV(2B) prepared by the Office in accordance with article 39 of the Standing Orders of the International Labour Conference, on the fourth item on the agenda of the Conference: "Protection of worker' claims in the event of the insolvency of their employer *(second discussion)*." The draft Convention and Recommendation set out in Report IV(2B) formed the basis of the second discussion.

5. The Committee held 12 sittings.

General discussion

6. The Chairperson stressed that the adoption by the Conference of international standards on the protection of workers' claims in the event of the insolvency of their employer was a matter of crucial importance for a great number of workers throughout the world, particularly in light of the economic difficulties being experienced by many countries, which often led to the bankruptcy of enterprises and the loss of their workers' rights. She recalled the preparatory work done prior to this session of the Conference, both by the Office, and by the Conference itself during the first discussion in 1991. She expressed the hope that by the end of the second discussion, the Committee would be able to draft texts capable of responding to the need to give workers adequate protection in the event of the insolvency of their employer.

7. The representative of the Secretary-General recalled that last year the Conference dealt with this issue and chose to place it on the agenda of its 79th Session for a second discussion with a view to the adoption of a Convention and a Recommendation. The Office had prepared a report, containing a proposed Convention and a proposed Recommendation. Member States had been sent a copy of the report and invited to suggest amendments or make any relevant remarks, or to inform the Office that the proposed texts constituted a satisfactory basis for a second discussion. Fifty-seven governments had responded to the Office's invitation; the majority of governments had indicated that their replies had been formulated in consultation with the most rep-

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[1] The modifications were as follows:

(a) 3 June: 169 members (65 Government members with 336 votes each, 48 Employers' members with 455 votes each, 56 Workers' members with 390 votes each);

(b) 5 June: 178 members (67 Government members with 2,990 votes each, 46 Employers' members with 4,355 votes each, 65 Workers' members with 3,082 votes each);

(c) 8 June: 163 members (66 Government members with 390 votes each, 45 Employers' members with 572 votes each, 52 Workers' members with 495 votes each);

(d) 9 June: 161 members (67 Government members with 1,100 votes each, 44 Employers' members with 1,675 votes each, 50 Workers' members with 1,474 votes each);

(e) 10 June: 160 members (67 Government members with 2,156 votes each, 44 Employers' members with 3,283 votes each, 49 Workers' members with 2,948 votes each);

(f) 11 June: 157 members (68 Government members with 495 votes each, 44 Employers' members with 765 votes each, 45 Workers' members with 748 votes each);

(g) 12 June: 157 members (68 Government members with 989 votes each, 43 Employers' members with 1,564 votes each, 46 Workers' members with 1,462 votes each);

(h) 15 June a.m.: 156 members (68 Government members with 11 votes each, 44 Employers' members with 17 votes each, 44 Workers' members with 17 votes each);

(i) 15 June p.m.: 157 members (68 Government members with 495 votes each, 44 Employers' members with 765 votes each, 45 Workers' members with 748 votes each);

(j) 16 June a.m.: 154 members (68 Government members with 231 votes each, 42 Employers' members with 374 votes each, 44 Workers' members with 357 votes each);

(k) 16 June p.m.: 155 members (69 Government members with 308 votes each, 42 Employers' members with 506 votes each, 44 Workers' members with 483 votes each);

(l) 19 June: 155 members (69 Government members with 615 votes each, 41 Employers' members with 1,035 votes each, 45 Workers' members with 943 votes each).

resentative employers' and workers' organisations. The Office had also received several replies directly from workers' and employers' organisations. According to a significant majority of governments, the proposed texts provided a satisfactory basis for a second discussion.

8. A member of the Secretariat introduced Reports IV(1), IV(2A) and IV(2B), explaining the different steps the Office had taken to prepare them. The Office had received many proposals for amendments to the texts set out in Report IV(1). After examining these proposals and commenting on them in Report IV(2A), the Office had submitted texts to the Conference, with a view to a second discussion, which (apart from a few editorial changes) are essentially the texts that were adopted by the Conference in 1991. The Office considered that it was the Conference rather than the Office that should amend the texts adopted during the previous discussion. Nevertheless, the Office thought it was its duty to bring the previous discussion. Nevertheless, the Office thought it was its duty to bring to the attention of the member States and the Conference, in both Report IV(1) and Report IV(2A), certain problems of interpretation arising from several texts adopted in 1991 (often as a result of amendments and subamendments).

9. The Employers' Vice-Chairperson recalled that the Employers' members opposed the adoption of a Convention. He stated that, since there were no new major topics, the Organisation had instead focused on the adoption of standards on narrow issues (such as night work, bankruptcy or industrial disasters). Such subjects did not lend themselves to the adoption of Conventions, but rather could be dealt with more effectively by more flexible standards, such as those set out in a Recommendation or resolution. Conventions, as binding international instruments, could not be adapted easily to present conditions. For this reason it was becoming increasingly more difficult to comply with Conventions; evidence of this was the disappointing rate at which Conventions adopted over the last few years had been ratified. The Employers' members appealed to the Conference to refrain from adopting a Convention that would seldom be followed and rather to devote itself to preparing a Recommendation which would have a greater likelihood of being accepted.

10. In addition, the Employers objected to a Convention granting too elevated a privilege to workers' claims. Such a privilege could discourage the financing of enterprises, and consequently act as an obstacle to investment and employment creation. The setting up of a guarantee institution, although an intelligent solution to certain problems, should be regulated by national laws and regulations, given the different economic and social systems. Guarantee institutions should be set up only after a national debate, during which the conditions in each country would be taken into account. The Employers' members were of the opinion that the promotion of such a solution should fall within the competence of a Recommendation alone. They also had numerous reservations regarding the concept that guarantee institutions were a manifestation of employer solidarity. Employers should assume their own individual responsibilities; thus the law should not provide that all employers are jointly responsible for the poor management of certain employers. The employers would, however, agree to the establishment of a guarantee fund set up at the initiative of individual employers or as a result of collective bargaining. Since many bankruptcies result from economic policies adopted by state authorities, an equitable solution, and one which the employers would support, would be the creation of a guarantee fund financed exclusively by public funds.

11. The Workers' Vice-Chairperson recalled that last year the Conference had voted in favour of the adoption of a Convention supplemented by a Recommendation. This Convention would be one of the first standards that the ILO would adopt since the collapse of communism in Central and Eastern Europe. It would deal with a question that is a normal feature of a market economy – bankruptcy. In a market economy, businesses are rewarded for taking risks, but in many cases the cost of these risks are carried by the workers while the interests of the employers are protected. The interests of creditors who have secured assets are also better protected than those of workers. The social effects of insolvency are becoming increasingly disconcerting. There were numerous causes for the increase in bankruptcies, such as structural adjustment, new forms of business organisation and structures, and deregulation that had been introduced by a number of governments.

12. The original texts proposed two ways in which governments could help workers affected by insolvencies: first, workers' claims should have priority over the claims of the State or the social security system; second, guarantee institutions should be established. It was, therefore, important that the original proposals for the wording of what had become Article 8 be restored. At the very least, in systems in which workers' claims were protected by a privilege, this privilege should come before that of the State and the social security system.

13. The Government member of the United States that we should work towards the adoption of a Convention that reflects the law and practice of most member States. This Convention should be sufficiently flexible to gain tripartite acceptance and permit ratification by many countries. The Government member of the United States would seek to ensure that the final text reflected the national law and practice of the United States, and did not conflict with the laws of the States.

Consideration of the proposed texts contained in Report IV (2B)

A. Draft Convention concerning the Protection of Workers; claims in the event of the insolvency of their Employer

Preamble

14. The Employers' members submitted an amendment to replace the word "Convention" by the word "Recommendation". They recalled that during the first discussion in 1991 they had already stated that

they favoured the adoption of a Recommendation rather than a Convention. In their opinion, a suitable standard concerning the protection of workers' claims already existed in Article 11 of the Protection of Wages Convention, 1949 (No. 95); therefore, they did not see the need to adopt a new Convention providing a privilege to workers' claims. They wanted to draw the attention of the Committee to the fact that guarantee institutions, as dealt with in Part III of the draft Convention, existed in only a handful of industrialised countries. It was, therefore, inappropriate to propose a general Convention applicable to all member States irrespective of the prevailing social and economic conditions in those countries. They were therefore of the view that this subject could be dealt with more effectively in a Recommendation than in a Convention.

15. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, asserted that she could not support the amendment. She believed there was a need to progress a step beyond the existing standards, which no longer sufficed. Therefore she was in favour of the adoption of a Convention and a Recommendation. The Government member of Cyprus was of the same opinion. The Government member of Uruguay noted the importance of the principle of the protection of wages, stating that it was comparable to the other principles for the protection of human rights. Consequently, the protection of wages should be enshrined in an international instrument having the force of a Convention. The Workers' members recalled that Article 11 of Convention No. 95 had been adopted over 40 years ago. It was outdated, no longer responded to present needs, and therefore required improvement. They were in favour of a Convention and a Recommendation.

16. The Employers' members noted that all those who had participated in the discussion favoured the adoption of a Convention supplemented by a Recommendation. To expedite the work of the Committee and facilitate further discussions, they withdraw their amendment.

17. The Committee then considered a second amendment to the Preamble, also submitted by the Employers' members, to add the words "and economic" after the word "social" in the fourth paragraph. They recalled that the bankruptcy of an enterprise has economic as well as social consequences since it often generates difficulties for other enterprises. They thought that their amendment enriched the philosophy underlying the instrument. As the Workers' members were also concerned about the economic repercussions of insolvency, they supported the amendment. The Government members of Botswana, China, Cyprus and the United States, as well as the Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, also supported the amendment, which was adopted by consensus.

18. The Preamble was adopted as amended.

PART I. GENERAL PROVISIONS

Article 1

Paragraph 1

19. The Committee had before it five similar amendments to replace the words "enterprise's assets" by "employer's assets". They were submitted respectively by the Government members of Austria, the Government members of Finland, Norway and Sweden jointly, the Government members of Australia and Canada jointly, the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxemburg, the Netherlands, Portugal, Spain and the United Kingdom, Member States of the European Community which were represented in the Committee, and by Workers' members. In introducing the amendment, the Government member of Austria stated that, like many other governments, the Austrian Government wanted the Convention to apply to all persons and legal entities acting as employers. Categories such as domestic workers or other employees who do not necessarily work for "enterprises" in the strict sense of the word, and who could be excluded if the Convention was aimed at "enterprises" and not "employers", would thus be protected. The other Government members who had submitted similar amendments shared this view. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, pointed out that the expression "employer's assets" was broader than the expression "enterprise's assets" because it encompassed all employers. She observed that if difficulties arose in applying this definition as extended to all employers, member States could avail themseves of the option to limit the scope of the Convention pursuant to Article 4. The Government member of China remarked that to replace the word "enterprise" by the word "employer" in this paragraph would have the effect of making the text more consistent with the title of the Convention. The Government member of Uruguay added that the term "employer" was legally more precise than the term "enterprise", since not all "employers" are "enterprises" and since the term "enterprise" could be subject to a variety of legal difinitions. According to certain legal doctrines, the term "enterprise" covers not only the employer but also the employees.

20. The Government member of Poland opposed the amendments. He declared that they were contrary to his country's law regulating companies. If domestic workers were to be protected under a Convention, a separate instrument would have to be envisaged. The Government member of the United States also expressed his opposition to the amendments. He said that the term "enterprise" was less likely to give rise to confusion than the term "employer".

21. The Employers' members were also opposed to the amendments. They remarked that all the amendments had been submitted by highly industrialised countries. In the developing countries there were a great many small businesses and individual employers whose personal property could be compromised if they were within the scope of the Convention. Their intention was not to discriminate against

any category of worker, but rather to protect the personal property of small-scale employers and to defend small businesses as a source of job creation. This could only be achieved if their liability was limited. The Employers' members had submitted an amendment to paragraph 2 to replace "employer" by "enterprise", as well as another amendment to add a new paragraph to Article 1 to permit national laws and practice to limit the extent of liability to which enterprise's assets may be subject. However, they were willing to withdraw these two amendments and to support the amendment under discussion if the Committee were accept the following subamendment: "Employers's assets shall be defined and limited by national laws and practice concerning bankruptcy".

22. The Government member of Canada stated that she could not accept the subamendment submitted by the Employers' members. It was her view that national laws and practice, which according to Article 2 should give effect to the Convention, could address the concerns expressed by the Employers' members. The Government of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, was also against this subamendment. She did, however, acknowledge the concerns of the Employers' members, but thought it would be more appropriate for the Committee to discuss those concerns when considering the amendment submitted by the Employers' members to add a new paragraph to this Article. The Government member of Cyprus suggested that rather than adopting the subamendment, the Committee should indicate in its report that it was not the intention of the Convention to cover employers' personal assets.

23. The Workers' members appealed to the Committee to reject the subamendment submitted by the Employers' member. The Employers regretted that their subamendment had created so much confusion and endeavoured to expedite the work of the Committee by withdrawing the subamendment in favour of their amendment to add a new paragraph to Article 1, which was to be discussed in due course.

24. The Chairperson called for a vote on the amendments. They were adopted by 277,058 votes in favour, 2,990 votes against, with 218,270 abstentions.

25. Paragraph 1 was adopted as amended.

Paragraph 2

26. The Employers' members withdrew an amendment to replace the words "employer's assets" by "enterprise's assets".

27. Paragraph 2 was adopted without change.

Paragraph 3

28. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, submitted an amendment to delete this paragraph. She noted that the Convention should be concerned with establishing general rules, but that this paragraph was aimed at a specific situation facing a group of countries, i.e. the Eastern European countries, which had decided to pursue privatisation, often involving the closing of many state enterprises. The situation aimed at in this paragraph was already covered in paragraph 2, which permitted member States to extend the definition of insolvency to cover various situations in which workers' claims could not be paid owing to the employer's financial situation. Paragraph 3, however, could be placed in the Recommendation. She intended to submit, at the appropriate time, an amendment to add paragraph 3 to the Recommendation.

29. The Government member of the United Kingdom recalled that in its reply to the proposed texts in Report IV(1) his Government had expressed doubts about paragraph 3. In his opinion, the situation at which the paragraph was aimed should hopefully be short-lived. It was therefore inappropriate that it be addressed in a Convention that was intended to be enduring. For this reason, his Government was in favour of deleting the paragraph.

30. The Government member of the United States stated that he could not support the amendment because paragraph 3 could be of benefit to many workers, in particular those in the Eastern European countries, where numerous state enterprises had been closed or were going to be closed for economic reasons.

31. The Government member of Uruguay supported the amendment. Paragraph 3 was meaningless, since a State could not be declared insolvent. If a State decided to close one of its enterprises for economic reasons, it should pay all of the workers' claims that remained due. Yet he noted that the Convention permitted limits to be placed on protected claims. Consequently, this Convention might encourage States that close public enterprises to pay only a portion of the workers' claims that were due rather than the full amount.

32. The Workers' members recalled that this paragraph had been added last year as a result of an amendment that they had supported. Nevertheless, after reflection, it was evident that this paragraph could be wrongly interpreted as suggesting that employees of state enterprises could be excluded from the protection of this Convention. If state enterprises were autonomous and subject to liquidation, the protection of this Convention must apply to their workers. This was consistent with the ILO understanding that state enterprises were enterprises. Of course, if a state enterprise were not autonomous, the protection of the Convention would not be necessary, as the State could not become insolvent. Therefore under no circumstances could employees of state enterprises have less protection that afforded by this Convention, and they could have more. The Workers' members requested that this be clearly reflected in the Committee's report.

33. The Employers' members stated that they would abstain in the vote on this amendment.

34. The Chairperson put the amendment to a vote. The amendment was adopted by 249,780 votes in favour, 8,970 votes against, with 212,290 abstentions.

35. Paragraph 3 was deleted.

New paragraph

36. The Employers' members submitted an amendment to add a new paragraph: "4. The scope

of the liability of the enterprise's assets is to be determined by existing national laws, regulations and practice covering bankruptcy." They recalled their comments with respect to the discussion of paragraph 1. They insisted on the need to establish a distinction between the enterprise's assets and the personal property of employers in order to protect personal property against proceedings following insolvency.

37. The Workers' members recalled that this question had already been addressed in the Reports prepared by the Office for the first discussion in 1991. In its Report V(2), the Office had proposed a conclusion (point 36) that read: "The totality of the assets, movable and immovable, of the insolvent employer should be available to satisfy workers' privileged claims. Nevertheless, if the employer is an individual, national laws or regulations may declare certain of his personal effects unattachable." However, that proposal had been amended during the first discussion because the Committee had thought that the goal of the proposal was to provide a super-privilege for workers' claims. The Workers' members had not supported the amendment because the view that the proposal provided a super-privilege was erroneous. They also drew attention to Office Report IV(2A) (p. 27), which pointed out that the use of the word "enterprise" or "employer" in the Convention would not remedy the problem raised by the Employers' members. The response to their concerns would lie in each State's laws and regulations governing the types of property at risk, and the extent of owners' liability for the debts of their enterprises. The Workers' members viewed the amendment as superfluous. In its place, they suggested reconsidering the insertion of point 36 of the Proposed Conclusions set out in Report V (2) of 1991.

38. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, declared that she was sympathetic to the proposed amendment, but that she would like to subamend it by deleting the word "existing", replacing "enterprise" by "employer", and replacing "bankruptcy" by "insolvency". The Employers' members accepted this subamendment.

39. The Workers' members asked the Employers' members to explain what they meant by the words "the scope of liability". The Employers' members specified that this meant: "the extent to which an employer's personal assets are subject to the procedure referred to in paragraph 1." The Workers' members asked the Employers' members to subamend their amendment to reflect this idea more clearly. The Employers' members accepted this suggestion. Their amendment as subamended read as follows: "The extent to which an employer's assets are subject to the proceedings referred to in paragraph 1 shall be determined by national law, regulation and practice covering insolvency." The Workers' members asserted that it was not their intention to remove the word "personal".

40. Following consultations among the Committee members, the Employers' members indicated that their amendment as subamended should read as follows: "The extent to which an employer's assets are subject to the proceedings referred to in paragraph 1 shall be determined by national law, regulations and practice." The Workers' members stated that they accepted the amendment as subamended.

41. The Chairperson noted that there seemed to be a consensus regarding this amendment, as subamended, and declared that it stood adopted as new paragraph 3 of this Article.

42. Article 1 was adopted as amended.

Article 2

43. The Employers' members submitted an amendment to delete everything in the sentence after the words "national practice". They stated that the purpose of their amendment was to render the Convention more flexible. The examples that followed "laws or regulations or ... national practice" neither added nor removed anything from the first part of this Article; they were either superfluous or inadequate.

44. The Workers' members asked for clarification from the Office. They wanted to know whether the deletion of the last part of this Article, as proposed in the amendment, would alter the legal implications. A member of the Secretariat drew attention to the fact that only the first part of Article 2 imposed an obligation on Members ratifying the Convention. The second part merely listed examples of methods of applying the provisions, other than laws or regulations, which could be consistent with national practice. The deletion of these examples should not change the legal substance of this Article.

45. The Government member of Cyprus asked whether the formulation of this Article was similar to that of other ILO Conventions, and whether, according to ILO practice, it was customary to add examples. A member of the Secretariat indicated that the wording most commonly used in ILO Conventions was the wording used, or variations thereof, in point 14 of the Proposed Conclusions, included in Report V(2) of last year. This formulation had been changed by the Conference last year as a result of an amendment submitted by the Government member of the United States.

46. After listening to the explanations given by the Office, the Workers' members stated that they could support the amendment submitted by the Employers' members. The Chairperson noted that the Committee concurred with this amendment and declared it adopted by consensus.

Proposed new paragraph

47. The Committee then considered an amendment submitted by the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, Member States of the European Community which were represented in the Committee. It proposed adding a new paragraph to this Article that would read: "2. For the Members where the provisions of this Convention are matters normally left to agreements between employers or employers' organisations and workers' organisations, or are normally carried out otherwise than by law, compliance with those provisions shall be treated as

effective if they are applied through such agreements or other means to the great majority of the workers concerned." The amendment was introduced by the Government member of Germany. She explained that according to Article 2, the Convention could be applied through collective agreements, while according to Article 4 the Convention should be applied in principle to all employees and to all branches of economic activity. However, in her country, as well as in a number of others, collective agreements did not necessarily cover all workers, even though they did cover a large majority of employees. To address this situation, it would be appropriate to add a provision to Article 2, so that a member State wishing to apply the Convention through such means as collective bargaining could ratify it when collective agreements covered the great majority of employees. She recalled that a similar text, which had its roots in Article 33 of the European Social Charter, had been accepted last year by the Conference during its consideration of the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172).

48. The Government member of the United States said that in reading the amendment he was confused: how could one implement a priority in insolvency proceedings through a collective agreement, which was a private agreement, when privileges could only be created by law? What did "a great majority of workers" mean? He could understand if this amendment was aimed at guarantee institutions, but not if it was to apply to a privilege.

49. The Government member of Cyprus said that, although she could understand the reasons behind it, she could not go along with this amendment because it would limit the personal scope of the Convention, leaving some workers without protection.

50. The Employers' members considered the amendment unnecessary, especially since, as the Secretariat had just explained, collective bargaining was already included in the means of applying the Convention in accordance with Article 2. The Workers' members' stated that the amendment was confusing and might create problems.

51. In view of the reservations to which the amendment gave rise, its authors agreed to withdraw it.

52. The Committee adopted Article 2 as amended.

Article 3

Paragraph 1

53. The Employers' members submitted an amendment to replace this paragraph by the following text: "A Member which ratifies this Convention shall apply either the provisions of Part II, providing for protection of workers' claim by means of a privilege, or the provisions of Part III, providing for the protection of workers' claims by a guarantee institution, or the obligations of both Parts. This choice shall be indicated in a declaration accompanying its ratification." They introduced their amendment by recalling that a similar text existed in other ILO instruments, and that in Report IV(2A) the Office had already referred to the possibility of adding such a text to the present Convention. In their opinion the text of this amendment was more precise than that of the Draft Convention, contained in Report IV(2B).

54. The Workers' members, as well as the Government member of Cyprus, and the Government member of Portugal (speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee) supported the amendment, which the Committee adopted by consensus.

55. Paragraph 1 was adopted as amended.

Paragraph 2

56. The Government members of Australia, Canada and the United States submitted an amendment to add the following sentence at the end of the paragraph: "This extension should be communicated in a declaration addressed to the Director-General." In submitting this amendment, the Government member of the United States stressed the advantage of having a text that specified unambiguously the process to be followed by every Government that ratified the Convention applying one of the Parts first and subsequently extending its acceptance to the other Part of the Convention. The amendment was supported by the Government members of Cyprus, Japan, Portugal (speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee) and Czechoslovakia, as well as by the Employers' and Workers' members. The Committee adopted the amendment by consensus.

57. Paragraph 2 was adopted as amended.

58. The Government member of Cyprus noted that paragraph 1, which the Committee had adopted earlier, did not mention that the choice of a member State to apply the provisions of Part II or Part III of the Convention, or both Parts, should be indicated in a declaration addressed to the Director-General, as was the case for extending acceptance in paragraph 2. For reasons of consistency, she suggested that paragraph 1 should also specify that a member State's choice to apply one or other, or both Parts of the Convention should be addressed to the Director-General. The Chairperson observed that the text of paragraph 1 had already been adopted by the Committee, and suggested that the proposal of the Government member of Cyprus should be submitted to the Drafting Committee. That suggestion was accepted.

Paragraph 3

59. The Government member of Japan submitted an amendment to replace the words "both Parts" (of this Convention) by the words "Part III". He pointed out that the text proposed in Report IV(2B) offered the possibility of limiting the application to Part III only where Members had decided to apply both the provisions of Part II and Part III of the Convention. The aim of his amendment was to permit a Member, regardless of whether or not it had decided to apply Part II, to limit its obligations to compliance with Part III. In his opinion, the text of the Convention would be rendered more flexible and easier to ratify. The Government member of Canada seconded the amendment to allow discussion by the Committee.

60. The Government member of Cyprus opposed the amendment. She remarked that its acceptance

would mean that many workers who would not be protected by Part III of the Convention would also not be convered by Part II, and would therefore not have any protection at all. The Government member of India and the Workers' members shared this view and also opposed the amendment. The Employers' members noted that they had submitted an amendment to this paragraph that seemed to them to be more flexible than the one submitted by the Government member of Japan; therefore, they could not support the latter.

61. The amendment was put to a vote and rejected: 780 votes in favour, 67,470 votes against, with 2,730 abstentions.

62. The Employers' members submitted an amendment to add, after the words "both Parts", the word "or only of Part III". They stated that their amendment addressed the comments that certain countries had made on this paragraph in Report IV (2A). They added that their amendment was not restrictive because it granted Members the possibility of limiting the application of Part III but did not require them to do so. In addition, such limitations could be introduced only after having consulted the most representative employers' and workers' organisations. Their amendment contemplated the situation of certain categories of workers (for example, seafarers, railway workers or employees of insurance companies), which in their opinion made the Convention easier to ratify.

63. The Workers' members opposed the amendment, because a broad section of workers could be excluded from the application of the Convention. The Government members of Cyprus, India and Tunisia also opposed it.

64. The Government member of Botswana expressed his doubts about the language used in paragraph 2 and in paragraph 3. The Employers' members thought that this remark was very pertinent and asked the Office to define the scope of those provisions. In reply to this request, a member of the Secretariat explained that the first paragraph of Article 1 offered member States the possibility of applying Part I or Part II, or both Parts. Paragraph 2 allowed a Member that initially decided to apply only the provisions of one of these two Parts to extend acceptance to the other Part of the Convention at a later date. According to paragraph 3, a Member that had ratified the Convention could restrict the application of Part III only if it has decided to apply Part II. The intention behind paragraph 3 was to encourage the progressive application of Part III of the Convention, on the condition that workers who were not covered by that Part of the Convention remained protected by Part II.

65. The amendment was put to a vote and rejected: 25,558 votes in favour, 43,472 votes against, with 1,560 abstentions.

66. The Committee adopted paragraph 3 without change.

Paragraph 4

67. In the absence of any amendment, the Committee adopted this paragraph without change.

Paragraph 5

68. The Employers' members submitted an amendment to delete this paragraph. They noted that the paragraph allowed claims that were protected by a guarantee institution, in accordance with Part III, to cease to be protected by the privilege provided pursuant to Part II. They noted that guarantee institutions that paid claims due to workers were subsequently able to be subrogated in the rights of those workers and to recover the amount paid from the insolvent employer's assets. However, as soon as the privilege held by guarantee institutions for protected claims was eliminated by paragraph 5, recuperation through subrogation could become more difficult for those institutions. The Employers' members added that their proposal in no way impaired the rights of workers, but would improve the financing of guarantee institutions.

69. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, opposed the amendment. She emphasised that paragraph 5 was a very important provision which would ensure the ratification of the Convention by many Member States of the European Community. She pointed out that this paragraph allowed member States to eliminate the privilege of protected claims afforded to guarantee institutions, but did not in any way require them to do so. The Workers' members also opposed the amendment, which was withdrawn by its authors.

70. Paragraph 5 was adopted without change.

Paragraphs 6 and 7

71. In the absence of any amendment, these two paragraphs were adopted by the Committee without change.

72. The Committee then adopted article 3 as amended.

Article 4

Paragraph 1

73. In the absence of any amendment, this paragraph was adopted without change.

Paragraph 2

74. The Government members of Australia, Canada and the United States submitted an amendment to add the words "or employment" between the words "employment" and "relationship". In introducing the amendment, the Government member of the United States explained that the addition would give more flexibility to the Convention by permitting the exclusion of certain categories of workers not only by reason of the particular nature of their employment relationship, but also by reason of other employment considerations. It would, for example, permit the exclusion of certain industries in which workers' claims were protected by other types of guarantees than those provided in the Convention. Of course, such exclusions would ensue only after consulting the most representative organisations of workers and employers. The Government member of Canada supported the amendment, commenting that it would permit the exclusion of such categories

as managers or personnel in similar positions. This was consistent with the law of her country. The Government members of Japan and Swaziland also supported the amendment.

75. The Workers' members asked the authors of the amendment to clarify the difference, in their opinion, between the terms "employment" and "employment relationship". The Government member of the United States explained that the amendment would permit the exclusion, after proper consultation, of certain branches of activity which in his country did not come under the federal bankruptcy law.

76. The Workers' members did not consider the meaning of the amendment to be clear and noted that the text of this paragraph as proposed allowed the exclusion of certain categories of workers after proper consultation. The amendment was superfluous, thus they opposed it.

77. The amendment was put to a vote. It received 30,238 votes in favour, 390 votes against, with 39,962 abstentions. As the quorum of 30,888 votes in favour and against was not reached, it was not adopted.

78. The Committee adopted paragraph 2 without change.

79. The Government member of Japan asked whether the expression "by reason of the particular nature of their employment relationship" meant that it was up to the member States to determine the exceptions to the Convention. A member of the Secretariat explained that the intention of this provision had been explained in Report IV (2A) (p. 37). A member State could decide certain exclusions after proper consultation, providing, of course, that it applies the Convention in good faith. For example, a government should not exclude categories of workers that the Conference did not intend to be excluded. The Employers' members asked whether the expression "or if there are other types of guarantee affording them protection equivalent to that provided by the Convention" referred only to public employees or also to other categories of workers, by reason of the particular nature of their employment. A member of the Secretariat explained that the intention of this paragraph was to allow two types of exclusions: (a) specific categories of workers, by reason of the nature of their employment relationship, for example public employees or persons occupying a managerial position in an enterprise; and (b) other categories of workers who enjoy some type of protection equivalent to that ensuing from the Convention (for example artisans' or mechanics' liens). There could even be a certain overlap regarding some categories of workers, for whom the employment relationship was of a particular nature and whose claims were protected by guarantees that were equivalent to those provided by the Convention. The Committee decided to record this explanation in its report.

Paragraph 3

80. In the absence of any amendment, the Committee adopted this paragraph without change.

81. The Committee adopted Article 4 without change.

PART II. PROTECTION OF WORKERS' CLAIMS BY MEANS OF A PRIVILEGE

PROTECTED CLAIMS

Article 5

82. The Employers' members withdrew an amendment to replace the word "employer" by "enterprise".

83. The Committee adopted Article 5 without change.

Article 6

Subparagraph (a)

84. The Government members of Canada and United States submitted an amendment to replace the word "for" by "accrued during". The Government member of United States stated that with regard to wages, his Government considered the expression "prescribed period" to mean that protected claims were those that had accrued during this period, excluding those that had accrued earlier. The Government member of Canada supported the amendment, indicating that the suggested language was consistent with another amendment she had proposed for subparagraph (b). The Government member of Japan also supported the amendment and added that corresponding wording should be used in subparagraph (b).

85. The Workers' members opposed the amendment, which they considered restrictive. They noted that subparagraph (a) did not concede a new right to workers but merely specified that workers should be paid for work they had already done.

86. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, submitted a subamendment to the previous amendment that consisted of replacing "accrued during a prescribed period" by "due for a prescribed period". The Government member of Canada then proposed a subamendment to insert the phrase "wages for services rendered during a 3 month period", which was borrowed from her country's bankruptcy law. The Government member of the United States suggested the phrase "earned for a prescribed period". The Employers' members supported the principle of employing the word "earned". The Workers' members endorsed the proposal made by the Government member of Portugal, on behalf of the Member States of the European Community which were represented in the Committee, to use the word "due".

87. The Government member of the United States commented that all the different phrases proposed were merely linguistic variations of the same concept. He requested clarification from the Office on this issue. A member of the Secretariat stated that the original text of the Office, which appeared in the Proposed Conclusions in Report V(2), was: "22. (a) wages relating to work performed during a prescribed period…". During the first discussion, the Conference amended this conclusion; the text adopted in 1991, therefore, no longer spoke of wages "relating" to a prescribed period but rather referred to wages "for" a prescribed period.

88. The Government member of the United States asserted that the Committee should adopt an amendment to clarify the meaning of this subparagraph. In his view, all the terms already proposed were intended to mean the same thing; he nevertheless suggested retaining the proposal of the Government member of Canada.

89. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, recalled that the Directive of the Council of the European Communities of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer, used the expression "relating to pay". She asked whether the Committee would consider adopting this wording, which she put forward as a subamendment.

90. After listening to the explanation given by a member of the Secretariat, the Government member of the United States suggested using the following wording, based on the Office text: "wages relating to work done during a prescribed period". He wondered whether the Committee might want to set up a working group to find a more appropriate wording. He was supported by the Government member of Canada. The Government member of Cyprus also supported the amendment but was equally willing to accept the suggestion made by the Government member of Portugal, speaking on behalf of the Government members of the Members States of the European Community which were represented in the Committee, to use the expression "relating to".

91. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, noted that their proposal was based on the Community's experience. More than ten years had passed since the adoption of this Directive, and the expression "relating to pay" had not posed any problem of interpretation. The word "relating" was sufficiently precise so as not to give rise to misunderstandings.

92. The Employers' members stated that they accepted the Office's text; whereas, however, the Workers' members supported the proposal of the Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee.

93. Following a request by the Employers' members, the Representative of the Secretary-General read the two texts under discussion. According to the proposal formulated by the Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, subparagraph (a) should read: "(a) the workers' claims relating to wages for a prescribed period...". To correspond to the Office's text [(Report V(2), Proposed Conclusions No. 22(a)], the subparagraph would state: "(a) wages relating to work performed during a prescribed period...".

94. The Employers' members stated that they would like to compromise in an effort to facilitate the work of the Committee. They, therefore, accepted the proposal as formulated by the Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee. The Committee adopted this proposal by consensus.

95. The Workers' members subsequently withdrew their amendment to replace "three months" by "six months". They stated that they thought the privilege should protect claims for wages relating to a period of six months rather than three months. What was at issue was work that had already been performed, for which workers should be paid. In their view, a protection covering six months was very reasonable, especially since Article 7 of the Convention permitted limitations to be imposed on the amounts protected by a privilege. However, after preliminary discussions with certain members of the Committee they were concerned that such a provision could make ratification of the Convention more difficult. They therefore decided to withdraw the amendment.

96. The Committee adopted subparagraph (a) as amended.

Subparagraph (b)

97. The Workers' members withdrew an amendment to replace this subparagraph by "(b) remuneration for holidays with pay and for other types of paid absence due to workers at the time of the insolvency or of the termination of their employment" in favour of an amendment submitted by the Government members of Belgium, Denmark, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, Member States of the European Community which were represented in the Committee. For the same reasons, the Government member of Austria withdrew a similar amendment.

98. The amendment submitted by the Government members of Belgium, Denmark, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, Member States of the European Community which were represented in the Committee, was introduced by the Government member of Portugal. This amendment proposed replacing subparagraph (b) by the following text: "(b) the workers' claims for holiday pay and other types of paid absence, pertaining to work done during the year in which the insolvency or the termination of the employment occurred, and in the preceding year". The Government member of Portugal recalled that according to the text of Report IV (2B) the wording of this subparagraph raised problems of interpretation. She drew the Committee's attention to the fact that holiday pay was usually calculated on an annual basis, the worker being entitled to a certain number of holidays on the basis of the number of days worked. The time-limit proposed in the amendment, which referred to work done during the year in which the insolvency or the termination of the employment occurred, and in the preceding year, seemed to be reasonable and in their opinion would not inhibit ratification of the Convention.

99. The Employers' members found that the time-limit suggested in this amendment was too long; therefore, they opposed it. However, they would accept the amendment if the time-limit was reduced to three months. This was not accepted by the authors of the amendment, who insisted that the time-limit did not protect wages but the right to holiday pay relating to work that had already been performed.

100. The Workers' members supported the amendment. They pointed out that it did not create a right to holidays with pay, but protected workers' claims for holiday pay which were generated before the insolvency or the termination of the employment. The period of service chosen as a reference was not excessive, since in any case Article 7 allowed limitations to be set on the total amounts protected by the privilege.

101. The Employers' members indicated that the amendment could be divided. with respect to holiday pay, they could accept a period of protection of one year. Regarding other types of paid absence, the period indicated in this amendment seemed excessive; three months should be the maximum.

102. The Government member of the United States was of the opinion that this amendment would make ratification of the Convention more difficult. Many developing countries could have difficulty adopting legal provisions that were as liberal as those proposed in the amendment. He therefore proposed a subamendment to delete the phrase "during the year in which the insolvency or the termination of the employment occurred, and in the preceding year" and replace it by "during the three months prior to insolvency". The subamendment was supported by the Employers' members, as well as by the Government members of Botswana and Canada; however, it was not accepted by the authors of the amendment.

103. The Government member of India supported the amendment and opposed the subamendment put forward by the Government member of the United States. She noted the concerns he expressed regarding the difficulties that developing countries might encounter if they wished to ratify the Convention amended in this way. However, she pointed out that the law of her country protected all accrued holiday remuneration owing to a worker on the termination of his or her employment, at the time of his or her death or upon the winding up of the enterprise.

104. The Government member of Cyprus submitted a subamendment to protect "the workers' claims for holiday pay and other types of paid absence to which the worker is entitled for the period of one year of employment". This subamendment was not seconded.

105. The Workers' members opposed the subamendment of the Government member of the United States because in their opinion it would weaken the Convention significantly. If it was accepted, many workers' claims for holiday pay owing to them could remain unpaid.

106. The Government member of Cyprus opposed the subamendment. She noted that in her country the period protected was 12 months. The Government member of Australia stated that the issue the Committee was debating was of particular importance for her country. In her country, legislation did not impose any limits for the payment of holiday pay. It did not seem equitable that workers who had taken their holidays before the insolvency should be better off than those who had remained to work for their employer. It was unfair to treat wages and holidays in the same manner. Establishing limits for wages protected was acceptable because it was unlikely that a worker would continue to work for an employer after three months without being paid. However, it was common for a worker to continue working without taking holidays. Her Government wanted a Convention that established meaningful standards rather than minimum standards at the level of the lowest common denominator. In any event, she recalled that Article 7 permitted limits to be imposed on the amount protected. If the subamendment was adopted, it could mean that in the future there would be pressure in her country to lower the level of protection that already existed in national law.

107. The Employers' members recalled that this issue had already been decided during the first discussion. It was not a question of establishing a guarantee equivalent to that established in the most advanced national laws, but rather one of establishing criteria capable of encouraging ratification of the instrument. They were concerned that measures that were too generous could affect investments, and consequently employment.

108. The subamendment was voted on and rejected: 82,500 votes in favour, 118,800 against, with 4,400 abstentions. The Committee then reconsidered the above amendment as it originally had been submitted by its authors.

109. The Government members of Finland, Norway and Sweden submitted a subamendment to replace the amendment by the following text: "(b) The workers' claims for holiday pay accrued during a prescribed period, which shall not be less that 12 months prior to the insolvency or prior to the termination of the employment, and the workers' claims for other types of paid absence for a prescribed period, which shall not be less than 3 months prior to the insolvency or prior to the termination of employment". The Employers' members withdrew their earlier subamendment to the amendment under discussion in favour of the subamendment of the Government members of Finland, Norway and Sweden.

110. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, stated that to permit a greater degree of consensus she would submit a subamendment to divide their amendment so that it read: "(b) the workers' claims for holiday pay pertaining to work done during the year in which the insolvency or the termination of the employment occured, and in the preceding year, and (c) the workers' claims for other types of paid absence for a prescribed period which shall not be less than three months prior to the insolvency or prior to the termination of the employment". This subamendment was accepted by the Government members of Finland, Norway and Sweden and supported by the Em-

ployers' and Workers' members. The Committee adopted it by consensus.

111. Subparagraph (b) was adopted as amended. It had been divided into two subparagraphs, i.e. subparagraphs (b) and (c). The Employers' members requested the Secretariat to clarify the meaning of the expression "other types of paid absence". A member of the Secretariat stated that this expression had been introduced last year to cover absences such as sick leave or maternity leave which could be owing to workers pursuant to national laws, regulations or practice.

112. The Committee took note of the fact that the amendments relating to subparagraph (b) that had been submitted by the Employers' members as well as by the Government members of Canada, the United States and Japan were no longer relevant since the Committee had adopted a new text for this subparagraph.

New subparagraph

113. The Workers' members submitted an amendment to add the following new subparagraph: "(c) compensation due to workers upon termination of their employment". They explained that it was of great importance to them that the Convention grant a privilege for compensation due to workers upon the termination of their employment, since as a result of such loss they often found themselves in a very difficult situation. However, they added that as it was evident that many governments would be unwilling to include all forms of compensation due to workers upon termination of their employment. They would subamend their amendment to limit it to severance pay, which was one of the most important forms of this kind of compensation. They therefore subamended it, replacing the word "compensation" by the words "severance pay". They believed that this subamendment would correspond more closely to Article 7 of the draft Convention, which referred to the possible limitations on privileged claims.

114. The Employers' members opposed the amendment. They recalled that there was an ILO Convention on this subject, the Termination of Employment Convention, 1982 (No. 158), which granted protection to workers only when they were dismissed at the initiative of their employer. Such an initiative did not exist when the enterprise became insolvent or bankrupt because in such cases the dismissal of the employee was not an international act on the part of the employer. It was unacceptable that one ILO Convention should prescribe that an employee had the right to compensation only when dismissed at the initiative of the employer whereas another Convention provides for compensation even when the termination was not at the initiative of the employer. Although such a principle existed in the legislation of many countries, this did not require it to be reflected in an ILO Convention.

115. The Government member of Canada opposed the amendment as well as the subamendment. She was concerned that many countries would not be able to ratify the Convention if it specified that severance pay should be protected by a privilege. In addition, a distinction should be drawn between money for wages and holiday pay, which is relied upon on a day-to-day basis by workers, and amounts which may be due to them at the time of a future termination of employment. She encouraged countries to protect severance pay by a privilege, but thought this could be accomplished in the Recommendation. The Government member of Cyprus also believed that claims for severance pay should be addressed in a Recommendation rather than a Convention.

116. The Government member of Australia commented that when an enterprise becomes bankrupt, the workers were often left without work or money, and desperately needed to receive their severance pay, which they relied upon to survive. She supported the subamendment, particularly in light of Article 7 of the draft Convention which allowed a limit to be placed on the total amount protected by a privilege. The Government members of Austria and Mauritius were also in favour of the amendment as subamended. The Government member of Botswana noted that in many countries severance pay was a very important benefit, particularly when those out of work did not benefit from a pension. If the Committee chose to reject the amendment, it should not do so on the premise that this form of compensation was unimportant to workers.

117. The Workers' members commented that in many developing countries, severance pay was the only benefit workers could rely on when they lost their jobs. They recalled that in the questionnaire attached to Report V (1), prepared for the first discussion, the Office had asked member States whether they thought severance pay should be protected by a privilege (question 13(e)). Thirty-four of the 46 governments that responded replied in the affirmative, with only one Government giving a negative reply and 11 Governments furnishing diverse answers.

118. The Employers members stated that they were not questioning the right of workers to receive severance pay, however, they did not think this type of compensation should be the object of a privileged claim. They were concerned that in the developing countries the fact of conceding too high a rank of privilege to workers' claims could limit access to credit and deter investment. They noted that the large majority of affirmative replies to the question asked by the Office, referred to earlier by the Workers' members, did not constitute the majority of member States of the Organisation.

119. The Government member of India recalled that at present time many States in the world were applying structural adjustment policies that could lead to the closure of enterprises and the dismissal of workers. Severance pay could mitigate the negative effects of these policies and limit their social cost. She stated that she was pleased that the Employers' members had recognised the importance of the right to severance pay. She believed it was necessary for the protection of this type of compensation to have a privilege secured by the Convention.

120. In response to a question asked by the Workers' members, a member of the Secretariat specified that the Termination of Employment Convention, 1982 (No. 158) had established a number of substantive provisions on the termination of employment. Article 12 of that instrument stipulated that a dismis-

sed worker shall be entitled to severance allowance or other similar benefits, to benefits from unemployment insurance, unemployment assistance or other forms of social security, or to a combination of such allowance and benefits. The draft Convention under discussion did not deal with this right; however, where a national right exists there is an obligation to grant a privilege in the event of the insolvency of the employer. In response to a request from the Employers' members, Article 3 of that Convention was read out, which states: "For the purpose of this Convention the terms 'termination' and 'termination of employment' mean termination of employment at the initiative of the employer". The member of the Secretariat added that, in accordance with Article 3, the obligation relating to "severance pay", provided for in Article 12, only applied in the case of termination of employment at the initiative of the employer.

121. The amendment, as subamended, was put to a vote and approved by 191,884 votes in favour, 161,700 against, with 51,744 abstentions.

122. Article 6 was adopted as amended.

LIMITATIONS

Article 7

Paragraph 1

123. In the absence of any amendment, paragraph 1 was adopted without change.

Paragraph 2

124. The Government members of Canada and the United States submitted an amendment to replace the words "so as to maintain its value" by "in order that it not fall below a socially acceptable level". The Government of Canada explained that the purpose of the amendment was to clarify the scope of the obligation stipulated in this Article. It was appropriate that Article 7 called for the overall amount of claims protected by a privilege to be adjusted so that the amount did not fall below a socially acceptable level. However, paragraph 2 as proposed in Report IV(2B) could lead one to believe that the Convention required automatic indexation. This was not the procedure under the legislation of her country, nor in that of many other countries. The Employers' members seconded this amendment. The Government member of the United Kingdom also supported the amendment, which he felt made the text clearer.

125. The Workers' members opposed the amendment and noted that in the legislation of certain countries a ceiling had been fixed on the amount of workers' claims protected by a privilege. This limit had remained the same for many years. They believed that the Convention should impose both an obligation to fix a ceiling at a socially acceptable level and another obligation to raise this ceiling to maintain its value.

126. The Government member of the United States recalled that he supported the amendment because he thought that the amount of claims protected by a privilege should be set at a socially acceptable level, which should be adjusted from time to time to ensure that the level remained socially acceptable. This did not mean, however, that the adjustment should be made by way of indexation. The Government member of Canada stated that she did not want to discourage any government from instituting a system of indexation, if that was appropriate, but she did not think it was appropriate for her country.

127. The Government member of Cyprus asked for clarification from the Office regarding the meaning of the phrase "so as to maintain its value". A member of the Secretariat explained that this expression had appeared in the Office's Conclusions proposed for the first discussion. The Office's intention had been to request that the ceiling for the amount protected be reviewed periodically so that it did not fall below a socially acceptable level. As regards its adjustment, he pointed out the different variables mentioned in the draft Recommendation; he added that it was not the intention of the Office for the Convention to mandate automatic indexing of the amount protected by a privilege.

128. The Government member of France opposed the amendment. The protection which the privilege provides should be real rather than illusory. It was therefore important that the Convention impose an obligation to adjust as necessary the amount protected. The Government member of India supported the previous speaker. She added that she had taken due note that paragraph 2 did not impose automatic indexing; therefore, she would vote against the amendment.

129. The Government member of Botswana asked what "socially acceptable" meant. The Workers' members replied that it was very difficult to define, but they could give examples of what was not "socially acceptable". In this regard, they mentioned the case of a country that had fixed a limit that had not been raised for over 40 years, while the cost of living had increased significantly.

130. The Government member of Cyprus stated that after listening to all the previous explanations she would support the proposed text rather than the amendment. Nevertheless, she asked whether reference could be made in the text to paragraph 4 of the Recommendation. The Employers' members commented that this proposal could not be sustained since the Committee had not yet discussed the Recommendation.

131. The Employers' members added that Article 7 already stipulated in its first paragraph that national laws or regulations could limit the protection of claims to an amount, provided the amount was socially acceptable. Their amendment was limited to retaining the same idea in paragraph 2. The Workers' member replied that paragraph 1 stipulated that the limit of the protection should not be below a socially acceptable level and paragraph 2 required the value of this limit to be maintained. Such wording ensured that the amount of workers' claims protected by a privilege could follow the same escalation as the rest of the economy, if there was such an escalation.

132. The Government member of Canada asked the Committee to place the preceding explanations given by a member of the Secretariat in the report. She would withdraw the amendment if it was stated in the Committee's report that paragraph 2 was not intended to require any State ratifying the Conven-

tion to apply strict indexation for the protection of privileged claims. The Government member of the United States supported this proposal. The Workers' members consented, stressing that the provision did not prohibit indexation.

133. The Committee acknowledged that, where the protection afforded is limited, the obligation to "maintain the value" of the protection of claims by a privilege should not be interpreted as an obligation which either impose or prohibits indexation. On the basis of this interpretation, the amendment was withdrawn by its authors, and paragraph 2 was adopted without change.

134. The Committee adopted Article 7 without change.

RANK OF PRIVILEGE

Article 8

135. The Workers' members withdrew an amendment which had proposed replacing this Article by the following text: "Workers' claims shall be given a higher rank of privilege than most other privileged claims, and in particular those of the State and the social security system." They recalled that the text of this amendment adopted the conclusions proposed by the Office in Report V(2), which had been considerably weakened as a result of the first discussion in 1991. They explained that they were withdrawing the amendment because the Committee was to discuss another amendment which went in the same direction as theirs. They were going to support this latter amendment, which had been submitted by several Government members and thus had a greater chance of being adopted.

136. The amendment the Committee then addressed had been submitted by the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, Member States of the European Community which were represented in the Committee. The amendment sought to replace Article 8 by the following text: "When workers' claims are not protected by a guarantee institution as provided for in Part III of this Convention, Members shall give them a higher rank of privilege than most other privileged claims and in particular those of the State and the social security system." The Government member of Portugal, speaking on behalf of the sponsors of the amendment, recalled that guarantee institutions, since they could ensure that claims would be paid, are a more effective means of protecting workers' claims than is the system of privilege. For that reason, it was not indispensable for claims protected by a guarantee to also benefit from so high a ranking for purposes of privilege. On the other hand, where workers' claims are not protected by a guarantee institution, and thus may benefit only from privilege, this privilege should come before the privilege afforded to claims of the State or the social security system; if they did not, there was reason to fear that they would never be paid. That was, in sum, the reasoning behind the amendment. None the less its sponsors wished to introduce a few editorial changes: to replace "an institution" by "the institution", "as provided for" by "under the conditions provided for", and "the Members shall give them" by "these claims shall be given". The Workers' members supported the amendment as it had been subamended.

137. The Employers' members noted that the financial resources of guarantee institutions came from contributions made to them and from money they recouped from the assets of insolvent employers, through subrogation of the rights of employees, to whom the institutions advanced money for their wage claims. The amendment under discussion in fact foresaw two situations: (a) when workers' claims are protected by a privilege, their payment should come before claims of the State or the social security system, and (b) when workers' claims are protected by a guarantee institution, they can benefit from a privilege, but this could be placed after the claims of the State or the social security system. This would clearly diminish the possibility of guarantee institutions, which had advanced funds to workers, being reimbursed from employers' assets by means of subrogation. This could mean that in practice, the financing of these institutions would depend only upon employer contributions. The Employers' members thought that the amendment could discourage the establishment of guarantee institutions and therefore they could only oppose it.

138. The Government member of Tunisia also opposed the amendment, indicating that he did not agree with giving workers' claims a rank of privilege higher than that of the social security system.

139. The Government member of Canada stated that in principle she agreed that workers' claims should have a higher ranking than that of the State or the social security system. However, she had doubts about the operation of this privilege in relation to state claims for taxes and other contributions payable by workers (such as employee contributions to social security an the federal pension scheme) which were deducted at the source by the employer, who then became the depository for those sums. Under the legislation of her country, such claims were in the nature of funds held in trust, and did not belong to the employer. In case of the employer's insolvency, the State had an absolute priority over these funds. Her Government wished to know whether Article 8, if it were modified in the way sought by the amendment, would require Members to grant a privilege to workers' claims higher than for claims for employees' taxes and contributions that were deducted at the source. If this were the case, she would have to oppose the amendment. On the other hand she noted that the amendment would have the effect of reducing the possibility of guarantee institutions being reimbursed by means of subrogation. Finally, she wondered whether, where guarantee institutions protected only a part of the workers' claim, the part of the claim that was not protected by the guarantee would benefit from a higher privilege than the State.

140. In reply to one of the questions posed by the Government member of Canada, a member of the Secretariat indicated that the answer could lie either in treating employee contributions of this type as workers' claims (as provided in Paragraph 11 (f) of the draft Recommendation) or in defining, in national law, the "employer's assets" to which the priv-

ilege given to workers' claims would apply. If employee contributions deducted at the sources were not considered part of the employer's assets, they would perhaps not form part of the assets subject to insolvency proceedings.

141. In reply to another question raised by the Government member of Canada, the Government member of Portugal, speaking on behalf of Government members of the Member States of the European Community which were represented in the Committee, pointed out that their proposal would not prevent a guarantee institution from having a privilege.

142. The Government member of Mauritius stated that in his country the current law gave workers' claims the same rank of privilege as other privileges, whereas the law had previously given them a higher ranking and then a lower ranking. He therefore proposed a subamendment to the amendment, to replace the words "a higher rank of privilege than" with "at least the same rank of privilege as". This proposal was not seconded.

143. The Government member of Cyprus stated that she also supported the principle that workers' claims should benefit from a higher ranking than those of the State and the social security system. She recalled that in insolvency proceedings the principal creditor is usually the State. If the State was reimbursed from the employer's assets in the first instance, this would mean there would be nothing left for the workers. However, the privilege given to workers' claims should not go ahead of the privilege of creditors with secured assets, because then lending could be affected. She noted that the amendment spoke of "most other privileged claims"; did this mean that claims guaranteed by security would have a ranking above of workers' claims?

144. In reply to this question, a member of the Secretariat recalled that when the Office had prepared the questionnaire annexed to Report V(1), it had asked whether part of workers' claims should have a higher rank of privilege than any other claim, including those guaranteed by a mortgage or other security (Question 21). Since a great number of countries had replied in the negative, the Office was not in a position to propose any rule on the matter in its proposed conclusions (Report V(2), pp. 54 and 55). As a result, it had not been the Office's intention to propose that workers' claims should enjoy a higher privilege than secured claims.

145. The Government member of Czechoslovakia proposed a subamendment to delete the phrase "of the social security system". This proposal was not seconded.

146. The Government member of the United States expressed regret that the Workers' members had withdrawn their amendment in favour of the subamended amendment now under examination by the Committee, because he would have supported theirs. The amendment now under consideration would provide only partial protection for workers' claims. The Government member of Canada also thought that the amendment withdrawn by the Workers' members was better than the one under discussion at the moment. She had some doubts concerning that amendment in relation to how the privilege would operate for claims that were not protected by guarantee institutions. She suggested revising the wording of the amendment, as it had been subamended, as follows: "Workers' claims which are protected by a guarantee institution in accordance with Part III of this Convention may be given a lower rank of privilege than those of the State and the social security system".

147. The Employers' members expressed serious concern at the fact that the amendment risked weakening the possibilities guarantee institutions would have to be reimbursed by means of subrogation. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, said that this question dealt with the means of financing guarantee institutions. Under Article 11 of the draft Convention, this was a matter to be determined by national law, regulations and practice.

148. After a break in the sitting, the Committee took up a new subamendment, presented by the sponsors of the amendment under discussion. It proposed replacing Article 8 by this text: "1. National law or regulations shall give workers' claims a higher rank of privilege than most other privileged claims, and in particular those of the State and the social security system. 2. However, where workers' claims are protected by a gurarantee institution in accordance with Part III of this Convention, the claims so protected may be given a lower rank of privilege than those of the State and the social security system." The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, explained that the principle stated in paragraph 1 laid down an obligation, i.e. to grant workers' claims a rank of privilege higher than those of the State and the social security system. On the other hand, paragraph 2, which used the word "may", was not a binding standard. In countries where there was no wage guarantee, it was important that workers' claims would come before those of the State and the social security system, since those two were the principal creditors of insolvent employers. However, where a wage guarantee exists, this system is more effective than privilege. It was therefore no longer essential that workers' claims be protected by as strong a privilege as where no wage guarantee exists.

149. The Government member of Canada wondered whether the second part of this amendment, as subamended, was necessary. Article 3, paragraph 5, of the draft Convention already provided the option of excluding from Part II of the Convention claims that were protected under Part III of the Convention. In her opinion, only the first part of the subamendment should be retained.

150. The Government member of the United Kingdom noted that there was noting unnatural about providing that, if a claim was protected by a guarantee, the privilege could be decreased. The subamendment envisaged this possibility and had been proposed with the aim of making the Convention more flexible. Although it might seem odd to accept the obligations of Part II when a country had accepted the obligations of Part III, there were scena-

rios in which this might occur. Where claims were not protected by a guarantee institution, they should have a higher rank of privilege. If a claim was protected by a guarantee institution and by a privilege that was too high, some countries would not be in a position to ratify the Convention.

151. The Government member of the United States commented that, under the amendment as subamended, a worker could receive a modest amount of money from a guarantee institution. The difference between this modest sum and the rest of his or her claim would then be granted a rank of privilege lower than that of other privileges. In this way the worker could always hope to recoup a part of what was owed to him or to her. The speaker concluded that the subamendment was a solution to be considered.

152. The Government member of Canada withdrew her earlier proposal. The Workers' members stated that they could accept the amendment as it had been subamended, on the understanding that the first paragraph of the text granted workers' claims a higher privilege than those of the State and the social security system, and that the second paragraph granted workers' claims that were protected by a guarantee institution a privilege that could be lower than that of the State and the social security system, but that must always be higher than most other privileged claims. The sponsors of the subamendment confirmed that this was their intent. At the request of the Government member of the United States, the Committee decided to include this interpretation in its report.

153. The Employers' members stated that the texts under discussion, from amendment to subamendment, had become confusing. The draft of Article 8 as it had been proposed in Report IV(2B) had the advantage of being clear, and they were going to support it. They therefore opposed the amendment as it had been subamended.

154. Considering that the issue had been sufficiently discussed the Chairperson put the amendment, as subamended, to a vote. It was adopted by 47,520 votes in favour, 34,650 votes against and 10,395 abstentions.

155. Owing to the adoption of this amendment, the Committee did not need to address an amendment submitted by the Government member of Japan which had proposed adding to Article 8, after "workers' claims", the words "which have been submitted according to the established procedure". The Government member of Japan none the less requested a clarification: he stated that in his country's legislation, workers' claims could be placed after those of the State, although the law also offered workers the possibility of registering their claims against an employer's real property, in which case they had a super-privilege. The Government member of Japan wished to know whether the possibility that the law afforded to workers to register their cliams, even though in practice workers only infrequently did so, would meet the obligation laid down in Article 8, as amended. A member of the Secretariat replied that it was very difficult to give an answer on the spot, since it would be necessary to examine closely the nature of this particular protection.

156. The Workers' members then withdrew an amendment that had proposed adding another paragraph to this Article, as follows: "2. At least four weeks of the workers' claims for wages shall be accorded a higher rank of privilege than all other claims." They had wished that the Convention would include such an obligation, but they were aware that this might risk making ratification difficult.

157. The Committee adopted Article 8 as amended.

PART III. PROTECTION OF WORKERS' CLAIMS BY A GUARANTEE INSTITUTION

GENERAL PRINCIPLES

Article 9

158. Since no amendment had been submitted, the Committee adopted this Article without change.

Article 10

159. The Employers' members submitted an amendment that sought to replace "may" by "shall". They wanted to turn the option that the Convention gave to Members, i.e. to take measures to avoid abuse, into an obligation to take such measures, after consulting the most representative organisations of employers and workers.

160. The Workers' members thought that the amendment was superfluous. It should be presumed that each State would have to take measures to prevent an abuse of rights. They wondered whether creating such an obligation would make the Convention more rigid and thus difficult to ratify.

161. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, noted that the text of Article 10 as it had been proposed in Report IV(2B) took up an idea that was already contained in the Community Directive to which reference had been made earlier. They did not see the need for the amendment proposed by the Employers' members and planned to oppose it. The Government member of Germany added that in his country, guarantee institutions could themselves adopt measures to prevent abuse. Article 10, as it had been originally proposed, contained a flexible formula which he found satisfactory.

162. The Employers' members stated that they did not understand why all the preceding speakers had been against the idea of making it an obligation to adopt measures to prevent abuse. They had made this proposal in order to contribute to having guarantee institutions that were financially solid. The control of abuse was one way of strengthening them. The Workers' members replied that they were also opposed to abuse, but that they sought that Article 10, as it had been drafted, was sufficiently flexible. It permitted member States, only when they deemed it appropriate, to take measures after consultation. They were therefore going to oppose the amendment.

163. The Employers' members commented that a provision that said "may" also meant "may not", and this could open the door to tolerating abuse. They regretted the approach taken by the committee in failing to follow their proposal, and withdrew their amendment.

164. Article 10 was adopted without change.

Article 11

165. The Employers' members submitted an amendment to add to this Article two new paragraphs, numbered 2 and 3, which would read: "2. The funds managed by guarantee institutions, other than those from general revenues, must only be used for the purpose for which they were collected. 3. The provisions of the preceding paragraphs shall not prevent countries, in accordance with their particular characteristics and needs, from providing that insurance companies may cover the guarantees referred to in Article 9." They explained that the purpose of paragraph 2 was to strengthen the principle that abuse must be limited. The purpose of paragraph 3 was to acknowledge that there could be different types of guarantee institutions, such as private insurance companies, which could guarantee the payment of workers' claims in the event of the insolvency of their employer.

166. The Government member of India stated that she could support the second part of the amendment. Regarding the first part, she proposed a subamendment to remove the phrase "other than those from general revenues". The Employers' members accepted the proposal. They also subamended their amendment, by dividing it so that the Committee could discuss each paragraph separately.

167. The Government member of the United States opposed paragraph 2. He did not think that a government could accept to relinquish control of a guarantee institution in which it had deposited funds. As the amendment had been drafted, governments would be prevented from using funds that had been collected to operate guarantee institutions even when the reserves of these institutions exceeded their expenditures. In addition, in his country there were trust funds, for example social security funds, which did not belong to the State but were used in exchange for an instrument acknowledging a debt and a promise to repay upon demand.

168. The Government member of Canada remarked that it would be difficult to insert this paragraph in the Convention because member States would have practical difficulty adhering to such an obligation. One should also ask what the words "the purpose for which they were collected" meant. Were administrative costs and costs for training personnel in guarantee institutions included in this purpose? This needed to be clarified. However, she had no problem with the principle of this paragraph since she thought that the taxpayer was entitled to know where the money was going. It could therefore be retained in the Recommendation.

169. The Employers' members admitted that this amendment posed problems. Yet they evoked the experience, which in their opinion was disastrous, of state administration of the social security system in some developed countries. The State had diverted the social security funds, and they did not want to see the same thing happen with guarantee institutions. They therefore appealed to the Committee to adopt their amendment.

170. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, stated that this paragraph would be too difficult to implement; therefore, they could not accept it. She recalled that a similar discussion had taken place last year with reference to a similar amendment submitted by the Employers' members.

171. The Workers' members noted that they had listened carefully to the previous comments made by the Government members. They had discerned that many governments wanted to ratify the Convention and that this paragraph could create an obstacle. Consequently, they too would oppose it.

172. The Employers' members took due note of the many reservations expressed about their proposal and withdrew the first part of their amendment.

173. The Committee then discussed the second part of the amendment, i.e. paragraph 3 (which had become paragraph 2). The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, commented that this amendment did not answer one question: "What should be done when an insurance company that had assumed an employer's risk of insolvency itself went bankrupt?" They consequently had problems with the amendment. The Government member of Austria shared this view. The Employers' members noted that this issue could be resolved within the framework of the first part of Article 11, which referred to the methods of application prescribed in Article 2. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, then proposed a subamendment to add at the end of this paragraph: "so long as they provide sufficient guarantees". The subamendment was accepted by the Employers' members.

174. The Workers' members commented that Article 2 as well as Article 11 provided member States with the competence to set up different systems to guarantee wages. No provision of the Convention prevented insurance companies from covering guarantees. The amendment was therefore superfluous and they could not support it.

175. The Government member of Canada shared the view of the Workers' members and suggested that the Employers' members withdraw their amendment, on the condition that the Committee mention in its report that the Convention was not intended to prevent a ratifying State from establishing a wage guarantee system that relied on private insurance companies. The Employers' members asserted that their amendment was not capricious because it was in line with the restructuring presently taking place throughout the world. They therefore requested a vote on their amendment.

176. The amendment was adopted as subamended by 94,944 votes in favour and 0 votes against, with 84,065 abstentions.

177. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, stated that the term "sufficient" in the case of the insolvency of a guarantee institution backed by private insurance companies meant that workers' claims on the insurance company would be covered by a supplementary private or public fund.

178. Article 11 was adopted as amended.

CLAIMS PROTECTED BY A GUARANTEE INSTITUTION

Article 12

Subparagraph (a)

179. The Workers' members withdrew an amendment to extend the period for which wages would be guaranteed from the eight weeks provided for in this subparagraph to six months. They realised that a number of governments would have difficulty accepting such an obligation and therefore withdrew their amendment in favour of one submitted by the Government members of Finland, Norway and Sweden.

180. The Government members of Finland, Norway and Sweden submitted an amendment to extend the guaranteed period for wages from eight weeks to three months. The sponsors of the amendment stated that they did not think the period guaranteed should be less than three months, which in their opinion was very reasonable.

181. The Workers' members endorsed this amendment. They also found three months to be reasonable. The purpose of this Article was not to establish any new rights for workers, but rather to guarantee payment of wages for work they had already performed. They recalled that Article 6 had established a privilege covering workers' claims for wages for a period of three months, and they believed Article 12 should correspond with Article 6. They imagined this proposal could give rise to resistance, but they pointed out that Article 13 allowed claims for wages protected by a guarantee to be limited to a prescribed amount.

182. The Employers' members opposed the amendment. There was a difference between protection by a privilege and by a guarantee institution; a guarantee provided an assurance of payment which was not present in the case of a privilege. It was possible to be more generous regarding a privilege that with a guarantee institution. It was costly to finance the latter and was not wise to place its financial equilibrium in jeopardy by excessively increasing the claims it guaranteed. It seemed more sensible to have a limit of eight weeks rather than three months.

183. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, also made reference to the cost of a wage guarantee and opposed the amendment.

184. The Workers' members recalled that in the replies to the questionnaire in Report V (1), prepared for the first discussion in 1991, many governments had stated that they were in favour of fixing the guarantee limit at three months rather than eight weeks. Moreover, most existing wage institutions already afforded at least this protection. Consequently, they appealed to the governments that had been in favour of extending the limit to three months to vote in favour of the amendment.

185. The Government member of the United Kingdom noted that in practice workers did not work longer than five weeks without being paid their wages. The eight-week limit was therefore sufficient. He could not support the argument that this subparagraph should correspond to subparagraph (a) of Article 6, as these related to two different matters. The unquestionable advantages that a guarantee institution had over a privilege would justify a shorter period of guaranteed protection.

186. The Government member of Canada shared the views of the previous speaker. There were no valid reasons for affording the same period of protection for a guarantee as that covered by a privilege. It was unlikely that employees would work very long without being paid and they should not be encouraged to do so. It should be remembered that Part III involved a burden on the taxpayers. Guarantee institutions would be developed in particular in industrialised countries where social security systems already provided a safety net to worker. The limit of eight weeks seemed more acceptable than that of three months; she therefore opposed the amendment. On the other hand, the limit of three months could be increased in the Recommendation.

187. The Government member of Botswana disagreed with the previous speakers. There seemed to be an anomaly in establishing a three-month period of protection for a privilege and only eight weeks for a wage guarantee. It was possible that an employee might work for three months without pay in the hope of arriving at some arrangement to save the enterprise and his or her employment.

188. The Government member of Germany noted that the text of this subparagraph was "shall not be less than eight weeks". While facilitating ratification, this wording did not prevent the standard from being exceeded. The Government members of Cyprus and Tunisia also supported the eight-week limit.

189. When put to a vote, the amendment was rejected by 100,878 votes against and 79,120 votes in favour, with 4,945 abstentions.

190. The Committee then considered an amendment submitted by the Government member of the United States to replace the phrase "for a prescribed period" by "accrued during a prescribed period". The Government member of the United States subamended this amendment to make it conform to the language adopted by the Committee during its consideration of Article 6, subparagraph (a). The subamendment would read, "the workers' claims relating to wages accrued during a prescribed period". The Government members of Canada and Japan supported the amendment as subamended. It was also accepted by the Employers' and Workers' members. The Government member of Tunisia proposed

adding the phrase "of work" after "prescribed period". This proposal was not seconded. The amendment was adopted as subamended by consensus.

191. Subparagraph (a) was adopted as amended.

Subparagraph (b)

192. The Workers' members submitted an amendment aimed at extending the guarantee to all claims for holidays with pay and other types of paid absences due to workers at the time of the insolvency or of the termination of their employment. Taking into account the decision taken by the Committee during the debate on Article 6, subparagraph (b), the Workers' member subamended this amendment so that the text would be aligned with the final text of that Article. As subamended, the amendment should read: "the workers' claims for holiday pay pertaining to work done during the year in which the insolvency or the termination of the employment occurred, and in the preceding year, and (c) the workers' claims for other types of paid absence for a prescribed period which shall not be less than three months prior to the insolvency or prior to the termination of the employment".

193. The Employers' members opposed the amendment as subamended, repeating the arguments they had made during the discussion of subparagraph (a) of Article 12. There was no reason to treat claims protected under Part II and those protected under Part III in the same way.

194. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, said that the text of subparagrah (b) in Report IV(2B) provided a period that seemed a bit short. On the other hand, the period the workers' members were proposing was too long, and would have serious financial consequences for guarantee institutions. For this reason, she proposed a subamendment to the preceding subamendment, to read as follows: "(b) claims for holiday pay pertaining to work done during a prescribed period which shall not be less than three months prior to the insolvency or prior to the termination of the employment," and "(c) claims for other types of paid absence for a prescribed period which shall not be less than three months prior to the insolvency or prior to the termination of the employment." The separation of the subamendment into two separate clauses was justified by the distinct nature of the right to holidays with pay and the right to other types of paid absence.

195. The Workers' members proposed to subamend the subamendment that had just been submitted to the amendment that they had themselves subamended. They proposed replacing "three months" in subparagraph (b) by "six months". They accepted the three-month period proposed in subparagraph (c). the Government member of Portugal, speaking on behalf of the Government members of Belgium, Denmark, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, accepted the replacement of "three months" by "six months" in subparagraph (b). She counterproposed changing "three months" to "eight weeks" in subparagraph (c). The Workers' members accepted this proposal.

196. The employers' members accepted the amendment, as most recently subamended, and it was then adopted by the Commitee by consensus. Thus subparagraph (b) of the text was replaced by new subparagraphs (b) and (c).

197. The Government member of Germany said he had considerable sympathy for the solutions that the Committee had just adopted, but that he was unable to support them. This was because in his country, for purposes of the guarantee, there were different bases for holiday pay. Under German law, claims relating to holiday pay were protected as long as the holiday has been taken. Excluded from protection were claims for waived rights to paid leave in a prescribed period when the leave had not been taken. During the ratification process, an examination would be undertaken to see if Article 12, subparagraph (b) as formulated by the Committee would be acceptable under German law.

198. Since this amendment, as subamended, has been adopted, the Committee did not need to deal with other amendments that had proposed changes in the text that had just been replaced. There had been two amendments, the first submitted by the Government members of Japan and the United States, proposing replacement of the word "for a prescribed period" by "accrued during a prescribed period". The second had been submitted by the Government members of Canada, Finland, Norway and Sweden, which proposed replacing subparagraph (b) by a text aimed at extending protection only to claims for holiday pay accrued during a prescribed period of not less than six months prior to the insolvency or the termination of the employment.

New subparagraph

199. The Committee addressed an amendment, submitted by the Workers' members, proposing the addition of a new subparagraph, which was to read: "(c) compensation due to workers upon termination of their employment". The Workers' members recalled the Committee's decision during the discussion of Article 6 and said that this amendment was designed to align the two provisions. They therefore subamended their amendment to change "compensation" to "severance pay".

200. The Employers' members opposed the amendment, recalling the arguments they had made during the discussion of Article 6. They stressed the fact that when an enterprise closed, the termination of employment could not be seen as being at the initiative of the employer. There was therefore no reason that they should assume the responsibility for something which was not their will.

201. The Government member of France noted that it would be paradoxical if the existence of a guarantee institution could call into question the right of a worker to receive severance pay.

202. The Government member of the United States noted that the protection of severance pay could be considered differently in the context of privilege than in the context of a guarantee by a third-party institution. In the first case, it had to be borne in mind that the assets of insolvent employers were never sufficient to pay their debts; consequently, the size of workers' claims could affect the

possibility of other creditors being paid. Such a problem was not posed in the case of protection by a guarantee institution, since it could pay all wage claims within the limits set by its own rules. However, it had to be remembered that if guarantee institutions were called upon to pay severance pay, their resources could be seriously drained. The Government member of Germany added that if the guarantee institution had to pay unlimited amounts of severance pay, this could risk going well beyond what they were able to finance. The Government member of Canada supported the comments made by these two speakers. Although Article 13 provided a possibility of setting limits, each government had the responsibility to set such limits at a level which would be likely to cover a reasonable proportion of the claims which were to be protected. The amendment ran the risk of placing too heavy a burden on the taxpayers who would have to finance guarantee institutions. It was not reasonable to include severance pay in the Convention; it should, however, be included in the Recommendation.

203. The Government member of Austria supported the amendment submitted by the Workers' members. She said it was very important to assist a worker while he or she was seeking employment; it would be good to have the same text in this Article as in Article 6.

204. The Workers' members recalled that there was a great need to protect workers' claims and that severance pay formed a very large part of those claims. It was not a question of establishing a new right, but rather of protecting a claim for something already earned. If doubts existed as to the cost that this could imply for guarantee institutions, Article 13 was there to permit a ceiling to be set. They therefore appealed to the Committee to adopt the amendment.

205. The Employers' members stated that the amendment under discussion was such as to make the Convention more difficult to ratify and even more difficult to apply. There was a need to be realistic on this question. If the Convention were to impose obligations that were to impose obligations that were too great on guarantee institutions, their foundation would be discouraged.

206. The Government member of Japan asked for a clarification concerning severance pay. If a worker quits his or her job voluntarily, after several years, he or she receives a certain amount of money. Would this sum constitute severance pay? If a worker is dismissed at the initiative of the employer, does the employer owe him or her severance pay? A member of the Secretariat replied that the definition of "severance pay" was found in the national law and practice of each member State. In a majority of countries, severance pay was owed following dismissal at the initiative of the employer, but in several countries it was payable, under certain conditions, even in case of an employee's voluntary departure.

207. The Government member of Botswana stressed the importance of severance pay where workers had no other rights, such as in countries where there were still no pensions. He understood that the Employers' members had a legitimate right to be concerned over the financial repercussions of the obligagion to cover pay, but he thought that it would be possible to arrive at a fair balance of interests.

208. The Government member of Brazil supported the amendment. She added that in her country there was a severance pay guarantee fund; it was funded by employer contributions and paid employees severance pay at the time their employment relationship ended.

209. The Government member of Canada appealed to the Committee to adopt reasonable standards. She added that not including severance pay would not prevent countries which could do so from having their guarantee institutions cover this claim.

210. The Chairperson thought that the amendment, as subamended, had been sufficiently discussed. Put to a vote, the amendment was adopted with 89,999 votes in favour, 83,076 against and 7,913 abstentions. It became new subparagraph (d) of this Article.

211. The Committee adopted Article 12 as amended.

Article 13

Paragraph 1

212. Since no amendment had been submitted, the Committee adopted this paragraph without change.

Paragraph 2

213. In the light of the decision taken by the Committee during its consideration of paragraph 2 of Article 7, the Government members of Canada, Cyprus and the United States withdrew their amendment to replace the phrase "so as to maintain its value" by "in order that it not fall below a socially acceptable level".

214. The Committee adopted paragraph 2 without change. It was understood that, where claims are limited, the obligation to "maintain the value" protected by a guarantee institution should not be interpreted as an obligation that either imposes or prohibits indexation of the amount protected.

215. The Committte adopted Article 13 without change.

PROVISION COMMON TO PARTS II AND III

Article 14

216. The Committee had three amendments before it, one submitted by the Employers' members and a second submitted by the Government members of Japan, Switzerland and the United States, both of which proposed deleting this Article. The third, submitted by the Government members of Belgium, France, Italy, Luxembourg, the Netherlands, Portugal and Spain, sought to replace this Article by the following text: "According to the modalities to be provided for by national law and/or practice, the workers and/or their representatives within the enterprise, where such representatives exist, should receive information and where appopriate be consulted on the consequences for the workers of the insolvency proceedings." The Committee decided to

examine first the amendments that sought to delete this Article. The amendment that proposed a revised text would be dealt with only if the amendments that sought to delete Article 14 were not adopted.

217. The Employers' members stated that Article 14 had nothing to do with the purpose of the Convention, because it did not deal with the protection of workers' claims in case of the insolvency of their employer. Moreover, the implementation of this Article would obviously be very arduous. Retaining this provision would make it quite probable that the Convention could not be ratified. For this reason, it was preferable to delete the Article.

218. The Government member of the United States also spoke in favour of deleting Article 14. In his opinion, this Article was inappropriate in the Convention. In addition, the text was unclear and imprecise. Who was to provide information about insolvency proceedings? On what subjects should information be given? The Government member of the United States recalled that, as Report IV(2A) had shown, many governments had opposed the inclusion of this Article, and the Office had also drawn up a list of the numerous difficulties in interpretation to which it gave rise. Even if Article 14 only laid down an obligation to inform the workers concerned about the effects of insolvency on their employment, it had to be recalled that this subject was already addressed in another ILO standard, i.e. Article 13 of the Termination of Employment Convention, 1982 (No. 158). Finally, if the text of this Article were to be retained, it should be in the Recommendation and not in the Convention.

219. The Workers' members stated that Article 14 established very important rules for workers, who had an inalienable right to know what the future held for them. Today a large number of enterprises were going bankrupt; it was thus important to mitigate the social effects of bankruptcy. The insolvency of an enterprise deeply affected the workers who were employed there. It was therefore important that they be able to play a role in the enterprise's rehabilitation. When an enterprise was facing bankruptcy, employers should have the duty to share information they had about their financial situation with the workers affected, so that they could prepare for the adjustment in their lives. As a result, the Workers' members opposed the pure and simple deletion of this Article. They none the less recognised that Article 14 raised problems of interpretation. For this reason, they hoped that the Committee would have an occasion to discuss the amendment that sought to replace the text of Article 14, rather than deleting it entirely.

220. The Government member of the United Kingdom said that he had listened very attentively to the statement made by the Workers' members. He was in agreement with the principle according to which workers should be informed. In his country the law granted workers rights to information and consultation in the cases of elimination of jobs and transfer of enterprises. However, a stipulation regarding this right did not have a place in the framework of this Convention, and ran the risk of impeding its ratification. For this reason he was in favour of deleting Article 14. On the other hand, he would not be opposed to putting a reference in the Recommendation, in order to send a message about the importance of information and consultation. His remarks were shared by the Government member of Germany, who stated that he perfectly understood the workers' wish to be informed as quickly as possible about insolvency procedures, but he did not think that such a right should appear in a Convention whose purpose was to protect workers' claims in case of the insolvency of their employer.

221. The Employers' members recalled the importance of discretion when an enterprise found itself in a difficult situation. Any information that was divulged, received or interpreted in an inappropriate way could set off a wave of panic that could seriously compromise the rehabilitation of an enterprise in difficulty. Article 14 in fact posed the danger of making rehabilitation efforts fail, whereas the Preamble of the Convention stressed the importance to be given to the rehabilitation of insolvent enterprises and the safeguarding of employment.

222. The Government member of Portugal, speaking on behalf of the Government members of Belgium, Denmark, France, Italy, Luxembourg, the Netherlands, Portugal and Spain, recalled that the insolvency of an enterprise has serious repercussions for the workers, and that workers' rights to information and consultation were fundamental. It had to be recognised that Article 14, as drafted, was neither flexible enough nor clear enough. It was for this reason that they had submitted an amendment intended to replace the text; they were opposed to its pure and simple deletion.

223. The Chairperson deemed the question to have been sufficiently discussed and put to a vote the amendments that sought to delete this Article. They were adopted by 90,988 votes in favour and 87,032 votes against, with 989 abstentions. As a result, Article 14 was deleted. An amendment submitted by the Government members of Belgium, France, Italy, Luxembourg, the Netherlands, Portugal and Spain, which had proposed revising the text of this Article, did not need to be discussed.

FINAL PROVISIONS

Article 15

224. Since no amendment had been submitted to this Article, the Committee adopted it by consensus. Owing to the deletion of the preceding Article, the present Article was renumbered and became Article 14 of the draft Convention.

225. The Chairperson noted that with the adoption of this Article, the Committee had finished its examination of the draft Convention. She congratulated the Committee on its work.

Consideration of the draft Recommendation contained in Report IV(2B)

226. Before beginning to examine the draft Recommendation, the Employers' members read a statement. They stressed that it had become too much of a habit to consider Recommendations as ambitious texts which regrouped rules that had not found a place in a Convention. The Employers' members dis-

agreed with such an approach. Recommendations were very important standards because they recommended what the International Labour Organisation considered to be suitable rules. Recommendations therefore had considerable weight, since they provided guidance that member States were invited to follow when thew drew up their social policies. In many countries trade unions tended to treat ILO Recommendations not as a goal but as the basis for their demands. For this reason Recommendations should, just like Conventions, set realistic standards. With this concern in mind, the Employers' members thought that the Recommendation should be a cautious text. They were therefore going to oppose many of the provisions of the draft now being examined.

227. The Workers' members recognised that an ILO Recommendation was an important standard. They added, however, that it did not have the same status as a Convention. A Recommendation could be more innovative and more detailed than a Convention, since a Recommendation suggested a path to follow but did not lay down obligations.

Preamble

228. To speed up the Committee's work, the Workers' members withdrew an amendment which had sought to introduce a new paragraph referring to the links between the instrument under discussion, economic difficulties and technological changes experienced in recent years in many countries, and ILO standards on termination of employment.

229. The Employers' members submitted an amendment that proposed inserting the words "and economic" after the word "social" in the third preambular paragraph. The Committee took note that a similar amendment had been included in the Preamble of the draft Convention, and adopted this amendment by consensus.

230. The Committee adopted the Preamble as amended.

I. Definitions and methods of application

Paragraph 1

Subparagraph (1)

231. The Workers' members submitted an amendment to replace the word "enterprise's" by "employer's" to make the text correspond to that of Article 1, paragraph 1, of Convention. The Employers' members commented that in their opinion there was no conceptual difference between "employer" and "enterprise". They accepted the amendment, noting that, according to Article 1, paragraph 3, of the draft Convention, it was up to national laws, regulations and practice to determine which of the employer's assets would be subject to insolvency proceedings.

232. The Committee adopted subparagraph (1), as amended, by consensus.

Subparagraph (2)

Clause (a)

233. The Employers' members submitted an amendment to merge this clause with clause (e). The amendment proposed adding the words "or is voluntarily wound up" after "its activities". The Employers' members felt this drafting would be more coherent and logical than that proposed in Report IV(2B) because it would combine into one clause what was currently found in two separate provisions.

234. The Workers' members noted that the amendment in and of itself did not pose any problems for them, but that it had to be read together with several other amendments submitted by the Employers' members to delete clauses (c) and (d). Clauses (a) and (e) expressed two potentially different ideas, and combining these ideas was not necessarily the best solution. Consequently, they opposed the amendment.

235. The Government member of the United States and the Government member of Portugal, the latter speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, supported the amendment, but added that this did not mean they supported the other amendments submitted by the Employers' member to delete clauses (c) and (d). The Workers' members then withdrew their opposition to this amendment, which the Committee adopted by consensus.

236. Clause (a) was adopted as amended.

Clause (b)

237. Since no amendment was submitted, this clause was adopted without change.

Clause (c)

238. The Employers' members submitted an amendment suggesting this clause be deleted. In their opinion, this clause was vague since it did not specify which debts were involved, who should determine the insolvency, or how this should be determined.

239. The Workers' members opposed the amendment. They noted that clause (c) set out one way of determining insolvency. They recalled that in the preparation of the Office Report V(2) prior to the first discussion, many Government members had been in favour of the text that the Employers' members wanted to delete.

240. The Government member of the United States asked if a situation could arise which was covered by clause (c) but not by clause (b). The Government member of Swaziland asked why clause (b) spoke of "the opening of insolvency proceedings", and clause (c) of "a worker's claim arising out of employment" where "the employer has no assets". A member of the Secretariat explained that in certain countries the courts refused to open bankruptcy proceedings when the employer's assets were insufficient to cover even the costs of the proceedings. This situation would come under clause (b). In other countries, guarantee institutions would pay workers' claims once it had been legally determined that the employer's assets were insufficient to pay the claims in question. The decision to pay could be taken even though insolvency proceedings had not been instituted. This situation was covered in clause (c).

241. The Government member of the United States commented that the situation described in clause (c) could mean that guarantee institutions might be called on to pay workers' claims in enterprises that had not yet closed. This possible result seemed unsound because it could mean that a guarantee institution would be subsidising insolvent enterprises. They did not think guarantee institutions should function as a rehabilitation institutions. The Workers' members stated that in their opinion the sole intention of clause (c) was to protect workers' claims. In no way did it imply that guarantee institutions should play any role whatsoever in rehabilitating enterprises.

242. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, commented that this clause supplemented Article 1, paragraph 2, of the draft Convention and provided useful guidelines. She was opposed to the amendment. The Employers' members insisted that the wording of this clause was too ambiguous. The Government member of Canada shared the view of the Government member of the United States that guarantee institutions should not pay subsidies to insolvent enterprises. However, that issue was covered by Paragraph 5. Therefore she was in favour of keeping the text of this clause.

243. Following this discussion, the Employers' members withdrew their amendment. They wished to stress that, as the Secretariat had already explained, the insufficiency of the employers' assets should be established by judicial proceedings. The Committee adopted clause (c) without change.

Clause (d)

244. The Employers' members submitted an amendment to delete this clause. They stated that it created confusion between the enterprise's assets and the personal assets of the employer. All references to personal assets should be the result of national laws and regulations. The confusing wording of clause (d) could discourage the establishment of small family enterprises.

245. The Workers' members, disagreeing entirely with the Employers' members' interpretation of this clause, opposed this amendment. Clause (d) was sufficiently flexible and could be applied to many existing situations in different countries. In particular, it could be applied to claims for sums owed by employers to household employees and other domestic workers.

246. The Government member of the United States thought that the Workers' members were correct in their analysis. In the legislation of a number of countries, both the employers' assets and the assets of the enterprise were subject to the proceedings. Clause (d) addressed these types of situations.

247. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, also opposed the amendment. She did not see any reason to delete clause (d), and added that subparagraph (2) enumerated a list of examples and guidelines that were very useful for member States.

248. The Employers' members withdrew the amendment. Consequently, the Committee adopted clause (d) without change.

Clause (e)

249. Since clause (e) had been merged with clause (a), clause (e) was deleted.

250. The Committee adopted subparagraph (2) as amended. The Committee wishes its report to recall that this subparagraph applied to employees of state enterprises when these enterprises were sufficiently autonomous to be subject to liquidation. Such state enterprises were enterprises under the meaning of this Recommendation.

New subparagraph

251. The Employers' members submitted an amendment to add a new subparagraph that would read: "The extent to which an employer's assets are subject to the proceedings referred to in subparagraph (1) shuld be determined by national laws, regulations and practice". They recalled that the Committee has adopted a similar text when considering Article 1 of the draft Convention; therefore, they trusted that the phrase would also be adopted in the Recommendation.

252. The Workers' members supported the amendment, which the Committee adopted by consensus. It became new subparagraph (3) of Paragraph 1.

253. The Committee adopted Paragraph 1 as amended.

Paragraph 2

254. The Employers' members submitted an amendment to delete the entire end of the sentence after the words "national practice". They pointed out that when considering Article 2 of the draft Convention, the Committee had adopted a similar amendment. They proposed this amendment so that the next of the Recommendation would correspond to that of the Convention.

255. The Workers' members supported the amendment, which the Committee accepted by consensus.

256. The Committee adopted Paragraph 2 as amended.

II. CLAIMS PROTECTED BY MEANS OF A PRIVILEGE

PROTECTED CLAIMS

Paragraph 3

257. The Employers' members submitted an amendment to replace the word "should" by "could" in the introductory phrase of this Paragraph. In their view, the use of the word "could" would introduce greater flexibility into the Paragraph, and was more appropriate for a Recommendation. Referring to draft Paragraphs 10 and 11 of the proposed Recommendation, which used the word "might", they proposed that the Drafting Committee should decide whether "might" or "could" would be more appropriate in this Paragraph.

258. The Workers' members opposed the amendment and proposed a subamendment. It would retain the word "should" with respect to clauses (a) to (e) inclusive, and insert between clauses (e) and (f) the phrase: "The protection afforded by a privilege could cover the following claims:" Thus, the word "could" would apply to clauses (f) through (i). In the opinion of the Workers' members, this change would incorporate in part the principle set out in the amendment proposed by the Employers' members, and give the Recommendation the kind of flexibility the latter sought.

259. The Government member of Canada supported the subamendment since she felt that it went some way to addressing the concerns of many countries.

260. The Employers' members questioned whether a decision on this subamendment concerning the introductory phrase would preclude later modifications of the clauses that followed, namely (a) through (i). The Chairperson, confirmed that, even after taking a decision on the introductory clause, the following clauses could be disccussed one by one. The Employers' members then expressed their opposition to the subamendment. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, supported the subamendment on the assumption that the other amendments proposed with respect to the clauses in this Paragraph could then be examined one by one.

261. The Government member of Botswana requested clarification on the meaning of the words "shall", "should" and "could". In response, a member of the Secretariat stated that the term "shall", used in Conventions, set out an obligation, while "should" referred to what the Conference was recommending. "Could" or "might" refers to what a government could keep in mind when drafting or revising legislation, but it was not a normative recommendation on the part of the Conference.

262. After having carefully listened to the discussion, the Employers' members withdrew their opposition to the subamendment, on the understanding that its adoption would not prejudge discussions on the following clauses. Consequently, the subamendment was adopted by consensus.

Clause (a)

263. The Employers' members submitted an amendment to replace the words "12 months" by "six months". They recalled that many countries looked to ILO Recommendations when they drafted or amended legislation; they therefore stressed that the Recommendations should be realistic so that they could be applied throughout the world. They were of the view that the protection of a privilege for 12 months was not realistic; six months would be more realistic and easier to apply for the ILO member States. They also recalled that, in the preparatory reports (Report IV(1) of 1991) many member States, in particular those in the European Community, had taken a similar position. The Workers' members, on the other hand, felt that the period of 12 months was realistic, and pointed out that the clauses formed a list of things to be considered, and the Recommendation did not have binding power. They also recalled that this clause came out of the original wording from Report V(2) proposed by the Office.

264. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, stated that the Employers' members were right in recalling that, in 1991, the Government members from the European Community had sought the reduction of the period from 12 months to six months. However, their proposal in this respect had been rejected. Therefore, she declared that they would respect that decision, and support the Office text this year.

265. The amendment was put to a vote and rejected by 52,470 votes against, 35,145 in favour, with 2,475 abstentions. Consequently, clause (a) of Paragraph 3 was adopted without change.

Clause (b)

266. The Workers' members had submitted an amendment to replace this clause in the Office text by the following: "(b) holiday pay and other types of paid absence, pertaining to work done during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;" However, they withdrew it in favour of an amendment submitted by the Government members of the Member States of the European Community which were represented in the Committee, which sought to replace clause (b) by the following: "(b) holiday pay pertaining to work done during the year in which the insolvency or the termination of the employment occurred, and in the preceding year; (c) other types of paid absence, end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescribed period which shall not be less than 12 months prior to the insolvency or the termination of the employment;". The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, stated that the objective of the amendment was to harmonise paragraph 3 of the Recommendation with Articles 6 and 12 of the Convention in so far as paid holidays were concerned, while retaining the period of 12 months, as in clause (a), for other paid absences. The Workers' members offered their full support to the amendment.

267. The Employers' members agreed with the amendment to the extent that its purpose was to harmonise this Paragraph with Article 6 and 12 of the Convention. However, they had certain difficulty with clause (c), and sought clarification as to the types of paid absences that were covered. The Government member of Portugal, speaking on behalf of the Government members of the Members States of the European Community which were represented in the Committee, stated that the purpose of new clause (c) in their amendment was to cover all types of paid absence during 12 months prior to the insolvency or the termination of employment in the same way as the claims protected in clause (a). She specified that the purpose was not to protect absences that lasted 12 months. The Employers' mem-

bers were satisfied with this explanation and supported the amendment.

268. The amendment was then adopted by consensus. All the following clauses consequently shifted to the following letters. For example, (c) in the original text became (d), etc.

Clauses (d) through (j)

269. The Employers' members submitted an amendment to delete clauses (d) through (j) [(c) through (i) in the Office text]. They argued that there were not sufficient funds to grant protection to all types of claims; therefore, the privilege should be limited to the most important claims. The more claims that were protected, the less money there would be available to protect them.

270. The Workers' members recalled the earlier request of the Employers' members for separate discussions on each of the clauses in paragraph 3, and stressed that each clause should be examined individually. They pointed out that the clauses formed a list which could or should be enacted by particular countries, and as such it did not entail any extra payment. They also recalled that paragraph 3 was subject to limits on the amount of claims, set under paragraph 4. The Government member of Canada opposed the amendment, stating that it was useful to have a complete list. The Government member of Botswana also opposed it, stating that taking anything out of the list would not be useful.

271. The Government member of the United States supported the argument of the Workers' members concerning individual examination of clauses. The Employers' members stated that they continued to have serious concerns regarding the breadth of coverage proposed under Paragraph 3. Experience from the various sittings of the Committee had made it obvious what the outcomes of tripartite committee votes would be, and the Employers' members would therefore withdraw their amendment rather than have the Committee and the Secretariat go through a vote when the government delegates' voting pattern was so predictable. In no way should the withdrawal of the amendment be interpreted as any abandonment of the Employers' members concerns or of the ideas inspiring the amendment.

272. The Committee then proceeded to examine each of the amendments submitted by the Employers' members to delete individual clauses. They sought to delete clause (d) [formerly (c)], arguing that an employer who became insolvent would not be able to give notice of termination of employment because, by giving workers a warning of the impending insolvency, the danger of its materialising would increase. The Workers' members opposed the amendment stating that it was useful to have it in the list from which countries could choose. Having listened carefully to the discussions, the Employers' members withdrew this amendment as it had failed to attract support among the Government members. The clause was adopted without change.

273. The Employers' members then submitted an amendment to delete clause (e) [formerly (d)], arguing that, while a similar clause in Article 6 of the Convention dealt only with severance pay, this clause in the Recommendation covered all types of payments due to workers upon termination of their employment; it covered not only compensation for work done but also compensation for loss of jobs. In their view, this clause would lead to the diminution of the assets of the enterprise, resulting in less money being available in the event of insolvency.

274. The Workers' members opposed the amendment, arguing that the list of clauses in Paragraph 3 set out areas where workers were likely to have claims, and that all these areas should be considered. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, also opposed the amendment, arguing that all types of compensation due to workers upon termination of their employment should be taken into account.

275. The Employers' members stressed that they were not opposed to the coverage of severance pay by a privilege, as provided for in Article 6, subparagraph (c) of the Convention. They then proposed a subamendment to replace the text of (e) [formerly (d)] of Paragraph 3 of the Recommendation by the text adopted in Article 6, subparagraph (c) of the Convention: "severance pay due to workers upon termination of their employment". The Workers' members opposed the subamendment, arguing that the claims protected in Article 6 of the Convention had been reduced from a compensation due upon termination of employment to only one form of such compensation, i.e. severance pay. It was important for the Recommendation to spell out other forms of compensation due upon termination of employment that should be protected. They pointed out that, under Paragraph 4, limitations could be set to the amount of the claims.

276. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, opposed both the amendment and the subamendment, arguing that all types of compensation due to workers upon termination of their employment should be protected. The Government member of Gabon supported the argument of the Government member of Portugal, but sought the deletion of the word "unfair" from the clause, arguing that, in his country, legislation granted severance pay not only in cases of unfair dismissal but also in cases of justifiable dismissal. However, his subamendment was not seconded.

277. The subamendment was put to a vote, and rejected by 54,450 votes against, 33,660 in favour, with 990 abstentions. The Employers' members then withdrew the amendment. Clause (e) [formerly (d)] was adopted without change.

278. The Employers' members then submitted an amendment to delete clause (f) [formerly (e)], arguing that the compensation dealt with by this clause should be the subject of national legislation and not of an international instrument. The amount involved was very important, and if a privilege was granted to it, there might not be any money left for satisfying other privileges. The Workers' members opposed the amendment, arguing that compensation for occupational accidents and diseases was very important to workers, and their exclusion from the list of workers'

claims would have extremely negative effects. In view of the little support which their amendment had received from the Committee, the Employers' members withdrew it. Clause (f) [formerly (e)] was adopted without modification.

279. The Employers' members also submitted an amendment to delete clause (g) [formerly (f)], arguing that it did not so much deal with the protection of workers' claims as with the protection of social security institutions. Thus, it would create complications in relation to the texts in the Convention concerning the relationship between workers' claims and those of the State and the social security systems. The Workers' members opposed the amendment, pointing out that the clause was now covered by a new introductory phrase using "could" (or "might") instead of "should", and was therefore very mild. They stressed that its purpose was to eliminate the possibility that workers might lose their coverage by, for example, health insurance.

280. The Government member of Canada sought clarification as to how this clause (and by extension new clauses (h) and (i)) would be interpreted so as not to conflict with Article 8 of the Convention. A member of the Secretariat stated that, although he could not give an official interpretation of the possible relationship between Article 8 of the Convention and this provision, it might be possible to read the two provisions as being in harmony. He pointed out that Article 8 of the Convention referred to the rank of workers' claims, while this provision listed a number of claims which would be assimilated to workers' claims.

281. The Employers' members pointed out that this clause gave privilege to contributions which were to be claimed not by workers but by social security institutions, and therefore should not be in the Recommendation. The Workers' members recalled that this clause had already been discussed extensively in the previous year, and a compromise had been reached to the effect that social security contributions would be protected workers' claims only when workers could lose social security benefits through the non-payment by the employer of the contributions. They were of the opinion that all possible efforts should be made to avoid workers' suffering for such a cause.

282. The Government member of the United States stated that, although this clause would give him some concern if included in the Convention, because it would raise problems of interpretation, he could support it in the Recommendation because it did not impose any obligation on the member States, and only set out principle that whatever way the member State would like to construct the privilege, workers should not be adversely affected. The Employers' members disagreed with this view, and repeated that an international instrument concerning workers' claims should not recognise privileges to social security institutions.

283. In view of the limited support which this amendment was obtaining in the Committee, the Employers' members withdrew this amendment, on the condition that the Committee's report clearly indicated that a privilege was being granted to the claims of social security institutions, not to those of workers. They also withdrew another amendment seeking to repeal clause (h) [formerly (g)]. Clause (g) [formerly (f)], as well as clause (h) [formerly (g)] were adopted without modification.

284. The Government member of Portugal, speaking on behalf of the Goverment members of the Member States of the European Community which were represented in the Committee, declared that she supported the text of clause (g) [formerly (f)] of Paragraph 3 of the Recommendation in view of the change in the introductory phrase from "should" to "could" (or "might"). The word "could" provided the flexibility which was indispensable for the member States to be able to choose the method which suited their interests best.

285. The Employers' members then submitted an amendment to delete clause (j) [formerly (i)], arguing that while the Committee had agreed that there should be a limit to the amount of workers' claims, this clause did not do so, as it only referred to payments due to workers prior to insolvency. The Workers' members stressed the importance of this clause in practice. They referred to the example of women discriminated against in employment, and receiving lower salaries than men; these women were obliged to resort to adjudication or arbitration proceedings in order to obtain equal pay. They further argued that, in the event of the insolvency, the claims of these women should be protected by a privilege, because otherwise, they would be unable to satisfy their claims. The Workers' members therefore rejected the amendment. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, supported the amendment.

286. The Government member of Canada, although not enthusiastic about clause (j), recognised its importance to workers. Therefore, she proposed the following subamendment to replace clause (j): "claims enumerated in clauses (a) to (f) that have been awarded to workers through an arbitration or adjudication, regardless of the time-limit mentioned, provided the award has been determined within twelve months prior to the insolvency." She argued that the Recommendation did not impose obligations upon member States, and this subamendment was reasonable. The Workers' members supported this subamendment.

287. The Government member of Czechoslovakia stated that clause (j) was superfluous and it would create complications, in particular in the absence of final judicial decisions.

288. The subamendment was put to a vote, and rejected by 43,065 votes against, 41,085 votes in favour, with 5,455 abstentions.

289. The Workers' members, expressing surprise at the rejection of the subamendment, appealed to Government members to reject the amendment submitted by the Employers' members, stressing the crucial importance for workers of the subject dealt with in this clause, and expressing willingness to open discussions aimed at finding a satisfactory solution on this subject. They also pointed out that the result of the vote on the subamendment showed that the vari-

ous points of view were similar and further discussions on this issue were desirable.

290. The amendment was put to a vote, and rejected by 45,045 votes against, 42,075 votes in favour, with 2,424 abstentions.

291. The Employers' members deplored the fact that the Committee opted for an inflexible Paragraph 3, overloaded with all types of claims which workers could acquire. They recalled that they had submitted the following amendment to replace clauses (c) to (i) in the original lettering: "(c) other workers' claims as considered appropriate according to national laws and regulations." However, in view of the certainty of its rejection by the Committee, they withdrew it.

292. The Workers' members then submitted an amendment to replace clause (j) [formerly (i)] by the following text, inserted as a separate subparagraph: "(2) Claims enumerated in clauses (a) to (i) [formerly (h)] of subparagraph (1) that have been awarded to a worker in his or her employment through an adjudication or arbitration, should be covered by the privilege regardless of the time-limit mentioned, provided the award has been determined within a period beginning twelve months before the insolvency and ending with the closing of creditor repayment operations."

293. The Employers' members were of the view that this amendment promised everything, granting all workers' claims a super-privilege at the expense of investment and employment. They stated that they wanted to remain realistic and therefore opposed it.

294. The Government member of the United States drew attention of the Workers' members to the wording of subparagraph (2) of their amendment. The limit provided, in his view, should be a period beginning twelve months before the opening of the insolvency proceedings. He stated that, as the amendment was drafted, it was impossible to know what the totality of claims would be. Therefore, he proposed a subamendment to end the subparagraph after the word "insolvency", and to delete "ending with the closing of creditor repayment operations". The Workers' members accepted the subamendment. The Government member of Australia supported the subamendment, which seemed to her necessary to eliminate any doubt about this privilege. However, she added that she could not see how in her country these claims could be refused once they were awarded by arbitration. The Government member of Canada supported the amendment as subamended, arguing that a clause to this effect was useful where the privilege for workers' claims was limited in time.

295. The amendment as subamended was put to a vote, and adopted by 43,065 in favour and 34,155 against, with 10,375 abstentions. Paragraph 3 was adopted as amended.

LIMITATIONS

Paragraph 4

296. In the absence of any amendment, the Committee adopted this Paragraph by consensus.

CLAIMS WHICH FALL DUE AFTER THE INSOLVENCY PROCEEDINGS HAVE BEEN OPENED

Paragraph 5

297. In the absence of any amendment, the Committee adopted this Paragraph by consensus.

ASSETS IN RESPECT OF WHICH THE PRIVILEGE MAY BE EXERCISED

Paragraph 6

298. The Employers' members sumbitted an amendment to add the words "according to Paragraph 1, subparagraph (3), of this Recommendation" after the words "insolvent employer". They recalled that during the previous sitting the Committee had adopted an amendment to add a subparagraph (3) to the definition on "insolvency" (in Paragraph 1 of the Recommendation), stipulating that national laws, regulations and practice can limit the extent to which an employer's assets are subject to insolvency proceedings.

299. The Workers' members recalled that they had prepared an amendment to this Paragraph to delete the word "unsecured". However, after serious consideration they had concluded that Paragraph 6 was unnecessary. They therefore proposed, in a subamendment to the amendment of the employers' members, deletion of the entire Paragraph. In this regard they quoted a number of comments from Report IV(2A) questioning the need for Paragraph 6, the text of which, it should be remembered, had resulted from an amendment adopted by the Conference in 1991, which had modified the conclusions proposed by the Office. Part of the Paragraph merely stated that privileged claims were claims that should be paid before non-privileged claims, which was a tautology that added nothing new to Article 5 of the Convention. According to another part of the text, the privilege accorded workers' claims should be exercised on the unsecured assets of the insolvent employer. However, in certain countries of Latin America, Africa and Europe workers' claims protected by a privilege should, at least in part, be paid before secured claims, and in other countries where receivership procedures existed workers' claims protected by a privilege may, in full or in part, be paid out of the assets subject to a floating charge, before the debenture holders.

300. The Employers' members did not accept the proposal to delete Paragraph 6. They considered this Paragraph to be very important because it limited the types of assets which would be subject to the privilege and thus protected the rights of the employer's other creditors, in particular those with secured assets.

301. The Government member of the United States noted that this Paragraph contained the only provision in the texts under discussion which referred to the relationship between workers' claims and secured claims. He wondered what effect its deletion would have. A member of the Secretariat commented that this issue could be addressed within the framework of Article 1, paragraph 3, of the Convention as well as in Paragraph 2, subparagraph 3, of the

Recommendation. The draft Convention and draft Recommendation that were being discussed laid down rules regarding workers' claims, but the extent to which the employer's assets would be subject to the privilege was left to national laws and regulations.

302. The Government member of Canada thought that Paragraph 6 created confusion and she was in favour of deleting it. The Government member of the United Kingdom shared this view. He considered that the determination of the assets to be involved should come under national laws, regulations and practice. The Government member of France, however, wanted the Paragraph to be retained, but in his opinion it could be improved by removing the reference to "unsecured" assets.

303. The Employers' members stated that Paragraph 6 did not seem confusing to them. They recognised none the less that the determination of the assets to be affected by the privilege should be done by national laws, regulations and practice, in conformity with Article 2 of the Convention, and they therefore accepted the deletion of this Paragraph.

304. Consequently, the Committee decided to delete Paragraph 6. As a result of this decision it was not necessary to consider the above-mentioned amendment submitted by the Workers' members to delete the word "unsecured".

RANK OF PRIVILEGE

Paragraph 7

305. The Employers' members submitted an amendment to replace this Paragraph by the following text. "7. National laws or regulations should give workers' claims a higher rank of privilege than most other privileged claims". They explained that the aim of their amendment was to retain the same wording in the Recommendation as that found in Article 8 of the draft Convention, as set out in Report IV(2B).

306. The Workers' members recalled that Article 8 of the draft in Report IV(2B) had been amended by the Committee. They therefore submitted a subamendment to replace Paragraph 7 by a text similar to the one the Committee has already approved for the Convention.

307. The Government member of the United States noted that it was meaningless just to repeat in the Recommendation what had already been said in the Convention. Since a Recommendation supplements a Convention, there was no need to repeat everything that had already been stated in the Convention. Instead, a Recommendation should encourage member States to go beyond the provisions of the Convention. For this reason, he submitted a subamendment to delete this Paragraph, and the Employers' members supported his proposal.

308. The Workers' members replied that they did not necessarily agree with this reasoning. There was nothing to prohibit reproducing in the Recommendation a standard that was already in the Convention that it supplemented. Quite the contrary, this was sometimes very useful when a member State did not ratify a Convention, but decided to follow the suggestions put forward in the Recommendation. However, they acknowledged that in this particular case Paragraph 7 could be deleted since there was already a standard in the Convention which put workers' claims above most other claims.

309. The Committee decided by consensus to delete Paragraph 7.

ACCELERATED PAYMENT PROCEDURES

Paragraph 8

Subparagraph (1)

310. The Employers' members submitted an amendment to delete the words "to ensure that the claims are paid" and replace them by "which, without prejudice to the rights of the other creditors, permits the payment of all or part of these claims". They explained that according to the draft Recommendation, the way the accelerated payment procedure would work in practice would give workers' claims a super-privilege at the expense of other privileged creditors. This was all the more regrettable since according to clauses (f) and (g) of Paragraph 3, it was not only the workers who benefited from this de facto super-privilege but also the social security institutions which could assimilate their claims to workers' claims. Their amendment clarified the text and protected the interests of other creditors. It should be read together with another amendment they had submitted concerning subparagraph (3) to specify the amount of the privileged claim that should benefit from an accelerated payment procedure.

311. The Workers' members opposed the amendment. They stated that the amendment did not clarify the text, nor was it favourable to workers. Workers should be paid as quickly as possible for work they had already done, and their claims should have priority over those of other creditors.

312. The Government member of the United States supported the amendment. He noted that it merely stipulated that the accelerated payment procedure should not prejudice the interests of other creditors, which in his opinion was a useful clarification. The Government member of Canada supported the remarks of the previous speaker. She added that the amendment in no way went against the principle of paying workers' claims quickly. She was in favour of this principle and thought it should be encouraged. However, this should not be done at the expense of creditors who could benefit from a higher rank of privilege than that enjoyed by workers.

313. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, opposed the amendment. She felt that the proposal made by the Employers' members was more restrictive than the original text, and did not make the text any clearer.

314. The Employers' members, stating that they had noticed that only two Government members had supported their amendment, announced that they would withdraw it. The Committee therefore adopted subparagraph (1) without change.

Subparagraph (2)

315. In the absence of any amendment, the Committee adopted this subparagraph without change.

Subparagraph (3)

316. The Employers' members submitted an amendment to replace this subparagraph by the following: "The accelerated payment procedure should cover a minimum amount of the claim protected by a privilege, to be fixed by national laws, regulations or practice." They explained that, as stated earlier, the principle of accelerated payment had been defined rather vaguely. Their amendment left it up to national laws and regulations to set more precise limits. In their opinion, this would not restrict workers' rights.

317. The Workers' members opposed the amendment because they thought it was recommending that member States should limit the amount of the claim protected by privilege. They added that this issue was already governed by Paragraph 4 and did not need to be repeated in Paragraph 8.

318. The Government member of the United States opposed the amendment. He thought that the original text was clearer than the amendment. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community represented in the Committee, also opposed the amendment. The Employers' members then withdrew it.

319. The Committee adopted subparagraph (3) without change. It then adopted Paragraph 8 without change. Since Paragraphs 6 and 7 had been deleted, this Paragraph was renumbered as Paragraph 6.

III. PROTECTION OF WORKERS' CLAIMS BY A GUARANTEE INSTITUTION

SCOPE

Paragraph 9

320. With no amendment having been submitted, this Paragraph was adopted by consensus. Given the deletion of Paragraphs 6 and 7, Paragraph 9 became Paragraph 7.

OPERATING PRINCIPLES

Paragraph 10

Clause (a)

321. The Employers' members submitted an amendment designed to delete the words "of the employer". They stated their agreement that guarantee institutions should enjoy administrative, financial and legal independance, as provided by clause (a). The phrase "of the employer" was confusing, however. To which employer did it refer – the insolvent employer or an employer who made regular contributions to these institutions? The Employers' amendments removed this ambiguity, because the text would henceforth specify that guarantee institutions should be completely independent.

322. The Workers' members said that clause (a) referred to the insolvent employer. The text posed no problems for them and they thought that guarantee institutions should be independent of employers. They therefore opposed the amendment.

323. The Employers' members then subamended their amendment. Instead of deleting the words "of the employer" they proposed retaining the original text and adding the word "insolvent" before "employer", as suggested by the Workers' members.

324. The Government member of the United States was opposed to the amendment. He thought that if it were accepted, an employer could manage a guarantee institution up to the time of insolvency, after which there would have to be a procedure for withdrawal. Nor could the speaker support the Employers' members' original amendment, to provide that a guarantee institution had to be independent of all supervisory authority, since that would not be possible in many countries.

325. The Employers' members commented that everyone seemed to agree with the principle that guarantee institutions should be autonomous institutions that were independent of the insolvent employer. They then offered another subamendment to add "individual" before the word "employer". The Workers' members opposed this subamendment as well. It specified that the individual employer should not intervene in the operation of the guarantee institution, but it said nothing about intervention by representatives of the employer or employers' associations. They preferred keeping the original text, since in their view it stated that there should be no employer interference in the administration of guarantee institutions.

326. The Employers' members noted that the Committee seemed to be in agreement on the fact that clause (a) referred to the insolvent employer; they then withdrew their amendment.

327. Clause (a) was adopted without change. The Committee adopted, without change, clauses (b), (c) and (d), to which no amendments had been submitted.

New clause

328. The Employers' members submitted an amendment proposing the addition of a new clause (e), to read as follows: "the funds managed by guarantee institutions, other than those from general revenues, must only be used for the purpose for which they were collected". They recalled that they had proposed a similar amendment in the discussion of the draft Convention. A number of Government members had said at that time that they could not support it for inclusion in the Convention, but that they would not be against its inclusion in the Recommendation.

329. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community represented in the Committee, with the exception of the Government member of Germany, stated that they could not accept the amendment. In a number of countries, the funds of guarantee institutions were combined with the resources of other institutions in a

general budget. This made it very difficult, if not impossible, to identify the funds collected for the purpose of paying benefits to workers in case of the insolvency of their employer.

330. The Government member of Canada said that the amendment laid down a good principle and, since it appeared in a Recommendation, did not create an obligation. She could therefore support the amendment. The Government member of the United States also found the amendment acceptable and appealed to the Workers' members to support it as well. The Government member of Germany said that he saw no problem with the amendment, since it would appear in the Recommendation.

331. The Employers' members then subamended their amendment, to replace "must" by "should" and then "should" by "could". The Workers' members said that they could accept this proposal.

332. The Chairperson stated that a majority in the Committee had accepted the amendment and delcared its adoption by consensus. The amendment, as subamended, became new clause (e) of this Paragraph.

333. The Committee then adopted Paragraph 10 as amended. With the deletion of Paragraphs 6 and 7, Paragraph 10 became Paragraph 8.

Paragraph 11

334. The Workers' members submitted an amendment to replace the word "might" by "should" in the introductory phrase. They argued that the guarantee should cover the claims listed in this paragraph. However, with a view to bringing this Paragraph in line with Paragraph 3 of the Recommendation, they proposed a subamendment to their own amendment to the effect that, in addition to this change, the following phrase should be inserted between clauses (e) and (f) to begin a new subparagraph: "The guarantee could cover the following claims:". The Government member of Japan stated that the guarantee institutions should have a solid financial foundation, so the claims guaranteed should be limited; for the same reason, the coverage guaranteed in this paragraph should be limited in order to ensure flexibility in its application. He therefore opposed the use of "should" in this Paragraph. The Government member of the United States, on the other hand, pointed out that the use of the word "should" in a Recommendation would not make the provision mandatory but only recommendatory. Therefore he had no objection to the amendment as subamended.

335. The Employers' members asserted that Paragraph 11 could not be assimilated to Paragraph 3, because the former dealt with guarantee institutions while the latter dealt with privilege. With guarantee institutions, there was certainty about the payment of claims, which was not the case with privilege. In their opinion, if a guarantee institution were to guarantee all the claims listed in this Paragraph, it would have to have even greater funds than the largest in the country. They then submitted their own subamendment to the amendment to use the word "should" with respect to clauses (a) and (b), and "could" with respect to other clauses. They argued that if the Committee was realistic, it should adopt their subamendment because the adoption of the amendment proposed by the Workers' members would substantially weaken the guarantee institutions.

336. The Workers' members disagreed with the arguments of the Employers' members and referred to a survey carried out by the Office in preparing Report V(2) (1991), which showed that guarantee institutions often covered workers' claims above and beyond those claims covered by a privilege. They were of the view that there was no reason for weakening the provisions of this Paragraph in comparison with those in Paragraph 3 simply because they concerned guarantee institutions.

337. After further discussions on this issue, and noting the scarce support which their subamendment was receiving in the Committee, the Employers' members withdrew it. The discussion then centred on the amendment submitted by the Workers' members, as subamended by them. The Government member of Canada stated that in view of the discussion which had taken place regarding Article 12 of the Convention and Paragraph 3 of the Recommendation, it was logical to adopt the amendment as subamended.

338. It was put to a vote, and adopted by 30,108 votes in favour and 924 against, with 24,024 abstentions.

Clause (a)

339. The Workers' members submitted an amendment to replace "three months" by "six months", recalling that Paragraph 3, clause (a), had set a minimum period of 12 months with respect to privilege, and arguing that the minimum of six months was reasonable for the protection of the same categories of claims by guarantee institutions. The Employers' members opposed this amendment, noting that workers were putting the financial equilibrium of guarantee institutions in danger by claiming more and more from them. They argued that an excessive financial burden on guarantee institutions, which implied a heavy financial burden upon enterprises, would have a negative impact on investment and employment. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, agreed with the opinion of the Employers' members and opposed the amendment, preferring the Office text. The Government member of Canada, referring to an attempt by her Government in 1991 to set up a guarantee institution that would have protected workers' claims for six months, stated that six months was, in her opinion, a reasonable limit to serve as an example. She pointed out that the Recommendation was not binding on member States in any event.

340. The Employers' members pointed out that the "three months" to which Paragraph 11, clause (a), referred was a minimum upon which member States could improve. In their opinion, the fact that a country already satisfied the conditions set out in that provisions was not a reason for supporting the amendment. The Workers' members in response to the Employers' members, stressed that they were not asking for an expansion of entitlements but for the

protection of the rights already acquired through work. They pointed out that, through this amendment, they were asking for only 50 per cent of the period protected by privilege, which was 12 months. In their opinion, the protection of compensation for a minimum of six months by guarantee institutions would encourage workers to continue to work, because they were sure to receive compensation. They were also of the view that, if the period of three months were retained, no worker would work after that period, because the guarantee institution would no longer cover them. However, nothing the scarce support their amendment was receiving from the Committee, the Workers' members submitted a subamendment to their own amendment, by substituting the words "four months" for "six months".

341. The Government member of the United States disagreed with the arguments put forward by the Workers' members, and referred to the experience of the Pension Benefit Guarantee Corporation in the United States. Enterprises sometimes stopped paying pension contributions in periods of financial difficulties, and used the money for other purposes, creating a situation of virtual collusion between workers and employers to put a burden on the institution. He stressed that this should not be the purpose of this clause. The Workers' members, in responding to the comment made by the Government member of the United States, pointed out that the effects produced by the operation of the Pension Benefit Guarantee Corporation in the United States were not at the behest of the workers nor of their leaders. However, in order to expedite the work of the Committee, they withdrew their amendment. Clause (a) was consequently adopted without modifications.

Clause (b)

342. The Workers' members submitted an amendment to replace clause (b) by the following: "(b) holiday pay and other types of paid absence, pertaining to work done during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;". They explained that the purpose of this amendment was to harmonise this clause with Paragraph 3, subparagraph (1), clause (b).

343. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, proposed the following subamendment to replace clause (b): "(b) holiday pay pertaining to work done during the year in which the insolvency or the termination of employment occurred, and in the preceding year; (c) end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescribed period which shall not be less than 12 months prior to the insolvency or the termination of the employment; (d) other types of paid absence pertaining to a prescribed period which shall not be less than three months prior to the insolvency or the termination of the employment;".

344. The Government member of Portugal, speaking on behalf of the Government members of Belgium, Denmark, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, explained the main features of this subamendment. The content of clause (b) was the same as that in Paragraph 3, which had already been adopted; clause (c) was also identical to the provision in Paragraph 3 providing for a minimum period of protection of 12 months, the only difference between the two clauses existing in the exclusion of "other types of paid absence" from clause (c) in this subamendment. As to clause (d), Article 12 of the Convention provided for the same period of protection for wages and other types of paid absence; clause (a) of this paragraph provided for the minimum period of three months; therefore, other types of paid absence should be protected for the same minimum period as wages in this paragraph as well, namely three months. The only difference between clauses (c) and (d) was in the lengths of the period of protection. Both the Workers' members and the Empoyers' members accepted the subamendment.

345. Clause (b), as amended, was consequently adopted by consensus. This meant that the lettering of the remaining clauses changed, from (c) in the original text to (e), etc.

Clauses (e) to (k) [formerly (c) to (i)]

346. The Workers' members recalled that the remaining clauses were all duplications of clauses in Paragraph 3 and proposed that, in order to expedite the work of the Committee, they should all be adopted, with the exception of the last clause, for which they were submitting an amendment to replace it with the last clause of Paragraph 3. The Employers' members rejected the proposal, stating that privilege for workers' claims should not be confused with guarantee institutions. As the Workers' members' proposal was not unanimously supported, the Committee had no choice but to proceed with the consideration of the amendments proposed.

347. The Government member of Japan submitted an amendment to delete clauses (e), (g), (h), (i), (j) and (k) [formerly (c), (e), (f), (g), (h), and (i)]. He recognised the desirability of protecting a wide range of workers' claims under guarantee institutions, but expressed concern about the possible adverse effects of protecting certain types of claims, and explained the reasons with respect to a few of them. First, payments in lieu of notice of termination of employment was not a type of payment regularly paid every month; therefore, there was a risk of abuse by workers and employers, who might collude before the insolvency to put the burden on the guarantee institution. With regard to compensation in respect of occupational accidents and diseases, the financial burden on guarantee institutions might become so great as to threaten their financial basis. Likewise, although monthly wages and severance pay were protected up to a fixed maximum amount, it happened that the guarantee institution in his country had to pay US$32 million a year, thus threatening the foundation of the institution. The Employers' members supported the amendment, but the Workers' members opposed it. After further discussions, the Government member of Japan withdrew the amendment.

Clause (e) [formerly (c)]

348. The Employers' members submitted an amendment to delete this clause, arguing that it was perverse in that employers would never be able to give workers notice of termination of employment in cases of insolvency because they could not know the date of the insolvency in advance. In their opinion, this clause would enable workers to obtain unjusticiable benefits from guarantee institutions in the form of payments in lieu of notice, since not only would such notice be impossible to give, but also termination of employment in insolvency would not occur due to the will of the employer. The Workers' members opposed the amendment, pointing out that this clause dealt with payments due, and employers would not have to pay anything if the workers were owed nothing. They thought this clause should be kept in the list of claims to be protected. After further discussions which showed that the amendment was not supported by a majority of Government members, the Employers' members withdrew the amendment. Clause (e) [formerly (c)] was adopted by consensus without modification.

Clause (f) [formerly (d)]

349. The Employer's members submitted an amendment to delete this clause. They defended the amendment, arguing that this clause was another example of perversity because there was no unfair dismissal in the case of insolvency as the termination of employment was not at the initiative of the employer. They then proposed a subamendment to their own amendment, to replace this clause by a text identical with that in clause (d) of Article 12 of the Convention, which read as follows: "(d) severance pay due to workers upon termination of their employment". The Workers' members opposed this subamendment, arguing that the Committee had already watered down the provisions in Paragraph 3 in order to facilitate their implementation by many countries, and the same provision as that in Paragraph 3 should be retained in this clause. The Government member of Japan supported the amendment, as subamended, because it was a provision that Japan could implement.

350. After further discussions on this amendment, as subamended, the Employers' members, noting that their amendment was not supported by the majority of Government members, withdrew it. The Government member of Japan had submitted an amendment to replace this clause by the following text: "(d) [original lettering] payments, excluding such payments as severance pay and compensation for unfair dismissal due to workers upon termination of their employment;". However, in view of the withdrawal by the Employers' members of their amendment, he also withdrew his own amendment. Consequently, clause (f) [formerly (d)] was adopted without modifications.

Clause (g) [formerly (e)]

351. The Employers' members submitted an amendment to delete this clause. They argued that this clause did not establish any limit either in amount or in time, while the amount in question resulting from occupational accidents was often enormous. With a view to protecting the financial basis of guarantee institutions, they argued that compensation in respect of occupational accidents should remain the responsibility of specialised institutions.

352. The Workers' members opposed this amendment, arguing that limitations on the amount of claims protected would be provided for in Paragraph 12, and stressing the importance of protection related to occupational accidents and diseases. They also recalled that the Committee had adopted an identical provision under Paragraph 3, and hoped that it would adopt this provision under Paragraph 11 as well.

353. The Employers' members urged the Committee not to confuse protection by a privilege with protection by guarantee institutions, which were quite distinct. The Workers' members stated that the issue under discussion was the protection of workers' claims under guarantee institutions in the same manner as under a privilege, both being ways of protecting workers' claims. The Government member of Canada opposed the amendment, stressing that it was even more important to provide coverage for compensation for occupational accidents or diseases under a guarantee institution than by way of privilege since privilege only permitted recovery to the extent of the available assets. She pointed out that, under this clause, the Committee was discussing human beings who had been the victims of accidents or diseases. After further discussions during which the Employers' members repeated their earlier view that this clause should have been covered by "could" and not by "should" when the Paragraph was divided into two subparagraphs, the Employers' members withdrew the amendment in view of the limited support it was getting from Government members. The clause was consequently adopted by consensus without modifications.

Clause (h) [formerly (f)]

354. The Employers' members submitted an amendment to delete this clause. They asked the Government members whether they agreed to having guarantee institutions making payments to social security institutions rather than to workers. The Government member of Germany explained that, in his own country, contributions to social security schemes could be paid by guarantee institutions in cases of insolvency. The Employers' members, after being informed of the German experience, withdrew the amendment. Clause (h) [formerly (f)] was then adopted by consensus without modifications.

Clause (i) [formerly (g)]

355. The Employers' members submitted an amendment to delete this clause. However, in view of the limited support which their previous amendments had received, they withdrew the amendment. Clause (i) [formerly (g)] was then adopted by consensus without modifications.

Clause (j) [formerly (h)]

356. The Employers' members submitted an amendment to delete this clause, but withdrew it for the same reason as for the previous amendment. Clause (j) [formerly (h)] was adopted by consensus without modifications.

Clause (k) [formerly (i)]

357. The Employers' members submitted an amendment to delete this clause, but withdrew it for the same reason as for the previous amendments. The Workers' members submitted an amendment to replace this clause by the following text: "(k) [formerly (i)] wages, overtime pay, commissions and other forms of remuneration relating to work performed, remuneration for holidays and other types of paid absence, severance pay, compensation for unfair dismissal and other payments due to workers upon termination of their employment and compensation directly payable by the employer in respect of occupational accidents and diseases that are awarded to a worker through arbitration or adjudication". However, in view of the earlier adoption of a similar provision in Paragraph 3, subparagraph 3, of the Recommendation, they subamended their own amendment to replace this clause with a text similar to that provision.

358. The Employers' members declared that they preferred the original text without modification. The Workers' members explained that the reason for this subamendment was to overcome objections raised earlier by Government members. The Government member of Canada supported the subamendment, which was intended to clarify the text. The subamendment was put to a vote, and rejected for lack of quorum by 24,948 votes in favour and 0 against, with 31,724 abstentions.

359. Then the Committee proceeded to the examination of the original amendment submitted by the Workers' members. They explained that this amendment was referring to cases that had been adjudicated/arbitrated, but had not yet been implemented by payment of the compensation awarded. They referred to the examples of women receiving remuneration in violation of legal equal pay requirements, night work undertaken in violation of national law, and the refusal to pay maternity leave. They argued that these were situations where resort to adjudication or arbitration was the only way for a certain group to achieve justice. The Employers' members opposed the amendment, arguing that it was vague, and did not define limitations in time, while adjudication proceedings might last for many years. After further discussions, the Workers' members withdrew the amendment. Clause (k) [formerly (i)] was adopted without modifications. Paragraph 11 was adopted.

Paragraph 12

360. Since no amendment had been submitted, Paragraph 12 was adopted.

New Paragraph

361. Two amendments were submitted to insert a new Paragraph. Both were related to information and consultation rights in cases of insolvency. One was submitted by the Workers' members, and proposed the insertion of the following new Paragraph after Paragraph 12: "PROVISIONS COMMON TO PARTS II AND III. *Information and consulation.* (1) The concerned employer should provide its employees and their representatives all relevant financial and economic information about the concerned enterprise upon the opening of insolvency proceedings. When practical, this information should be provided prior to the opening of insolvency proceedings. (2) During insolvency proceedings relating to the rehabilitation of the enterprise, the workers concerned and their representatives should be informed and consulted by the employer or the competent authority regarding the maintenance of employment and the rehabilitation of the enterprise."

362. The other amendment was submitted by the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. It proposed the addition of a new Paragraph with the following text: "According to the modalities to be provided for by national law and/or practice, the workers and/or their representatives within the enterprise, where such representatives exist, should receive information and where appropriate be consulted on the consequences for the workers of the insolvency proceedings.

363. The Workers' members withdrew their amendment in favour of the amendment submitted by the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom.

364. The Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee, explained that the proposed text was similar to Article 14 of the draft Convention, which had been rejected by the Committee. She stated that the objective of their proposal was to enable workers or their representatives to be informed and consulted on the consequences of insolvency proceedings. She argued that they should indeed be kept informed of the impending proceedings in order to be able to exert their rights. She also proposed the addition of a new phrase, at the end of the last phrase of the clause, as follows: "as provided for in Paragraphs 1(1) and 1(2) of this Recommendation".

365. The Government member of Canada, while supporting the principle underlying the amendment, found the wording to be awkward, and therefore submitted a subamendment. She explained that this subamendment would, among other things, specify that the provision applied to both Parts II and III of the Recommendation. The subamendment would replace the amendment and read as follows: "PROVISION COMMON TO PARTS II and III. Workers or their representatives should receive timely information with regard to the insolvency proceedings which have been opened and to which the workers' claims pertain." She explained that this subamendment took into account the fact that in some countries workers were given information individually, and in others through their representatives. She pointed out that the subamendment incorporated the phrase, "proceedings which have been opened". Although not objecting to consultation occurring before insolvency, she thought that it would not be appropriate for the Recommendation under discussion.

366. The Government member of Portugal pointed out that the subamendment submitted by the

Government member of Canada, which they could not accept, had much more limited scope than the amendment of the Government members of the Member States of the European Community which were represented in the Committee. The Government member of Canada, in search of a solution acceptable to all the members in the Committee, proposed a subamendment to her subamendment to insert, after "timely information", the phrase "and to be consulted". This was not accepted by the Government member of Portugal, speaking on behalf of the Government members of the Member States of the European Community which were represented in the Committee. The Government member of the United States supported the subamendment of the Government member of Canada as subamended, pointing out that it had two advantages: (i) it applied to both Parts of the Recommendation; and (ii) it removed the need for consultation prior to insolvency.

367. The Government member of Botswana also supported the subamendment for the same reasons as those stated by the Government member of the United States. The Government member of Canada stressed that her subamendment did include the most appropriate elements of the subamendment submitted by the Government members of the Member States of the European Community which were represented in the Commitee. The Government member of Japan expressed his support for the subamendment. The Employers' members, at the invitation of the Workers' members, supported the subamendment submitted by the Government member of Canada. The subamendment was adopted by consensus.

368. The new provision was adopted as new Part IV and new Paragraph 11 of the Recommendation.

Adoption of the report, draft Convention and draft Recommendation

369. At its 12th sitting, the Committee met to examine its report, presented by the Reporter. The Committee adopted the report unanimously, subject to a few changes requested by several Members.

370. The Committee then adopted the draft Convention that had been submitted by the Drafting Committee, Article by Article and in the entirety. The Committee adopted the draft Convention subject to the following changes:

1. In the French version, in Articles 6(a), 12(a), 12(b), and 12(c), commas were placed after "déterminée" and before "précedant", and Article 12(b), the word" "payés" was inserted between "congés" et "dus".

2. In the English version, in Articles 6(a), 12(a), 12(b) and 12(c), commas were placed after "period" and before "prior to the insolvency", in Article 8, paragraph 1, an "s" was added to "national law" (which became "national laws"); and in Article 12(b) the word "done" was replaced by "performed".

371. The Government member of Switzerland then stated that his country shared the aims of the Convention, but that it had the following reservations: Article 4, paragraph 1 stipulated that the Convention applied to all workers, whereas Swiss national practice excluded from privilege and, indirectly from the guarantee, claims of managers who could take major decisions in the enterprise. In addition, Article 12(b) protected claims for paid leave pertaining to a period of service of six months, whereas in Switzerland this protection only covered a period of service of three months prior to insolvency. Finally, under Article 12(d) the guarantee had to protect severance pay, which was not the case in Switzerland. He added that this statement was without prejudice to a thorough analysis that would be undertaken later for the submission of the Convention, within the period prescribed by the ILO Constitution, to the competent national authorities.

372. The Committee then adopted, Paragraph by Paragraph and in its entirety, the draft Recommendation that had been submitted to it by the Drafting Committee, subject to the following changes:

1. In the French version, the title of Part II was revised to align it with Part II of the Convention: "Protection des créances des travailleurs aux moyen d'un privilège". In Paragraph 3, subparagraph 2(b), the word "du" (before "travail") was put in the place of "d'un" (before "travail"); and in Paragraph 9, subparagraph (1), clauses (a) and (c), commas were placed after "déterminée" and before "précédant".

2. In the English version, the title of Part II was revised to align it with the title of Part II of the Convention: "Protection of workers' claims by means of a privilege". In Paragraph 6, subparagraph (3), to bring the text into line with the French version, the words "or at least a part of it" replaced the words "or at least part of it". In Paragraph 8 (e) the word "may" was put in the place of "could". In Paragraph 9, subparagraph (1) (c) the phrase "which should not be less than 12 months" was set apart by commas. In Paragraph 9, subparagraph (1), clause (d) the words "prior to" were inserted before the words "the termination of the employment".

373. Before closing the sitting, the Committee heard statements by the Employer and Worker Vice-Chairpersons, who took the floor to stress the excellent atmosphere of understanding that had prevailed throughout the Committee's work, in spite of the difficulty of the subject-matter and the opposing interests of the two groups. They expressed their gratitude to the Chairperson for the effective manner in which she had presided over the sittings and to the members of the Secretariat for assisting the Committee in carrying out its work. The Government member of the United States, speaking on behalf of the Government members in the Committee, endorsed the comments of the preceding speakers. The Employer member of Venezuela also congratulated the Chairperson, who had been a credit to her country. The representative of the Secretary-General then stressed that it had been a great pleasure for the Secretariat to work with the members of the Committee throughout this session as well as during the first discussion last year.

374. The Chairperson then thanked the two Vice-Chairpersons, the Reporter, the members of the Drafting Committee, all of the Government members, Employers' members and Workers' members, as well as the Secretariat and, in particular, the inter-

preters. She said that she was pleased with the good results of the Committee's work and of the quality of the international labour standards that she would be submitting to the plenary session of the Conference. With nothing further on the agenda, the Chairperson stated that the Committee had finished its work.

375. The texts of the draft Convention and the draft Recommendation are reproduced below.

376. The Report of the Committee on Workers' Claims, together with the texts of the draft Convention and draft Recommendation are hereby submitted to the Conference for consideration.

Geneva, 19 June 1992

(*Signed*) María Elena CABRERA ARMAS
Chairperson

Katherine MOYNIHAN
Reporter

Proposed Convention concerning the protection of workers' claims in the event of the insolvency of their employer

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 79th Session on 3 June 1992, and

Stressing the importance of the protection of workers' claims in the event of the insolvency of their employer and recalling the provisions on this subject in Article 11 of the Protection of Wages Convention, 1949, and Article 11 of the Workmen's Conpensation (Accidents) Convention, 1925, and

Noting that, since the adoption of the Protection of Wages Convention, 1949, greater value has been placed on the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment, and

Noting that since the adoption of the aforementioned standards, significant developments have taken place in the law and practice of many Members which have improved the protection of workers' claims in the event of insolvency of their employer, and considering that it would be timely for the Conference to adopt new standards on the subject of workers' claims,

Having decided upon the adoption of certain proposals with regard to the protection of workers' claims in the event of the insolvency of their employer, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this day of June of the year one thousand nine hundred and ninety-two the following Convention, which may be cited as the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992.

PART I. GENERAL PROVISIONS

Article 1

1. For the purposes of this Convention, the term "insolvency" refers to situations in which, in accordance with national law and practice, proceedings have been opened relating to an employer's assets with a view to the collective reimbursement of its creditors.

2. For the purposes of this Convention, a Member may extend the term "insolvency" to other situations in which workers' claims cannot be paid by reason of the financial situation of the employer, for example where the amount of the employer's assets is recognised as being insufficient to justify the opening of insolvency proceedings.

3. The extent to which an employer's assets are subject to the proceedings referred to in Paragraph 1 shall be determined by national laws, regulations or practice.

Article 2

The provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice.

Article 3

1. A Member which ratifies this Convention shall accept either the obligations of Part II, providing for protection of workers' claims by means of a privilege, or the obligations of Part III, providing for the protection of workers' claims by a guarantee institution, or the obligations of both Parts. This choice shall be indicated in a declaration accompanying its ratification.

2. A Member which has initially accepted only Part II or only Part III of this Convention may thereafter, by a declaration communicated to the Director-General of the International Labour Office, extend its acceptance to the other Part.

3. A Member which accepts the obligations of both Parts of this Convention may, after consulting the most representative organisations of employers and workers' limit the application of Part III to certain categories of workers and to certain branches of economic activity. Such limitations shall be specified in the declaration of acceptance.

4. A Member which has limited its acceptance of the obligations of Part III in accordance with Paragraph 3 above shall, in its first report under article 22 of the Constitution of the International Labour Organisation, give the reasons for limiting its acceptance. In subsequent reports it shall provide information on any extension of the protection under Part III of this Convention to other categories of workers or other branches of economic activity.

5. A Member which has accepted the obligations of Parts II and III of this Convention may, after consulting the most representative organisations of employers and workers, exclude from the application of Part II those claims which are protected pursuant to Part III.

6. Acceptance by a Member of the obligations of Part II of this Convention shall *ipso jure,* involve the termination of its obligations under Article 11 of the Protection of Wages Convention, 1949.

7. A Member which has accepted only the obligations of Part III of this Convention may, by a declaration communicated to the Director-General of the International Labour Office, terminate its obligations under Article 11 of the Protection of Wages Convention, 1949, in respect of those claims which are protected pursuant to Part III.

Article 4

1. Subject to the exceptions provided for in paragraph 2 below, and to any limitations specified in accordance with Article 3, paragraph 3, this Convention shall apply to all employees and to all branches of economic activity.

2. The competent authority, after consulting the most representative organisations of employers and workers, may exclude from Part II, Part III or both Parts of this Convention specific categories of workers, in particular public employees, by reason of the particular nature of their employment relationship, or if there are other types of guarantee affording them protection equivalent to that provided by the Convention.

3. A Member availing itself of the exceptions provided for in paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organisation, provide information on such exceptions, giving the reasons therefor.

PART II. PROTECTION OF WORKERS' CLAIMS BY MEANS OF A PRIVILEGE

PROTECTED CLAIMS

Article 5

In the event of an employer's insolvency, workers' claims arising out of their employment shall be protected by a privilege so that they are paid out of the assets of the insolvent employer before non-privileged creditors can be paid their share.

Article 6

The privilege shall cover at least:

(a) the workers' claims for wages relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment;

(b) the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;

(c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment; and

(d) severance pay due to workers upon termination of their employement.

LIMITATIONS

Article 7

1. National laws or regulations may limit the protection by privilege of workers' claims to a prescribed amount, which shall not be below a socially acceptable level.

2. Where the privilege afforded to workers' claims is so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

RANK OF PRIVILEGE

Article 8

1. National laws or regulations shall give workers' claims a higher rank of privilege than most other privileged claims, and in particular those of the State and the social security system.

2. However, where workers' claims are protected by a guarantee institution in accordance with Part III of this Convention, the claims so protected may be given a lower rank of privilege than those of the State and the social security system.

PART III. PROTECTION OF WORKERS' CLAIMS BY A GUARANTEE INSTITUTION

GENERAL PRINCIPLES

Article 9

The payment of workers' claims against their employer arising out of their employment shall be guaranteed through a guarantee institution when payment cannot be made by the employer because of insolvency.

Article 10

In giving effect to this Part of the Convention, a Member may, after consulting the most representative organisations of employers and workers, adopt appropriate measures for the purpose of preventing possible abuse.

Article 11

1. The organisation, management, operation and financing of wage guarantee institutions shall be determined pursuant to Article 2.

2. The preceding paragraph shall not prevent a Member, in accordance with its particular characteristics and needs, from allowing insurance companies to provide the protection referred to in Article 9, as long as they offer sufficient guarantees.

CLAIMS PROTECTED BY A GUARANTEE INSTITUTION

Article 12

The workers' claims protected pursuant to this Part of the Convention shall include at least:

(a) the workers' claims for wages relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of the employment;

(b) the workers' claims for holiday pay due as a result of work performed during a prescribed period, which shall not be less than six months, prior to the insolvency or prior to the termination of the employment;

(c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of employment; and

(d) severance pay due to workers upon termination of their employment.

Article 13

1. Claims protected pursuant to this Part of the Convention may be limited to a prescribed amount, which shall not be below a socially acceptable level.

2. Where the claims protected are so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

FINAL PROVISIONS

Article 14

This Convention revises the Protection of Wages Convention, 1949, to the extent provided for in Article 3, Paragraphs 6 and 7 above, but does not close that Convention to further ratifications.

Proposed Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 79th Session on 3 June 1992, and

Stressing the importance of the protection of workers' claims in the event of the insolvency of their employer and recalling the provisions on this subject in Article 11 of the Protection of Wages Convention, 1949, and Article 11 of the Workmen's Compensation (Accidents) Convention, 1925, and

Noting that, since the adoption of the Protection of Wages Convention, 1949, greater value has been given to the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment, and

Noting that since the adoption of the aforementioned standards, significant developments have taken place in the law and practice of many Members which have improved the protection of workers' claims in the event of the insolvency of their employer, and considering that it would be timely for the Conference to adopt new standards on the subject of workers' claims, and

Recognising that guarantee institutions, if properly designed, afford greater protection of workers' claims, and

Having decided upon the adoption of certain proposals with regard to the protection of workers' claims in the event of the insolvency of their employer, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992;

adopts this day of June of the year one thousand nine hundred and ninety-two the following Recommendation which may be cited as the Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992.

I. DEFINITIONS AND METHODS OF APPLICATION

1. (1) For the purposes of this Recommendation, the term "insolvency" refers to situations in which, in accordance with national law and practice, proceedings have been opened relating to an employer's assets with a view to the collective reimbursement of its creditors.

(2) For the purposes of this Recommendation, Members may extend the term "insolvency" to other situations in which workers' claims cannot be paid by reason of the financial situation of the employer, and in particular to the following:

(a) where the enterprise has closed down or ceased its activities or is voluntarily wound up;

(b) where the amount of the employer's assets is insufficient to justify the opening of insolvency proceedings;

(c) where, in the course of proceedings to recover a worker's claim arising out of employment, it is found that the employer has no assets or that these are insufficient to pay the debt in question;

(d) where the employer has died and his or her assets have been placed in the hands of an administrator and the amounts due cannot be paid out of the estate.

(3) The extent to which an employer's assets are subject to the proceedings referred to in subparagraph (1) should be determined by national laws, regulations or practice.

2. The provision of this Recommendation may be applied by means of laws or regulations or by any other means consistent with national practice.

II. PROTECTION OF WORKERS' CLAIMS BY MEANS OF A PRIVILEGE

PROTECTED CLAIMS

3. (1) The protection afforded by a privilege should cover the following claims:

(a) wages, overtime pay, commissions and other forms of remuneration relating to work performed during a prescribed period prior to the insolvency or prior to termination of the employment. This period should be fixed by national laws or regulations and should not be less than 12 months;

(b) holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;

(c) amounts due in respect of other types of paid absence, end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescribed period, which should not be less than 12 months, prior to the insolvency or prior to the termination of the employment;

(d) payments due in lieu of notice of termination of employment;

(e) severance pay, compensation for unfair dismissal and other payments due to workers upon termination of their employment;

(f) compensation payable directly by the employer in respect of occupational accidents and diseases.

(2) The protection afforded by a privilege might cover the following claims:

(a) contributions due in respect of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(b) contributions due in respect of private, occupational, inter-occupational or enterprise social protection schemes independent of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(c) benefits to which the workers were entitled prior to the insolvency by virtue of their participation in enterprise social protection schemes and which are payable by the employer.

(3) Claims enumerated in subparagraphs (1) and (2) that have been awarded to a worker through an adjudication or arbitration within 12 months prior to the insolvency should be covered by the privilege regardless of the time-limits specified in those subparagraphs.

LIMITATIONS

4. Where the amount of the claim protected by a privilege is limited by national laws or regulations, in order that this amount should not fall below a socially acceptable level it should take into account variables such as the minimum wage, the part of the wage which is unattachable, the wage on which social security contributions are based or the average wage in industry.

CLAIMS WHICH FALL DUE AFTER THE INSOLVENCY PROCEEDINGS HAVE BEEN OPENED

5. Where, in accordance with national laws and regulations, an enterprise in respect of which insolvency proceedings have been opened is authorised to continue its activities, workers' claims arising out of work performed as from the date when the continuation was authorised should not be subject to the proceedings and should be paid, out of the funds available, as and when they fall due.

ACCELERATED PAYMENT PROCEDURES

6. (1) Where the insolvency proceedings cannot ensure rapid payment of workers' privileged claims, there should be a procedure for accelerated payment to ensure that the claims are paid, without awaiting the end of the proceedings, out of available funds or as soon as funds become available, unless the rapid payment of workers' claims is ensured by a guarantee institution.

(2) Accelerated payment of workers' claims may be ensured as follows:

(a) the person or institution responsible for administering the employer's assets should pay such claims as soon as it has been determined that they are genuine and payable;

(b) if the claim is contested, the worker should be able to have its validity determined by a court or any other body with jurisdiction over the matter, so as to have it paid in accordance with clause (a).

(3) The accelerated payment procedure should cover the totality of the claim protected by a privilege, or at least a part of it to be fixed by national laws or regulations.

III. PROTECTION OF WORKERS' CLAIM BY A GUARANTEE INSTITUTION

SCOPE

7. The protection of workers' claims by a guarantee institution should have as wide a coverage as possible.

OPERATING PRINCIPLES

8. Guarantee institutions might operate according to the following principles:

(a) they should be administratively, financially and legally independent of the employer;

(b) employers should contribute to financing these institutions, unless this is fully covered by the public authorities;

(c) they should assume their obligations vis-à-vis protected workers irrespective of whether any obligation the employer may have of contributing to their financing has been met;

(d) they should assume a subsidiary responsibility for the liabilities of insolvent employers in respect of claims protected by the guarantee and should, by way of subrogation, be able to act in place of the workers to whom they have made payments;

(e) the funds managed by guarantee institutions, other than those from general revenues, may only be used for the purpose for which they were collected.

CLAIMS PROTECTED BY THE GUARANTEE

9. (1) The guarantee should cover the following claims:

(a) wages, overtime pay, commissions and other forms of remuneration relating to work performed during a prescribed period, which should not be less than three months, prior to the insolvency or prior to the termination of the employment;

(b) holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;

(c) end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescibed period, which should not be less than 12 months, prior to the insolvency or prior to the termination of the employment;

(d) amounts due in respect of other types of paid absence relating to a prescribed period, which should not be less than three months, prior to the insolvency or prior to the termination of the employment;

(e) payments due in lieu of notice of termination of employment;

(f) severance pay, compensation for unfair dismissal and other payments due to workers upon termination of their employment;

(g) compensation payable directly by the employer in respect of occupational accidents and diseases.

(2) The guarantee might cover the following claims:

(a) contributions due in respect of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(b) contributions due in respect of private, occupational, inter-ocupational, or enterprise social protection schemes independent of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(c) benefits to which the workers were entitled prior to the insolvency by virtue of their participation in enterprise social protection schemes and which are payable by the employer;

(d) wages or any other form of remuneration consistent with this Paragraph, awarded to a worker through adjudication or arbitration within three months prior to the insolvency.

LIMITATIONS

10. Where the amount of the claim protected by means of a guarantee institution is limited, in order that this amount should not fall below a socially acceptable level, it should take into account variables such as the minimum wage, the part of the wage which is unattachable, the wage on which social security contributions are based or the average wage in industry.

IV. PROVISION COMMON TO PARTS II AND III

11. Workers or their representatives should receive timely information and be consulted with regard to insolvency proceedings which have been opened and to which the workers' claims pertain.

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Credentials

Fourth Report of the Credentials Committee

Objection concerning the nomination of the Workers' delegation of Japan

1. The Committee had before it an objection to the nomination of the Workers' delegation of Japan submitted by the National Confederation of Trade Unions (Zenroren).

2. The objecting organisation maintained that the Government of Japan had refused to have any official consultation with Zenroren and had made an arbitrary nomination of the Workers' delegate and advisers from the list of names recommended by the Japanese Trade Union Confederation (Rengo), although Zenroren had demanded that three candidates recommended by it should be nominated. The Government had given as the reason for its action the refusal of Rengo to consent. Zenroren had a membership of more than 1,400,000. Like Rengo, it had been described as one of the "major organisations" in a report derived from the "Basic Survey of Trade Unions" conducted every year by the Ministry of Labour. The nomination of the Workers' delegation from only one organisation, refusing consultation with Zenroren, violated the spirit of the ILO Constitution and disregarded the procedural requirements for the nomination of the Workers' delegation.

3. In a very detailed and comprehensive communication, transmitted to the Committee in response to the latter's request by Mr. Sakutaro Takahashi, Assistant Minister for Labour and delegate to the Conference, the Government of Japan stated that Rengo had a total membership of 7,615,448 and included various major industrial and regional organisations. According to the 1991 "Basic Survey of Trade Unions", Zenroren's total membership was 840,237. Together with Rengo and the National Trade Union Council (Zenrokyo – with a total membership of 298,994), Zenroren was one of the trade union organisations established on a national scale in Japan.

4. In nominating the Workers' delegates and advisers to the Conference, the Government of Japan had consulted Rengo, as the most representative workers' organisation, which was the successor of former industrial organisations that had also been recognised as the most representative. Furthermore, Rengo covered all major industrial trade unions, which was not the case with Zenroren.

5. Both Rengo and Zenroren had recommended persons for inclusion in the Workers' delegation. The Government had immediately informed Rengo of Zenroren's recommendations and had discussed them with Rengo on several occasions. Rengo had, however, found them unacceptable and the Government had therefore decided to nominate the persons recommended by Rengo and had informed Zenroren accordingly. For so long as there was a difference of opinion between Rengo and Zenroren, the only way the Government could carry out its obligations under the ILO Constitution was to nominate the Workers' delegation in line with the views of Rengo. The Government therefore maintained that its consistent practice of nominating its Workers' delegation in consultation and agreement with Rengo was fully in accord with article 3, paragraph 5 of the ILO Constitution.

6. The Committee considered that there could be no doubt that Rengo was the most representative workers' organisation in Japan. Recalling the obligation of governments to consult all the most representative workers' organisations in the country and to use their best efforts to secure the latter's agreement when nominating the Workers' delegation to the Conference, the Committee noted that the Government of Japan had in good faith sought to take into consideration all the recommendations that had been made to it.

7. In view of the above considerations, the Committee decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegate of Paraguay

8. The Committee had before it an objection to Mr. Julio Etcheverry Espinola, Workers' delegate of Paraguay, submitted by the Confederación Paraguaya de Trabajadores (CPT). The objection was signed by 28 persons, as members of the National Executive Committee of the CPT.

9. The objecting organisation maintained that the said delegate had not been nominated by the National Executive of that Confederation to represent it at the International Labour Conference. The communication also referred to the suspension by judicial order of the ordinary congress of the CPT which was to take place at the end of last month.

10. By letter of 5 June 1992, the Chairman of the Credentials Committee transmitted the text of the objection to the Government delegation of Paraguay, together with a request for further information. Notwithstanding a reminder of the Secretariat of the Credentials Committee of 15 June 1992, asking that

the information requested be submitted by Tuesday, 16 June, no reply had been received from the Government.

11. The Committee deeply regretted that the absence of a response from the Government had prevented it from examining the objection in accordance with its mandate under Article 26 of the Standing Orders of the Conference. It considered that there was room for doubt about the representative character of the Workers' delegate of Paraguay. In this connection, the Committee noted that the credentials submitted by the Government did not mention the organisation to which the delegate belonged or which had agreed to his nomination.

12. In view of the lack of information provided by the objecting organisation, the Committee decided not to entertain the objection, trusting that, in future, the appointment of the Workers' delegation would be made in agreement with the most representative workers' organisations as required by article 3, paragraph 5, of the Constitution.

Objection concerning the nomination of the Workers' delegate of Guinea

13. The Committee had before it an objection to the nomination of the Workers' delegate of Guinea submitted by the "Union générale des travailleurs de Guinée" (UGTG).

14. The objecting organisation maintained that on the pretext of a presumption according to which the "Confédération générale des travailleurs de Guinée" was the most representative organisation, the Government had nominated as Workers' delegate a member of that organisation without consulting the UGTG, which wanted to participate in the Conference in order to be able to transmit the true message of the workers of Guinea on the dramatic social situation since 1986 and on the application of international labour standards in the country.

15. In a statement made to the Committee at its invitation, Mr. Ibrahima Camara, National Director of Labour and Social Legislation and Government delegate of Guinea to the Conference, explained that until 1990 there had only been one central trade union organisation in Guinea. With the political reforms, the Labour Code had been amended in such a way as to enable all workers to set up trade unions of their choosing and to join any of them. There had been efforts to create some unions and the Government had never sought to prevent this. When considering the composition of the tripartite delegation to the ILO Conference, it had been decided to nominate the only organisation that represented all branches of activity and was on a national scale, without formally consulting the other organisations, which had been recently established and whose representative character was limited to Conakry.

16. The Committee recalled that in previous years, the nomination of the Workers' delegate of Guinea had been given to the Secretary (or Deputy Secretary) of the CGTG – who, at some of the sessions, had been the same person as this year – and there had been no challenge to his credentials. The Committee also noted that, even though there had been changes following the adoption of the Labour Code, the CGTG still appeared, for the moment, to be the most representative organisation at the national level.

17. In view of the above considerations, the Committee decided not to uphold the objection. At the same time, it recalled the obligation of the Government to include in its consultations all the most representative organisations in the country and to seek their agreement when it was nominating the Workers' delegation to the Conference.

Objections concerning the nomination of the Workers' delegation of Sudan

18. The Committee had before it two objections to the nomination of the Workers' delegation of Sudan, one submitted by the International Confederation of Free Trade Unions (ICFTU), and the other submitted by three organisations from Sudan, the Textile Trade Union, the Sudan Railways Trade Union and the Water and Electricity Union grouped together in the Sudan Workers' Trade Unions Federation – Abroad.

19. The objecting organisations indicated that the nomination of the Workers' delegation of Sudan violated the letter and the spirit of Article 3, paragraph 5, of the ILO Constitution. They pointed out that in February 1992, the Government has dissolved all the existing trade unions and had promulgated a new trade union law which was completely contrary to Convention No. 87, ratified by Sudan. The new law grouped different categories of workers in trade unions contrary to their wishes and without consulting them. The new trade unions were compelled to join one Federation which had the same name as the dissolved Sudan Workers Trade Union Federation. The elected leaders had been ousted from office – some of them had been imprisoned and ill-treated – and had been substituted by Committees named to manage the unions, comprising of persons who were not associated with the trade union movement and belonged to political parties, Government ministries and the army.

20. In a written communication to the Committee made at its request, Mr. Mahdi Mohamed, Ambassador and Permanent Representative of Sudan, informed the Committee that the mandate of the elected trade union leaders had ended in August 1991 after a national dialogue conference of trade unions in August 1990 democratically decided to unify the trade union movement by creating 26 general unions under the umbrella of one national central organisation. A Higher Council for Trade Unions had been elected by workers' representatives, public officials, professionals and all existing unions. This Higher Council for Trade Unions had then acted as a preparatory committee (Trade Union Preparatory Committee) under the presidency of its elected leader, Mr. Tag Elsir Abdoun, with Mr. Elsadig Atta Elmanan as elected Secretary-General.

21. The Government had requested that Committee to nominate its representatives to the Conference. The Committee had nominated the said President as Workers' delegate and the Secretary-General as adviser and substitute delegate. Both had participated in the previous session of the Conference. The Sudanese trade unions had played an active role in the Sudanese Workers' Trade Union Federation

(SWTUF) and had taken part in the process of nomination of the Workers' representatives to the ILO Conference.

22. According to the Government, the objection of the International Confederation of Free Trade Unions (ICFTU), to which the SWTUF was not affiliated, raised legitimate questions of credibility since the ICFTU did not have access to the facts as it had rejected the invitation of the SWTUF to attend its national conference in 1990. The head of the Workers' delegation had been Secretary for Foreign Relations of the SWTUF from 1973 to 1992 and had attended ILO Conferences since 1976. Finally, the Government reiterated its commitment in favour of trade unions in the country and its readiness to cooperate with the ILO in line with international standards.

23. The Committee, while taking note of the fact that free trade unions elections had taken place in 1992 and of the intention of the Government to cooperate with the ILO, observed that at the present time, given the trade union situation in Sudan as had been described in the 281st report of the Committee on Freedom of Association of March 1992 (Case No. 1508), whose conclusions and recommendations were contained in paragraphs 305 to 310, there was doubt that the Workers' delegation of Sudan was truly representative of the workers of that country. Notwithstanding these doubts and taking into account the fact that questions of freedom of association were within the competence of the Committee on Freedom of Association and that with reference to Sudan, it was being examined by the said Committee, the Credentials Committee decided not to propose invalidation.

Objection concerning the nomination of the Workers' delegate of Thailand

24. The Committee had before it an objection to the nomination of the Workers' delegate of Thailand, submitted by the Thai Trade Union Congress (TTUC).

25. The objecting organisation stated that it considered the nomination of the Workers' delegate to be illegitimate and requested the Conference to condemn the Government for its abuse of authority. The organisation had been invited by the Government to participate in the election of the Workers' delegate and had recommended, in conformity with the ILO Constitution, that the delegate be nominated from the TTUC, which was the largest representative congress of workers in Thailand. The Government refused, and had nominated the delegate from a less qualified congress which was the subject of a serious internal conflict. No member of the TTUC had been included in the delegation.

26. In a statement made to the Committee, at its invitation, Miss Vichitra Prompunthum and Mrs. Supatra Payakaniti, government substitute delegates of Thailand to the Conference, explained that the Government had consulted all the trade union organisations, which were six in number, and referred to an agreement on rotation, which had been signed by the duly empowered representatives on behalf of all organisations and was to remain in effect for nine years. The Government representatives also provided statistics on membership: the TTUC had 120,000 members; the Labour Congress of Thailand (LTC), 78,166; the National Congres of Thai Labour (NTCL), 29,237, etc. The position of titular Workers' delegate rotated between those three organisations.

27. The Committee noted that the rotation agreement, at least as implemented for the present session, had excluded the largest workers' organisation from any participation in the Workers' delegation, whereas the smallest of the three organisations mentioned above, the NCTL, from which the Workers' delegate had come, had participated in both the sessions that had followed the signing of the rotation agreement in March 1991. The Committee recalled the opinion it had expressed on many occasions that rotation was only one of the means of obtaining agreement among the parties, and noted that the objection of the TTUC, which had been signed by its president, implied that that Congress had ceased to be in agreement with the system of rotation established in 1991.

28. As consultations had taken place, the Committee felt that the objection should not be upheld and trusted that the Government, either through a more appropriate system of rotation or in some other way, would in future nominate the Workers' delegation to the Conference in agreement with the most representative workers' organisations in Thailand.

Objection concerning the nomination of the Workers' delegate of Cameroon

29. The Committee had before it an objection to the nomination of the Workers' delegate of Cameroon, submitted by the Agricultural Workers' Union.

30. The objecting organisation stated that the Workers' delegate, Mr. Louis Sombes, General Secretary of the trade union confederation, was not the legitimate representative of the workers in Cameroon, but rather of the ruling party. It pointed out, in support of its objection, that the single trade union central organisation, the Cameroon Trade Union Congress, belonged to the political party in power, giving rise to a monopoly which was at complete variance with ILO standards. Trade union leaders of the English-speaking North-West and South-West Provinces had proposed changes in trade union structures that would reflect the independence of the trade union movement in Cameroon, in the hope of giving particular attention to rural workers' organisations. At the congress held last May, the chairman and two rapporteurs presided over elections in which they were themselves candidates in a list drawn up by the political party in power, thus demonstrating the interference of the authorities in the trade union movement.

31. In a statement made to the Committee at its invitation, Mrs. Claire Nyangang, Director of Labour in the Ministry of Labour and Social Insurance, Government delegate to the Conference, assisted by Mr. Martin Mpana, substitute delegate, stressed the importance of the Cameroon Trade Union Congress that had taken place in May: it had followed on from the establishment of pluralism in political parties as from December 1990, had confirmed the political

neutrality of the Cameroon trade union organisation, and had given birth to the restructured trade union confederation which had recommended the Workers' delegate for the ILO Conference. The signatory of the objection had actively participated in the Congress. The Government, which had been an observer at the Congress, had no reason to doubt that the Congress had conducted its activities, including the democratic election of the officers of the trade union confederation, in accordance with relevant provisions. The law of Cameroon recognised the right of trade union members to join the political parties of their choice, and the signatory of the objection was himself a member of a political party. The Workers' delegate had thus been chosen in agreement with the most representative workers' organisation, which had acted totally free from any government influence.

32. While regretting the lack of statistical information concerning representative character, the Committee noted that the objection did not question the importance of the trade union confederation that had recommended the Workers' delegate to the Conference, but essentially alleged election irregularities and Government control over this confederation. In view of the lack of evidence to substantiate these allegations, especially in the light of the Government's statement, the Committee decided not to uphold the objection.

Communication concerning the composition of the Workers' delegation of Morocco

33. The Committee received a communication which had initially been sent to the Director-General of the ILO, submitted by the "Confédération démocratique du travail" (CDT) and the "Union générale des travailleurs du Maroc" (UGTM).

34. These organisations maintained that for years now they had demanded the application of the principle of rotation for the position of titular of the Workers' delegation and that the Moroccan authorities had persisted in ignoring a principle which applied in all countries in which trade union pluralism existed. They requested an intervention with the Moroccan authorities so that discriminatory policy would cease.

35. The Committee observed that the organisations which had sent the communication were not objecting to the credentials of the Workers' delegate of Morocco. If that had been the case, the objection would have been irreceivable, under Article 26, paragraph 4(c) of the Conference Standing Orders, since the two organisations were represented as advisers to the Workers' delegate.

36. With regard to the principle of rotation, the Committee recalled the opinion it had expressed on many occasions and also in relation to the composition of the Workers' delegation of Morocco, that rotation was only one of the means of obtaining an agreement between the interested organisations. For this reason, the Committee considered that it could not intervene as requested with the Moroccan authorities and limited its action to transmitting a copy of the communication to the Government delegation of Morocco.

Communication concerning the delegation of Haiti

37. Further to the communication dated 3 June 1992 concerning the Government delegation of Haiti, referred to in paragraph 28 of the Committee's second report (*Provisional Record*, No. 16, page 16/44), the Committee received from the same source a communication concerning the delegation of Haiti as a whole, including the Employers' and Workers' delegations. The communication indicated that it should be treated as an objection for the purposes of Article 26 of the Standing Orders of the Conference, as should the previous communication referred to above.

38. The Committee noted that the names of the Employers' and Workers' delegates of Haiti were on the provisional list of delegations published as a supplement to the Provisional Record of 3 June 1992. The later communication received on 12 June therefore fell outside the 72-hour time limit provided for in Article 26, paragraph 4(a) of the Standing Orders, and was accordingly not receivable as an objection. At the same time, the Committee recalled the position that it had previously adopted with respect to the Government delegation, which is reflected in the Committee's above-mentioned second report.

Communication from the Employers' Group

39. The Committee received a communication from the Employers' Group, signed by its Secretary, Mr. Costas Kapartis, wishing to register the protest of the Employers' group at the number of governments which have not respected their obligation under Article 13, paragraph 2(a) of the ILO Constitution to bear travel and subsistence expenses for their delegations. The communication indicated that 37 governments had not fulfilled this obligation. Nine governments, of which four were specifically mentioned, did not offer any financial support at all to their Employers' delegations. The governments of 28 countries, seven of which were specified, had only partially met their obligation in this respect: in nine cases the expenses of advisers had not been paid; in 18 cases, the expenses of some advisers had not been paid, and one Employers' delegation had received only subsistence expenses. Ninety Employer advisers did not have their travel costs and expenses paid by their government. The Employers' delegate of one country and the adviser of another had not been able to attend the Conference because of non-payment by their governments of their travel and subsistence expenses.

40. The communication added that the situation might be much more serious than what appeared from the elements described above and that the Workers' Group might have been similarly treated by governments. The problem took dimensions beyond the fulfilment of the constitutional obligations of member States. It interfered with tripartism, the correct composition of delegations and the smooth functioning of the Conference; it was therefore time for immediate consideration to be given to finding effective remedies.

41. In this connection, as it had done in its second report (*Provisional Record*, No. 16, page 16/44, paragraph 33), the Committee drew attention to paragraph 17 of its first report (*Provisional Record*, No.

0, page 10/42), in which it reminded governments of
heir obligation to bear the travelling and subsistence
xpenses of their delegations in accordance with Ar-
cle 13, paragraph 2(a) of the ILO Constitution.

42. At the same time, the Committee recalled that
he provisions in the Conference Standing Orders
hat set out its mandate, namely Articles 5 and 26,
id not include in its functions the consideration of
bjections based on non-compliance by a member
tate with its obligations under Article 13, paragraph
(a) of the ILO Constitution. The Committee regret-
ed that its action was limited, by reason of the
tanding Orders at present in force, to taking note of
he communications received. It felt that the possibil-
y of introducing an appropriate mechanism to eval-
ate the extent to which the obligations under Arti-
le 13, paragraph 2(a), of the Constitution were being
omplied with should be examined by the competent
odies in the ILO.

ate Objection

43. On 9 June 1992 the Committee received a
ommunication from the “Syndicat des Enseignants de l'Education Nationale” (SEENA) concerning the Workers' delegate of Gabon.

44. The name of the Workers' delegate of Gabon appeared in the Provisional List of Delegations, published as a supplement to the *Provisional Record* of 3 June 1992. This communication was, therefore, received after the end of the 72-hour time limit provided for in Article 26, paragraph 4(a), of the Conference Standing Orders. The Committee accordingly considered that in so far as it constituted an objection, it was not receivable in accordance with the above-mentioned provision.

45. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 19 June 1992.

(Signed) S. PEREZ DEL CASTILLO,
Chairman.
D. FUNES DE RIOJA.
C. GRAY.

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Fourth Report of the Credentials Committee 1

No. 26 – Monday, 22 June 1992

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Third Item on the Agenda: Information and Reports on the Application of Conventions and Recommendations

Report of the Committee on the Application of Standards

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Report of the Committee on the Application of Standards

PART ONE

GENERAL REPORT

A. Introduction

1. In accordance with article 7 of its Standing Orders, the Conference set up a Committee to consider and report on item III on its agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of 178 members (92 Government members, 26 Employers' members and 60 Workers' members). It also included 20 Government deputy members, 39 Employers' deputy members and 87 Workers' deputy members.[1] In addition, 23 international non-governmental organisations were represented by observers.[2]

2. The Committee elected its Officers as follows:

Chairman: Mr. M. Rood (Government member, Netherlands);

Vice-Chairmen: Mr. A. Wisskirchen (Employers' member, Germany); and Mr. W. Peirens (Workers' member, Belgium);

Reporter: Mrs. F. Montenegro Diaz (Government member, Nicaragua).

3. The Committee held 22 sittings.

4. The Committee joined the Committee of Experts in paying tribute to Mr. Thiecouta Sidibé, former Director of the International Labour Standards Department of the International Labour Office, who retired at the end of March this year. His long experience and his personal commitment to the defence and promotion of the Organisation's standards, combined with his helpfulness and skill in enabling the Conference Committee on the Application of Standards to complete its tasks have earned him both the respect and the affection of the members of the Committee who have known him. The Committee wishes to record both its gratitude to Mr. Sidibé and its welcome to Mr. Héctor G. Bartolomei, his successor as Director of the Standards Department and representative of the Secretary-General in the Committee.

5. In accordance with its terms of reference, the Committee considered the following questions: (i) information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopt
by the Conference; (ii) reports supplied under ar
cles 22 and 35 of the Constitution on the applicati
of ratified Conventions; and (iii) reports request
by the Governing Body under article 19 of the Co
stitution on the Discrimination (Employment a
Occupation) Convention, 1957 (No. 111); and on t
Minimum Wage-Fixing Machinery Convention (N
26) and Recommendation (No. 30), 1928; the Mi
mum Wage Fixing Machinery (Agriculture) Conve
tion (No. 99) and Recommendation (No. 89), 19
and the Minimum Wage Fixing Convention (No. 1
and Recommendation (No. 135), 1970.[3]

6. As usual, the Committee began its work with
discussion of general aspects of the application
Conventions (particularly ratified Conventions) a
Recommendations and the discharge by memb
States of standards-related obligations under t
ILO Constitution. It then discussed the general s
vey made by the Committee of Experts on the App
cation of Conventions and Recommendations, whi
dealt with minimum wages (wage-fixing machine
application and supervision). Finally, it consider
various individual cases relating to the application
ratified Conventions or compliance with the oblig
tions to supply reports replying to the comments
the Committee of Experts and to submit Conve
tions and Recommendations to the competent n
tional authorities. The examination of those cas
which is the essential work of the Committee, w
based principally on the observations contained
the report of the Committee of Experts and on t
oral and written explanations provided by t
governments concerned. The Committee also r
ferred to its discussions in previous years, commen
received from employers' or workers' organisatio
and, where appropriate, the reports of other ILO s
pervisory bodies. In view of the short time availab
the Committee followed its usual practice of maki
a selection among the Committee of Experts' obs
vations and consequently discussed a limited numb
of cases. A summary of the information supplied
governments, the discussions in the present Co
mittee and any conclusions it has drawn is set out
Part Two of this report.

7. The representative of the Secretary-Gene
suggested that, for reasons of efficiency and costs a
without any substantive loss in the end result, t
Committee might this year consider provisiona
forgoing formal minutes for its general discussio
The Committee recalled that the secretariat has hi
erto put out minutes not only of the Committe
discussions of individual cases (which are publish

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[1] For changes in the composition of the Committee, see the reports of the Selection Committee, Provisional Record Nos. 6A to 6K.

[2] For the list of organisations, see the reports of the Selection Committee, Provisional Record No. 6.

[3] Report III (Parts 1 to 3) to the International Labour Conference Summary of Reports (articles 19, 22 and 35 of the Constitution); Report III (Part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations; Report III (Part 4B): Minimum Wages.

in the *Provisional Record* of the Conference appended to the Committee's report) but also of its general discussions. Having regard to the importance of the general discussion to the supervisory system as a whole, the Employers' members, supported by the Workers' members, proposed postponing any decision until next year, after due reflection. The Committee so decided.

B. General questions relating to international labour standards

I. Supervisory system

(i) Roles of the supervisory bodies

8. The Committee reaffirmed its support for the supervisory system and its reliance on the Committee of Experts' report, prepared as it is on the principles of independence, objectivity and impartiality. The Committee of Experts' report is an essential basis for the work of the present Committee, which recognises its high quality. The Committee believes that the supervisory system depends on a constructive dialogue between the two bodies.

9. The Workers' member of the United States felt that the vast majority of members of the Conference Committee had also adopted the principles of independence, objectivity and impartiality in the evaluations made in its own report to the Conference, as shown in paragraph 20 of its 1989 report: the Committee's conclusion last year in the case of the application of freedom of association under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by the United Kingdom in respect of the Government Communications Headquarters at Cheltenham – in which case only the Government concerned dissented – showed that the principles were achieved in reality. The Employers' member of the United States thought the supervisory system was now moving into an era when the present Committee could conduct its work free from the political considerations of the past, and with independence, objectivity and impartiality, as the Committee of Experts always has done.

10. The Employers' members recalled that the Committee is prescribed in article 7 of the Standing Orders of the Conference and that it has competence to consider the measures taken by member States to give effect to the provisions of Conventions to which they are parties and to present a report to the Conference. The Committee is an essential part of the supervisory system and should be strengthened as much as possible. They considered that, while the opinions expressed in the Committee of Experts' report have considerable importance, the present Committee is not formally bound to follow them: this position was legally, historically and logically justified, and if it were not so the dialogue with governments would have no purpose. Each Committee has its own responsibilities; neither was subordinate to the other, but the spirit of mutual respect and cooperation should prevail. In reality the Conference Committee had always played its own independent role and recognising this did not imply a weakening of the supervisory mechanism. On the contrary, it was undeniable that numerous cases where progress had been made were in large part due to the intensive discussions of the present Committee. The theoretical question of this Committee's role should be examined in the interest of intellectual clarity. But, in actual practice, there were never any differences between the Employers' and the Workers' sides: a long list of cases could be made where the spokespersons of the Workers distanced themselves from the findings and the evaluations of the Committee of Experts. On the whole, divergences from the report of the Committee of Experts were more frequent and numerous on the Workers' side than on the Employers' side. The difference merely consisted in that the Employers had explicitly emphasised this fact and explained why this was justified. In actual practice, there was never any difference between the two sides. They acknowledged too that, as shown in paragraphs 18 to 30 of the Committee of Experts' report, the constitutional and other special procedures can help further to solve difficulties, although their variety does not allow the present Committee to follow them. The Government member of Germany agreed with the Employers' position.

11. The Government member of the United Kingdom also thought that the work of the present Committee would be superfluous if the opinions of the Committee of Experts could not occasionally be questioned. The Government member of Pakistan was of opinion that, where a government was forced to depart temporarily from a ratified Convention which it generally applied, understanding should be shown, and this attitude would lead to greater numbers of ratifications. The Government member of Cuba recalled that the Committee of Experts' work should be based on Governments' reports. The Conference Committee's discussions, in so far as they may be objective and impartial, may provide further objective information without implying that the Committee of Experts can circumscribe its comments exclusively on this Committee's discussions.

12. The Employers' member of the United States took the view that the Committee of Experts should respond to questions of method and substance raised in the present Committee and that it should be prepared to explain and re-evaluate its opinions: such further dialogue would serve to strengthen the supervisory machinery, and the Employers' members hoped the Committee of Experts would begin to do more of this next year. The Government member of the United States also said that the Committee needs and is entitled to a response from the Committee of Experts to the various questions raised: the work of the present Committee was becoming more complex and technical in the post-Cold War period and it needed more information in order to do its job correctly.

13. The Workers' members pointed out that they continue to follow the situation in cases not mentioned in the Committee of Experts' report this year; they expect the Committee of Experts to continue to give close attention to the remarks of the present Committee. They added that any reforms of the supervisory system should not in any event weaken the application in law and practice of ratified Conventions, as this would also discriminate against countries which scrupulously respect their engagements. The Workers' member of the Netherlands referred to the value of enriching the Committee of Experts'

work with the testimony of Conference Committee members with direct knowledge or experience of the suffering caused, for example, by the abuse of trade union rights. Though the International Labour Office provides a vital link between the two bodies, there was sometimes, as he had observed last year (paragraph 7 of the Committee's 1991 report), a lack of continuity, when it was not clear why certain cases were included in the Committee of Experts' report one year but not another: the Committee should be informed why certain cases were chosen but not others. The Workers' member of France stated that the Committee of Experts' report was silent concerning certain cases of violation of Conventions universally recognised. The Workers' member of Greece stated his view that the Committee of Experts does not always take sufficient account of the factual information – for instance as to the collective bargaining situation – given in the discussions of the present Committee. In a specific case, the Workers' member of Ecuador said that, although his country was noted by the Committee of Experts as a case of progress in relation to the Maternity Protection Convention, 1952 (No. 103), because the Labour Code incorporated the Convention, in practice earlier legislation continued to impede effective guarantee of the right to maternity protection.

14. The Employers' and Workers' members observed that the choice of individual cases in the Committee of Experts' report to be discussed by the present Committee becomes more difficult both because of their increased number and because governments often supply their reports late. The Employers' members thought it would be suitable to examine if the periodicity of the reporting system should again be modified and the interval between the requests for reports increased according to the different categories of Conventions; the old Conventions, especially those which are obsolete, should be revised more rapidly than in the past; and the Committee of Experts' observations could concentrate on essentials and be presented in a more concise manner. The Government member of Ecuador agreed that the Committee of Experts' report formed the basis of the present Committee's work, but drew attention to the difficulties caused to the Conference delegations when the report is received so late that it cannot be given all due forethought.

15. The representative of the Secretary-General recalled that many complaints had been made over the years that members of the Committee – especially from developing countries – receive the Committee of Experts' reports only on arrival in Geneva. He intended to make proposals to solve the problem without any increase in expenditure for either the Office or governments. He explained that some cases were not mentioned in the Committee of Experts' report every year because reports were not due every year under the automatic requesting system determined by the Governing Body: this did not mean those cases were lost or neglected, and they would be examined again when the next reports were due. Proposals to deal with this question were also under consideration. The Committee had, notwithstanding, followed up this year on many cases discussed earlier by the present Committee.

(ii) Interpretation of Conventions

16. Several members of the Committee spoke to paragraph 7 of the Committee of Experts' report, which noted the earlier suggestion in the Conference Committee that the implementation of article 37 (2) of the ILO Constitution – which empowers the Governing Body to "make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention" – should be submitted to the competent bodies of the ILO for a prior in-depth examination. The Government members of Australia, Belgium, Cameroon, France, Germany, Pakistan, the Russian Federation, Saudi Arabia, Spain, Tunisia and the United Kingdom supported the suggestion that the matter should be studied in the Organisation. The Workers' members stated that the suggestion for such a study could serve to reinforce the supervisory system. However, a tribunal should not be used to weaken the roles of the Committee of Experts or the present Committee or throw doubt on the principles and methods of the supervisory bodies. They emphasised the tripartite aspect of the ILO's standard-setting: this is a characteristic not only of the supervision of international labour standards but also of their elaboration, and it must be remembered whenever the Vienna Convention on the Law of Treaties is invoked as a guide to their interpretation. ILO Conventions were not like other treaties, but had some resemblance to an "international collective agreement".

17. The Employers' members referred to the position they had taken in previous years in the Committee in regard to the interpretation of Conventions (paragraphs 13, 26 and 27 of the Committee's 1991 report): under the ILO Constitution only the International Court of Justice may give a definitive interpretation of a Convention; the present Committee proceeds in an independent manner under article 7 of the Standing Orders and presents a report to the Conference; for the accomplishment of its task it uses the report of the Committee of Experts as an indispensable basis for its work; given the great quality of the report of the Committee of Experts, its opinions also have a considerable importance for the present Committee, which is nevertheless bound neither formally nor legally to follow their views, given that they have no *erga omnes* effect, and this was logical because the dialogue with governments and other discussions would have no purpose if it were not possible to disagree with the Committee of Experts' views; finally, only those methods of interpretation mentioned in article 31 of the Vienna Convention on the Law of Treaties are applicable.

18. The Government member of Spain thought such a tribunal should be an ad hoc body; its members would have to be internationally recognised experts and they would need to base their work on the Vienna Convention. The Government member of Tunisia thought the study should consider the relationship between a tribunal and the existing supervisory bodies; the effect of setting up such a tribunal on the decisions of this Committee, the Committee of Experts and the Committee on Freedom of Association; the relationship between the tribunal and the International Court of Justice; the procedure to

be followed (including, whether the Governing Body would be involved); whether it would be a court of first or of last jurisdiction; and the effect of its judgments.

19. The Government member of the Syrian Arab Republic was in favour of setting up an article 37 (2) tribunal. The Workers' member of Norway stated that such a tribunal should have a tripartite basis, and that it would make the ILO's supervisory machinery more complete. The Workers' member of Finland stated that until recently the established interpretations made by the Committee of Experts have been considered binding by member States until the International Court makes a final decision; however, there was now a need for a special tribunal for speedy resolution of disputes in cases such as those involving Germany or the United Kingdom, where governments did not recognise the interpretations made by the supervisory bodies – including special commissions of inquiry – but at the same time failed to appeal to the International Court of Justice. The Government member of Germany did not believe reliance on the Vienna Convention would lead to ILO Conventions losing value.

20. The representative of the World Federation of Trade Unions (WFTU) referred to the quasi-judicial role of the Committee of Experts which allowed the present tripartite Committee to aim through its debates at encouraging member States to apply Conventions effectively rather than condemning them. In his view, establishing an article 37 (2) tribunal would accentuate the judicial character of the supervisory system and made the procedures less flexible; there would be problems if executory judgments were pronounced against governments. Conventions were the fruit of political compromise reached in a tripartite framework and should be supervised too in a tripartite manner: existing mechanisms should be improved but not weakened.

21. The Government member of Iceland, speaking on behalf of the Nordic Governments (Denmark, Finland, Iceland, Norway and Sweden) considered it preferable to resolve problems in the spirit of mutual respect, cooperation and responsibility than to resort to an article 37 (2) tribunal. The Government members of Pakistan and Portugal emphasised the importance of dialogue between the two Committees, and if that did not resolve problems, solutions other than resort to the International Court of Justice should be sought. The Government member of the United States shared the view of the Nordic governments and considered a tribunal would be no more legally definitive than the Committee of Experts and that it could undermine the key role of the latter in the supervisory process. The Government member of Iraq considered the current machinery based on dialogue preferable to a more judicial one: if after a study it were decided to set up a tribunal, it should be competent only for interpretation and not for dispute settlement; interpretation should be a matter for legal experts, but the Committee of Experts had in certain cases gone a long way in interpreting Conventions beyond the true meaning of the actual text, which could create problems for some countries and discourage them from ratification. The Government member of Morocco doubted the need to create another body: the current system had proved its effectiveness, dominated by the spirit of pragmatism and dialogue; and the qualifications for judges of a tribunal would be the same as those for members of the Committee of Experts; in addition to which, a tribunal would risk bringing greater rigidity into the system at a time when flexibility is wanted. The Employers' member of the United States also considered dialogue preferable to implementation of article 37 (2), which he believed would lead to an alternative appeals procedure and would have the effect of diminishing the stature of the Committee of Experts. He recalled that article 37 (2) was included in the Constitution at a time when it was uncertain whether the ILO would enjoy direct access to the advisory jurisdiction of the International Court reconstituted as a United Nations organ; and the Governing Body had taken no action on the procedure because access to the Court was in fact provided for.

22. The Employers' member of the United States stated that the Committee of Experts had an expansive application of the right to strike, even though the legislative history of Convention No. 87 did not relate to it. He said that the Committee of Experts had first mentioned as an observation the right to strike being contemplated by the Convention more than a decade after the adoption of Conventions Nos. 87 and 98, and in the meantime many countries had ratified them with no knowledge that the right to strike was involved. He stated that from 1960 through the 1980s the Committee of Experts had concluded that those Conventions contain an ever-widening right to strike, including sympathy, political and solidarity strikes, and that they applied a narrower and narrower definition of "essential services". He wondered at what moment evolving Committee of Experts' interpretations became "valid and generally recognised". On behalf of the Employers' members, he stated it was preferable to address these questions in the context of specific cases. It was in the interests of the Committee that the Committee of Experts should explain the basis for their decision making more clearly and listen to this Committee's concerns in "the spirit of mutual respect, cooperation and responsibility".

23. The Workers' members emphasised their support for the working methods and principles applied by the experts as a whole, including the right to strike.

24. The Workers' member of the United Kingdom observed that a State which does not agree with the Committee of Experts' views may take the matter to the International Court of Justice, but it should not expect the present Committee to contradict the Committee of Experts on points of law. The right of the present Committee to differ on interpretation does not extend to individual governments, as the standard-setting machinery could not exist in those conditions.

25. The representative of the Secretary-General stated that the question of an article 37 (2) tribunal would be studied in detail by the Office and submitted in due course to the competent bodies.

(iii) Recent trends: democratisation and tripartism

26. The Committee reflected further on the continuing evolution of the international environment in

which the ILO's standard-setting system functions, and the conditions affecting the observance of international labour standards in developing and industrialised countries, especially those undergoing transition to a market economy. It noted with interest the information supplied by various members as to progress made, often with ILO assistance, in revising labour legislation and establishing or enhancing tripartite practices. At the same time, it was concerned that the ILO's standards and principles should nevertheless be strenuously defended and promoted.

27. The Committee welcomed States joining the ILO, since this must strengthen the universality of the Organisation's standards. For the same reason, the Workers' members hoped the new member States which have not yet ratified Conventions would rapidly do so. They remarked that many governments of developing countries, those undergoing transition to a market economy and industrialised ones are tempted to give near absolute priority to economic progress without paying due attention to freedom of association, tripartism and the participation of all social groups: the observance of international labour standards is of primary importance for safeguarding basic rights, social justice and democracy. The Workers' member of Venezuela gave his opinion that democracy and a market economy were not one and the same thing: he wondered whether democracy was only a question of electoral procedure or whether the concept is linked to workers enjoying decent working and living conditions. The Government member of Nicaragua said that tripartism is the most appropriate means of bringing about peace and social justice, and it should operate in all areas such as vocational training, wages policy and establishing conditions of work.

28. The Employers' members considered that major political developments in the world would influence the work of the present Committee in various ways, and the current increase in ILO membership brought about not just a quantitative but a qualitative change. Many States had returned peacefully to the community of democratic States and were making efforts to introduce a market economy: this Employers regard as particularly suited to democracy and individual liberty, although there might be major difficulties during the changeover which are attributable to a former dictatorial system. Imagination, patience and assistance – and the support of the Committee – would be needed. The International Organisation of Employers had also welcomed new members. The Employers noted that individuals and enterprises had a role in taking risks and investing to assist those countries, although changing political, ideological and economic structures is not easy.

29. The Workers' members referred to the role of the ILO in relation to democratisation as discussed in the Director-General's report to the Conference. Efforts by the ILO were needed to reinforce tripartite involvement in the transition to a market economy and structural adjustment; a market economy is not in itself a guarantee of the development of democracy, but it should be accompanied by real and increasing participation by all social groups, complete social and economic democracy, tripartism and free bargaining. They considered that new divisions in countries changing to a market economy and undergoing structural adjustment must not jeopardise the principles and working methods of the Committee of Experts and the Conference Committee. The Workers' member of Colombia said that people in developing countries face the re-establishment of the old economic order disguised as a new one, with the imposition of a neo-liberal model provoking social marginalisation and, as events show, threatening the fragile democracies of Latin America: the ILO had an important role in that respect, and the present Committee should, as the political conscience of the ILO, ensure further progress by following up the work of the Committee of Experts and promoting on-the-spot missions to establish the facts. The WFTU representative said that the slowing of ratifications, frequent insufficiency of reporting and denunciations resulted less from standards being ill-adapted to conditions than from the development of neo-liberal approaches to labour and social rights, deregulation since the 1970s, and the threat to the protection of labour rights caused by ideas of financial profitablity – all of this to the cost of full employment and social progress.

30. The Government member of Iceland speaking on behalf of the Nordic Governments observed that international political changes had had a noticeable effect on the Committee: arguments about "double standards" had subsided, enabling the Committee to carry out its work more efficiently. The Government member of Saudi Arabia in this context stressed the importance of directing dialogue with governments towards encouraging them, in particular, to ratify Conventions. The Workers' member of the United Kingdom feared that the disappearance of the East-West ideological divide might give rise to new alignments in the Committee and a new problem of different attitudes to rich and to poor countries in cases of failure to fulfil obligations under Conventions. The Workers' member of Italy stated that the end of ideological conflicts made more concrete work possible, and the supervisory machinery could now turn from an analytical to a synthetical phase, dealing with larger issues such as the maintenance of peace, internationalisation of the economy, the environment, new technology management, and North-South imbalances. As concerns social standards and technical cooperation in the field of work, the ILO should remain the privileged source of reference.

31. Several members representing governments of countries involved in the transition process informed the Committee of their experience, and in particular of assistance received from the ILO. The Government member of the Russian Federation indicated that international labour standards were, with the Office's advice, forming the basis for new labour legislation in his country; practices of tripartism and negotiation of conflicts were being turned to. He considered that further assistance from the ILO would help deal with problems of discrimination against the Russian-speaking population in certain newly independent States formerly part of the USSR. The Government member of Lithuania also referred to the creation of tripartite structures in her country and she hoped for continuing ILO technical assistance in relation to standards and reporting. The Government member of Latvia similarly described ILO assistance received in relation to standards and tripartism: his country looked to international norms

as indicators for national legislation; eight of the most basic ILO Conventions had been newly ratified, and Latvia hoped for continuing help from the ILO. The Government member of Romania talked of the benefit his country had had from ILO assistance in respect of labour legislation for the democratisation of social relations.

32. The Workers' member of Italy remarked that the supervisory bodies were the pillars on which the ILO stands in order to reinforce democracy and social justice in the world. The Committee noted from the Committee of Experts' report that the highest ever number of observations had been received this year from employers' and workers' organisations, demonstrating their active interest in the supervision of standards and, as the Workers' members observed, considerably reinforcing the efficiency of all components of the supervisory system. The Government member of Uruguay informed the Committee of the contribution to economic integration in Argentina, Brazil, Paraguay and Uruguay made by a tripartite committee set up to deal with common labour and social questions: subject to the review of some international legal issues, the committee had, by listing certain international labour Conventions to be ratified as a minimum by those countries, established a consensus among them. The Government member of Portugal thought ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), had stimulated organisations into participating in the supervisory procedures, and she emphasised the value of the Office's work, especially for promoting and strengthening national tripartite machinery.

33. The Workers' member of Spain, supported by the Workers' member of Colombia, regarded tripartism as an essential element of the ILO over the last 40 years but was concerned that the principle was in crisis in many countries, especially where, as in his country, there is no real negotiation. He appealed for genuine negotiations, where each side listens. The Workers' member of Ecuador viewed governments' neglecting reporting obligations and their denunciation of Conventions as the reflection of an attack on workers' rights, with serious consequences for their living conditions and for tripartism and democracy, especially where these are already very weak.

(iv) Reporting obligations

34. The Committee noted with concern that the proportion of reports on ratified Conventions received in time for the Committee of Experts was, at just under 70 per cent, exceptionally low this year. It recalled that the supply of reports due is an important constitutional obligation on which the supervisory system is based, and that when reports are received either late or not at all or are incomplete, the work of the Committee of Experts and the present Committee risks destabilisation. Whilst recognising that most member States fulfil their reporting obligations, the Employers' and Workers' members hoped that all governments would make greater efforts in this respect. The Workers' member of Ecuador pointed out that a government such as his own could be considered by the Committee of Experts as having complied with reporting obligations even though the only action it had taken was to refer matters to the National Congress without making effort to make the necessary adjustments to legislation. He was concerned at some governments' lack of replies to comments of the Committee of Experts.

35. The Employers' members noted the reference in paragraph 116 of the Committee of Experts' report to certain governments systematically sending their reports during the period between the end of that Committee's session and the beginning of the Conference. They iterated their proposal, supported by the Workers' members, that such governments should be named, as their conduct constitutes a rather sophisticated form of obstruction to the supervisory system. The Committee was informed by the representative of the Secretary-General that the wish to see such list in the body of the Committee of Experts' report with a view to assisting this Committee's discussions would be duly transmitted.

36. The Employers' members pointed out that the deterioration in performance of the reporting obligation coincided with a constant increase in the absolute numbers of Conventions and of reports due. It might therefore be right to re-examine the periodicity of reporting on ratified Conventions. The number of observations had also increased, as well as the size of the report – double that of ten years ago. The Workers' members called for prior consultation of this Committee before decisions were taken changing reporting obligations. They stressed that in general the new arrangements should reinforce the supervisory system as a whole and not weaken it, given that it is a dynamic system.

37. Members representing Governments of industrialised as well as developing countries (Australia, Cuba, France, Germany, Iceland (and the other Nordic countries), Iraq, Italy, Morocco, Nigeria, Pakistan, Syrian Arab Republic, United Kingdom, United States) referred to an increasing reporting burden and difficulties in meeting deadlines. The Government member of Pakistan warned of particular difficulties for federal States. The Government member of Iraq pointed to the difficulty in meeting time-limits because of having to consult various authorities and employers' and workers' organisations and obtain required information, and because of delays in correspondence with the ILO. And the Workers' member of Poland observed that the increasing numbers of comments being made by employers' and workers' organisations, while in itself encouraging, placed further pressure on the time-limits for dealing with the Committee of Experts' comments: he suggested that the Committee of Experts authorise the Office, where it received comments from organisations which had simultaneously been sent by them to the Government concerned, to invite the Government to comment immediately. The Government member of Morocco suggested sending requests for reports 12 months in advance and reducing the number of Conventions on which reports are due. Some Government members (Kenya, Pakistan, Portugal) indicated that the Office's assistance can help overcome administrative and technical difficulties. Others (Belgium, Cuba, Nigeria, United Kingdom, United States) called for further ILO consideration of the problem, with a view perhaps to staggering reporting deadlines through the year (United Kingdom), or otherwise extending deadlines (Iceland and the other

Nordic countries, Syrian Arab Republic), or being more selective in reporting requirements (Australia). The Government member of France considered in this respect that account should be taken of which Conventions are formally listed by the Governing Body as priority ones; he further noted that the workload has increased also for the International Labour Standards Department and the Committee of Experts.

38. The Committee was assured by the representative of the Secretary-General that the possibility of a selective system of reporting was being examined, valuing quality over quantity. Any proposals the Office made would be submitted to the Governing Body in due course. It was demonstrated to the Committee by reference to earlier statistics that, after an initial decline in the numbers of reports requested following the introduction of changes in their periodicity, later increases meant there was in the end a worse result.

II. Principles of standard-setting

(v) Standard-setting policy

39. The Committee listened to the views of several members as to the form of future and some present ILO standards. Several speakers (the Employers' members, the Government members of Australia, Germany, Italy, the Syrian Arab Republic) considered that some older Conventions are out of date or no longer relevant and should be revised: the Protection of Wages Convention, 1949 (No. 95); the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96); and – so far as they have special provisions for women – the White Lead (Painting) Convention, 1921 (No. 13), the Maximum Weight Convention, 1967 (No. 127) and the Benzene Convention, 1971 (No. 136), according to the Government member of Australia; and the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27), according to the Government member of Germany. The Government members of Australia, France, Kenya, Nicaragua and Tunisia stressed the need for Conventions to be flexible or drafted as a "framework", in order to facilitate ratification by countries at all stages of development. The Government member of Iceland, speaking on behalf of the Nordic Governments, agreed on the need for flexibility but stressed that future instruments should not be drafted so flexibly as to leave it up to ratifying States to determine whether or how to implement them. Similarly, several members of the Committee (the Government members of France, the Syrian Arab Republic, the United Kingdom) referred to the need to ensure that the principle of universality is retained in international labour standards. The Government member of Morocco stressed the need for new standards to take account of new developments. The Government members of Australia and the United States called for relaxation of the pace of standard-setting, so that Conventions adopted would have a better chance of being ratified and implemented.

40. With regard to the link between the elaboration and application of standards, the Employers' members were of the opinion that this close link should not be overlooked. A number of governments complained regarding their ability to apply Conventions. The problem was not here however but with governments voting in favour of new international instruments containing highly complex and technical standards. These governments should adopt a more coherent policy in this respect. An examination of ratifications over the past 15 years showed that the new Conventions obtained fewer ratifications. An explanation for this could perhaps be found in the complexity of these instruments.

41. The Government member of Bangladesh noted that many developing countries do not understand the need to adopt so many standards dealing with the informal sector at one extreme and highly sophisticated manufacturing and operational units at the other. There was in the current adoption procedures no guarantee of effective interaction between the Office and the member States. The vast majority of States failed to participate in the committees drawing up Conventions and Recommendations due to the inadequate size of their delegations and their lack of expertise; thus, instruments adopted did not reflect the situations in member States, and the latter would not be able to implement or ratify them. He proposed greater time for member States to interact in the adoption process; a greater breathing space particularly for developing countries before deciding whether to ratify; examination of the subjects already covered by standards, to restrain the tendency to bring new areas dealt with by national legislation within the international norms; the revision of existing standards with a view to eliminating overlapping, if necessary, rather than the adoption of more new standards; and the highlighting of flexibility in order to encourage ratification and implementation. The Government member of Australia also referred to the lack of resources in many countries to enable effective participation in the standard-setting process: this detracts from the universality of standards.

42. The Government members of France, Germany and Tunisia pointed out that some recent Conventions are unclearly drafted, partly because they represent compromises reached in the Conference. The Government member of Germany mentioned that reservations cannot be made when ratifying. However, the Workers' members considered too general standards would create problems of interpretation. It was necessary also to avoid putting off problems met with in the tripartite technical committees for solution in the present Committee. The problems of protecting workers were moreover highly complex in view of the increasing complexity of work organisation and technology. The Government member of Iceland speaking on behalf of the Nordic Governments called for the International Labour Standards Department to be represented in technical committees elaborating new standards or revising old ones; and the Government member of France wished also for the responsible technical branches of the ILO to be made more aware of the problem when the original questionnaires are drafted. The Government member of Tunisia also thought the Standards Department had an important role to play in the adoption process.

43. The WFTU representative viewed requests for the slow-down of standard-setting and for revision of standards to make them more flexible in the context of social regression resulting from international com-

petitiveness. The Government member of the Russian Federation called for current gaps in international labour law to be filled with adoption of new Conventions and Recommendations. The report showed quite clearly that coordination on standard-setting between the ILO and the United Nations system should be reinforced. In this coordination the eminent position of the ILO in the development of international labour standards was obvious.

44. The Committee noted with interest the consideration given by the Governing Body to some preliminary suggestions as to the standard-setting system made by the Director-General. It noted that various matters would be examined further, and it hoped that the Office and the Governing Body would bear in mind the views expressed in the Committee. Preliminary consultation and cooperation with this Committee before decisions on the sending of reports would be very useful in ensuring the success of any decisions taken.

III. General aspects of the application of standards

(vi) Ratifications

45. The Committee welcomed the indication in the Committee of Experts' report that there were 58 ratifications in 1991, making a total of some 1000 new ratifications since 1980. The Government member of Saudi Arabia and the Workers' member of the Syrian Arab Republic stated the importance of the ILO's role in promoting and encouraging further ratifications. The Government member of Tunisia called on the Committee of Experts to make an analysis of ratifications, showing the tendencies and drawing conclusions; they should be presented by country and by Convention and a study should be undertaken of the difficulties in ratifying all Conventions, especially the human rights ones.

46. The Workers' members noted the low number of new ratifications in the Asian/Pacific Region (five in 1991) and in North America despite some recent improvements. The Workers' member of Japan regretted stagnation in the pace of ratifications. He spoke of the stress placed on ratification of Conventions by the ILO Asian Regional Conference held in Bangkok in 1991: with a few exceptions, despite the remarkable economic development there, Asian countries had a poor record in this respect, in particular relating to basic human rights Conventions such as the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Workers' member of Finland regretted also that so few ratifications of basic human rights Conventions and those on trade union rights were registered in 1991. The Workers' member of France pointed out that large industrialised States sometimes ratify few ILO Conventions.

47. The Committee noted with interest the indications by several Government members that ratifications were envisaged or under consideration as follows: Australia (Minimum Age (Sea) Convention (Revised), 1936 (No. 58); Accommodation of Crews Convention (Revised), 1949 (No. 92); Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133); Workers' Representatives Convention, 1971 (No. 135); Rural Workers' Organisations Convention, 1975 (No. 141); Labour Relations (Public Service) Convention, 1978 (No. 151)); Belgium (Paid Educational Leave Convention, 1974 (No. 140); Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); Night Work Convention, 1990 (No. 171)); Germany (Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148); Asbestos Convention, 1986 (No. 162); Safety and Health in Construction Convention, 1988 (No. 167)); India (Labour Administration Convention, 1978 (No. 150)); Iraq (Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)); Italy (Night Work Convention, 1990 (No. 171)); Lithuania (Labour Inspection Convention, 1947 (No. 81); human rights Conventions); Portugal (Night Work Convention, 1990 (No. 171)); Romania (Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); Collective Bargaining Convention, 1981 (No. 154); Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)); Russian Federation (Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); Collective Bargaining Convention, 1981 (No. 154)).

(vii) Denunciations

48. The Committee took note of the indications in paragraphs 12-17 of the Committee of Experts' report, concerning in particular eight denunciations of the Night Work (Women) Convention (Revised), 1948 (No. 89), not accompanied by ratification of the Night Work Convention, 1990 (No. 171). The Employers' members called for careful examination of the reasons behind denunciations, as conflicts may arise between the requirements of Conventions such as No. 89, which discriminated against women, and new realities. The Government member of Italy considered that Convention No. 89 maintained its importance for different situations and systems; and in this respect the Committee should relaunch debate on the relation between standards and the different contexts in which they are applied. The Workers' members were concerned also at the denunciation by Malaysia of the Abolition of Forced Labour Convention, 1957 (No. 105), in 1990, which goes against the ILO's essential values. Whilst regretting the large number of denunciations registered, the Government member of India called for greater understanding for governments compelled to change their position as national conditions evolved.

49. The Workers' members pointed to the dangers of deregulation of working conditions which, in the case of night work, might be inspired by considerations of equal treatment, but risk harming weaker groups in the labour market – especially women and those in the unorganised sector, and especially when the Equal Remuneration Convention, 1951 (No. 100), is not ratified and equal remuneration not satisfactorily guaranteed in law and practice. They feared that all the necessary tripartite consultations had not taken place in the EEC and the member States concerned. The agreement of 31 October 1991 between the European Trade Union Confederation and the organisations of employers in the private and public sectors as to an EEC consultation and bargaining

model could solve and avoid problems of tripartism at the Community level. For the Workers' members, denunciation of Convention No. 89 was unnecessary in order to remedy difficulties met with by some member States. Member States could either observe Convention No. 89 as a whole or ratify its Protocol adopted by the Conference in 1990 in order to introduce greater flexibility in so far as derogations from the prohibition of night work are called for. They stressed the need for measures in aid of all workers through ratification of Convention No. 171, so as to promote the principle of equality of treatment in respect of salaries and conditions of work. They urged all States to ratify Convention No. 171.

50. The Government member of Tunisia also pointed out that Convention No. 89 could not be regarded as conflicting with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), given amongst other things the adoption of the 1990 Protocol; measures for the protection of women were not considered discriminatory under the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women; and it was notable that recent denunciations of Convention No. 89 had not been accompanied by any new ratifications of Convention No. 171. No one disagreed with the fact that night work causes inconveniences for workers. The Workers' member of Uganda stated that one of the main reasons given for denunciation of Convention No. 89 was the principle of sexual equality; yet the workers' representatives spoke for both sexes and had never complained that men were discriminated against under that Convention; he rejected arguments alleging discrimination under the Convention and pointed out the hardships of mothers obliged to work nights. The Government member of Kenya thought there must be some particular difficulty preventing the eight denunciations of Convention No. 89 being accompanied by ratification of No. 171, and he suggested reexamination of the matter to ensure the necessary protection.

51. Several Government members supplemented the reasons for denunciation reproduced in paragraph 13 of the Committee of Experts' report. The Government member of Cuba stated that her country had denounced Convention No. 89 after consulting workers' organisations and other interested groups; the Federation of Cuban Women also favoured denunciation; legislation protects equality of economic, social and family rights for men and women in Cuba and night work is prohibited for pregnant women. Her Government considered Convention No. 89 contrary to the principles of an employment policy based on equality. The Government member of Belgium explained why Belgium had denounced the Convention: the Minister of Employment and Labour had been led by the adoption of the ILO's night work instruments in 1990, the Judgment of the Court of Justice of the European Community of 25 July 1991 and the Community Directive on the practical application of the principle of equality of treatment as between men and women in the workplace to consult the National Labour Council on the question of night work and equal opportunity. Following its opinion given on 10 February 1992, the Government decided to denounce Convention No. 89 and to initiate the procedure for ratifying No. 171 by preparing new legislation on night work and it suggested that a tripartite working party should elaborate a draft based on the principle of the prohibition of night work for women and men with exceptions based on precise criteria drawn up by the social partners. The Government member of Spain pointed out that his country was bound by Convention No. 111 and the UN Convention on discrimination against women, and it was on the basis of the Spanish Constitution that the legislation had been reviewed: workers' and employers' organisations, supported by the Women's Institute of the Ministry of Social Affairs, favoured the denunciation of Conventions which could be used to prevent the integration of women in the labour force; denunciation of Convention No. 89 was also in keeping with the EEC Directive. The Government member of Portugal mentioned also her country's ratification of Convention No. 156 concerning workers with family responsibilities; the Government had consulted employers' and workers' organisations before denouncing Convention No. 89.

52. The Government member of Morocco commented that denunciation was often incorrectly seen as a backwards step. The Government members of Germany and the United Kingdom recalled that States have the right to denounce Conventions after due consideration of changing conditions and following the established procedures, particularly in relation to consultations. The Workers' member of Finland reminded governments of the Governing Body's request for them always to give reasons when denouncing Conventions.

53. The representative of the Secretary-General stated that following discussion in the Governing Body of the question of denunciation of Convention No. 89 by certain members of the European Community the Office had been requested to prepare a document on the subject, which raised complex legal and institutional issues: the document would be made available to the Committee in due course.

54. The Workers' members also dealt with one denunciation of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96): transparency in the labour market is important for industrialised and developing countries; and the Convention allows not only the abolition but also the regulation of fee-charging agencies, which means that certain kinds of regulation of phenomena such as temporary work agencies are not necessarily excluded provided that workers' organisations at the national level agree. Total denunciation, as shown by the Committee of Experts, is not technically necessary; nor is it acceptable to the Workers' members, whether in industrialised countries under the pressure of EEC institutions, in developing countries or those in transition to a market economy. The Workers' member of Finland feared further denunciations of the Convention: his organisation was opposed to such a course, especially when application of the Convention had caused no problems.

(viii) Application of standards in particular circumstances: export-processing zones; offshore installations; "international" shipping registers

55. The Committee noted the Committee of Experts' indication (paragraphs 66-67 of its report) that it examines the application of ratified Conventions in

export-processing zones and enterprises within the framework of the regular procedures. The Workers' members urged further examination of the matter, especially as regards the working conditions of young women working shifts and observance of fundamental Conventions such as those on freedom of association: the increases in numbers of zones put at risk the universal application of standards when governments operate exceptional labour legislation there. The WFTU representative also mentioned non-application of freedom of association standards in the zones. The Workers' member of Argentina pointed out that the proliferation of zones – for example, in Dominican Republic – has resulted in the disappearance of industries such as electronics in some countries.

56. The Government member of Nicaragua informed the Committee of a meeting of Ministers of Labour of Central America and Dominican Republic in April 1992, which called on the ILO Office in San José (Costa Rica) to make a study of the legislation and practice in free-trade zones. She recognised that there were abuses and labour inspection deficiencies in the zones. Responsible finance ministers had been invited to meet the labour ministers so that the encouragement of investment should not be at the cost of workers' rights, and thought had been given to drawing up a list of uniform standards for the region's zones. She hoped the ILO Area Office would be able to help and called on the Committee of Experts to make a greater contribution in future. She suggested to the Conference a Recommendation or resolution on the subject.

57. With reference to paragraphs 64-65 of the Committee of Experts' report, concerning offshore industrial installations, the Workers' members again requested particular attention to be given to problems of safety, hygiene and health for workers, who face very difficult conditions.

58. As regards the Committee of Experts' reference to a possible study of the effects of "international" registers and external ship management on seafarers' working and living conditions (paragraphs 62-63 of its report), the Employers' members thought the Committee of Experts was beginning to take a more realistic approach and the complex issues involved needed careful study before conclusions were reached. The Government member of Germany welcomed the fair position taken by the Committee of Experts. The Workers' members continued to be concerned at the problem of "social dumping" caused by "international" registers and flags of convenience.

59. The Workers' member of Argentina observed that the establishment of "international" registers and flag transfers are spreading alarmingly in developing and traditional maritime countries of the world, with a weakening effect on labour laws and Conventions. His own country had by decree made it possible to transfer to flags of convenience. The WFTU representative saw the phenomena of flags of convenience and export processing zones as evidence of the erosion of social protection by neo-liberal approaches and deregulation.

(ix) Application of particular safety and health standards

60. The Committee took note of the Committee of Experts' general observation on the application of the Radiation Protection Convention, 1960 (No. 115). The Workers' members stressed the importance of the subject, given the dispersal of nuclear installations and equipment in the world and the danger to workers of radiation exposure. The observations of the Committee of Experts being well founded on technical standards and recommendations of specialist bodies, governments should fully adhere to the radiation levels prescribed, giving full weight to the Committee of Experts' observations. The Employers' members agreed on the importance of radiation protection, but they observed that the experts formulated a long introduction to the Convention and treated amongst others in paragraph 25 of this general observation a very delicate problem in comparison with the protection against radiation, relating to the restrictions of the right to strike, to which question they would come back later.

61. The Committee of Experts' general observation on the Occupational Cancer Convention, 1974 (No. 139), calling on governments to take the necessary measures, was welcomed particularly by the Workers' member of the Syrian Arab Republic.

(x) Application of the Equal Remuneration Convention, 1951 (No. 100)

62. The Committee noted the Committee of Experts' recommendation (paragraph 58 of its report) that the Office should endeavour to respond further to requests for technical assistance in implementing the Convention. The Workers' members emphasised the need to ratify and apply in law and practice Convention No. 100 especially in conditions where Convention No. 89 concerning night work for women is being denounced or where the Night Work Protocol has been ratified so as to allow derogations from the prohibition on night work. The Workers' member of the Syrian Arab Republic supported the use of technical cooperation to implement Convention No. 100, as did the Government member of Portugal, who pointed out that a key human right is involved which all ILO members are constitutionally obligated to promote.

(xi) Freedom of association

63. The Committee noted the Committee of Experts' general observation on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which asked governments reporting on the application of the Convention to include information on particular aspects, including the right to strike and the right of lockout. The Workers' members expressed concern at violations of trade union rights. The Workers' member of Nicaragua considered that the restriction of freedom of association for economic or political reasons hinders democracy and economic and social development. The Workers' members of the Syrian Arab Republic and Uganda praised the ILO's work in this area – and especially that of the Governing Body Committee on Freedom of Association. The Workers' members expressed concern for the future of trade union movements in Latin America. The Workers'

member of France referred to efforts being made to include the right to strike expressly in a Convention, and noted that industrial relations do not evolve without conflict: well-adapted Conventions and evolving labour legislation influenced by collective bargaining would allow further social progress to be made. The WFTU representative remarked on the detriment to social and trade union rights caused by the pressure of international competition: calls for a loosening of the supervisory mechanism were exemplified by the position taken last year by Employers' members as to the right to strike; the right to strike was in fact laid down in article 8 of the International Covenant on Economic, Social and Cultural Rights, and the Committee of Experts took into consideration general international law including universal human rights standards.

64. The Workers' member of Poland supported the Committee of Experts' request for indications as to the right to strike and the right of lockout; but, while finding that requirements and procedures for exercising the right to strike are over-regulated in Eastern Europe, he considered lockouts under-regulated. He hoped the Committee of Experts would redress the balance. He also regretted there was no mention in the general observation of the issue of redistribution of former monopoly trade unions' assets, a problem in most countries in transition to democracy, where the trade union system was being transformed into a pluralistic one. Governments should contribute to the means of independent and democratic unions in these circumstances; the concept of "acquired rights" should be no defence. He pointed to the report of the Commission of Inquiry on the complaint against Romania relating to Convention No. 111 (referred to in paragraph 20 of the Committee of Experts' report), which stated in that case that the assets of the former monopoly union should be redistributed among the new unions, and he thought the supervisory bodies' position on this point should be consistent.

65. The Government member of the United States thought that, with a view to promoting more and better dialogue among the supervisory bodies, it was not too early for the Committee of Experts to start giving thought to its 1994 General Survey on Freedom of Association. That Survey would be an especially good vehicle for providing the Conference Committee with an understanding of how the experts formulated their views on freedom of association and collective bargaining and how their views related to the conclusions of the tripartite Committee on Freedom of Association of the Governing Body.

66. The Employers' member of the United States also referred to the forthcoming General Survey on Conventions Nos. 87 and 98 and stated the experts would have the opportunity to address issues the Employers have had with respect to the Experts' interpretations regarding the right to strike. In this connection he made the further points mentioned in paragraph 22 above.

(xii) Labour inspection and enforcement of standards

67. The Committee supported the Committee of Experts' recommendations as to the application of the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129) (paragraphs 55-57 of its report). The Workers' members considered that problems in the application of these Conventions are often the result of deliberate policy and a manifestation of the Government's priorities; and they particularly subscribed to the idea that employers' and workers' organisations should complement government intervention, and that the ILO's technical cooperation would help, without in any way removing responsibility from governments. The victims were often workers and employers who respect standards and the social security institutions and funds. The Government member of Portugal also agreed with the Committee of Experts' conclusions; and the Employers' members in addition emphasised the importance of labour inspection and recalled the Committee of Experts' 1985 general survey of the subject.

68. The Government members of Iraq and Syrian Arab Republic referred to the practices in their countries of carrying out inspections in cooperation with employers' and workers' representatives. The Government members of Kenya and Nigeria informed the Committee of technical cooperation received from the ILO: in the former there was a comprehensive project with resources and equipment to enhance the effectiveness of the labour inspectorate; in the latter, a tripartite mission from the ILO had enabled the evaluation of the inspection system and identification of the needs. The Workers' member of Pakistan underlined the need to extend labour inspection to agriculture, where new technologies are affecting health, safety and working conditions.

69. Referring to paragraph 135 of the Committee of Experts' report, the Employers' members considered that sanctions to ensure the application of Conventions should not be read into instruments which do not expressly provide for them. The Conventions which do not provide for these sanctions leave it up to countries and their national legislation to freely so provide and it would be inappropriate for these supervisory bodies to provide for such sanctions.

(xiii) Minimum age for employment

70. The Committee noted with concern the problems described by the Committee of Experts (paragraphs 59-61 of its report). The Government member of Cuba described child labour as an expression of extreme poverty and the absence of effective social and economic policies which amongst other things guarantee all children education despite the difficult economic situation, her own Government had placed no budgetary restriction, on education, which was considered a priority of social policy. The Workers' members too attributed the phenomenon of child labour not only to difficult economic conditions but also to political choice; they thought the ILO's interdepartmental programme would help. They highlighted the Committee of Experts' references to the wide scope of the Minimum Age Convention, 1973 (No. 138), and the policy it lays down of progressively increasing the minimum age – a point which industrialised countries too should remember; it also shows how to deal with questions of apprenticeship. Governments should provide full information on its application.

71. The Workers' member of China was concerned that the problem of child labour had worsened, and he emphasised the need for complete prohibition of child labour together with the provision of far-sighted education facilities. Legislation such as that in his own country against the employment of children under 16 should be enforced by all social sectors, including trade unions.

72. The Employers' members placed the protection of children in the context of the ILO's collaboration with other international organisations in human rights matters, and they supported the idea of concrete projects in this area. The Government member of Kenya described an ILO project which had taken place in his country under the International Programme on the Elimination of Child Labour in order to apply more fully Convention No. 138, which Kenya ratified in 1979.

73. The Government member of the United States pointed out that child labour often violates the Forced Labour Convention, 1930 (No. 29), one of the oldest, most fundamental and most widely ratified of ILO Conventions. She considered that, although it might take time to eliminate child labour, the Committee of Experts' observations on Convention No. 29 showed that more should be done to end the forced labour of children.

(xiv) Application of the Employment Policy Convention, 1964 (No. 122)

74. The Committee noted the Committee of Experts' comments in paragraphs 48-54 of its report, which the great majority of members found both sober and sobering. The Workers' members remarked that the tendency towards increasing production and employment levels had not persisted, and unemployment had either gone up or stabilised at very high levels; labour market policy measures, while important, were not sufficient in themselves; economic, financial and monetary policy was still aimed at reducing inflation: it should be reoriented towards employment promotion, including internationally. Structural adjustment programmes imposed by international financial institutions or governments themselves should be the object of consultations with national organisations of employers and workers, since the social dimension – involving labour standards, education and training and health services – could not be ignored if such programmes were to be successful. The Employers' members found that the Committee of Experts had nuanced its comments more than in previous years, stating that employment policy cannot be taken in isolation: adaptation and restructuring are continuous processes in a market economy, and internationalisation and globalisation of markets requires closer and more active international cooperation.

75. The Government member of Iceland speaking on behalf of the Nordic Governments looked to the Conference Committee on Human Resources to give further guidance to the governments formulating structural adjustment policies. Several members of the Committee (the Workers' members of China, Ecuador, Pakistan and Venezuela and the Government members of Poland and Portugal) stressed the need for the ILO's values to be given greater weight in international consideration of structural adjustment; the Workers' member of Pakistan indicated that mass unemployment in the Third World has been aggravated by structural adjustment policies pursued by governments under pressure from the International Monetary Fund and the World Bank, and the ILO's role should be more active to attenuate their influence.

76. The Workers' members were disturbed at the widespread precarious employment in Latin America and the tendency to introduce ever greater flexibility into the legislation. The Workers' member of Ecuador noticed that in many Latin American countries of high unemployment and underemployment labour flexibility was imposed as a pretext for creating employment, although it adversely affects workers' fundamental rights to employment stability and freedom of association. The Workers' member of Venezuela also viewed the problem of employment as directly linked to workers' income-earning capacity; neo-liberal policies encouraged productivity to the detriment of employment prospects: privatisation had led to drastic workforce reductions; nor had small and medium-sized enterprises had any benefit from structural adjustment.

77. The Workers' members were equally concerned as to Africa, and they called for greater resources to be put into education, health and social institutions. Current revisions of labour codes in various countries should fully observe international labour standards. The Workers' members also stressed that serious problems persist in Asia, even though this was only briefly mentioned in the report. The Workers' member of Uganda and the Government member of Cameroon drew particular attention to the problem of compiling labour statistics in developing countries, although labour market information systems are vital to employment policy implementation. They hoped the Office and the Committee of Experts would continue to consider the matter. The Government member of India informed the Committee of special efforts made in his country in respect to statistics, including ratification of the Labour Statistics Convention, 1985 (No. 160). The Government member of Syrian Arab Republic pointed to employment policy measures in his country involving investment promotion and tax exemptions. The Workers' member of Iraq talked of his organisation's role in aiding workers to find jobs or providing subsidies; he mentioned also the impact of the economic embargo on both prices and unemployment in his country. The Workers' member of China hoped the ILO would give close attention to employment in his country, where, despite heavy demographic pressures, policies to reduce unemployment were being pursued. The Workers' member of Pakistan stressed the role of governments in providing infrastructure and employment to workers while at the same time respecting the role of private enterprise.

78. The Workers' members noted the absence of growth strategy in OECD countries. In the transition economies, even if reforms did comply with international standards, unemployment remains a serious problem. The Workers' member of the United Kingdom referred to unnecessarily harsh reforms in the new Eastern European democracies: although the market was a necessary mechanism for economic progress, it could not, uncontrolled and unregulated,

solve problems such as high unemployment – as countries in the West had found. The Government member of the Russian Federation made mention of the growth of unemployment in his country. And the Government member of Poland described the need for development of an active employment policy in her country, with further assistance from the ILO and some other nations: she emphasised the connection between the general economic situation and the labour market situation, and the importance of stimulating the economy, creating public employment offices, financing labour market programmes, and providing facilities for self-employment.

79. As well as the Workers' members, who recalled the requirement of consultations in Convention No. 122, the Government member of Portugal shared the views of the Committee of Experts as to the importance of engaging in a broad dialogue on employment policy with the social partners, including representatives of workers in the informal and rural sectors.

80. The Government member of the United Kingdom referred to paragraph 52 of the Committee of Experts' report: he found their comments and criticisms regarding the policies of some governments on unemployment unhelpful; and he felt the Committee of Experts had over-reached itself, because it was composed of legal experts and ill-equipped to judge economic policy in this way. The Workers' members particularly regretted the, in their view, unfounded allegations made in respect of the points made by the Committee of Experts as to Convention No. 122 by the Government member of the United Kingdom, which run counter to the spirit of mutual cooperation and responsibility in the relation between the Conference and the Committee of Experts.

(xv) Submission to the competent authorities

81. The Committee referred to the indications in paragraphs 136-146 of the Committee of Experts' report as to the fulfilment of the Constitutional obligation to submit instruments adopted by the Conference to the national authorities. The Workers' members dealt with the question of submission of certain instruments by ILO member States also members of the European Community to the competent Community authorities and favoured a solution which reinforces the commitment of those States to the ILO while also fostering the development of social policy inside the EEC. They considered that the agreement on 31 October 1991 between the European Trade Union Confederation and the European employers' organisations in the public and private sectors would help resolve or avoid problems relating to tripartism and submission at the level of the Community. The Government member of Belgium indicated that his Government avoided any problem by submitting to both the national Parliament and the Community authorities; he wished for further examination of the question of the competent authorities in the European context.

IV. Other standards-related activities

(xvi) Technical cooperation relating to standards

82. The Committee strongly supported the Office in the assistance it gives to governments in the form of direct contacts, informal advisory missions, seminars, training and legislative information in order to help them fulfil their standards-related obligations. The Employers' and other members recommended reinforcing the Office's activities in this respect as much as possible; and the Workers' members considered that governments which do not fulfil reporting obligations can have little excuse, given the Office's efforts to provide technical assistance. The Government members of Latvia and Romania praised the Office's helpfulness in giving practical advice in their countries' transition period, including on the drafting of labour legislation. The Government member of India mentioned ILO assistance in his country in clarifying Conventions being considered for ratification. The Workers' member of Pakistan mentioned too assistance given to employers' and workers' organisations to enable them to contribute to the implementation of ILO standards. The Government member of Morocco referred to the importance of the translation of ILO standards into national languages. The Government member of Bangladesh suggested exploring the possibility of associating officials from member States and representatives of workers' and employers' organisations with the work of the Office and the Committee of Experts so as to contribute to the ILO's standards-related activities.

83. The Committee was informed that the International Labour Standards Department is increasing the staff and other resources devoted to promotional activities and giving technical assistance, without any effect on the Department's overall resources. This should benefit in particular countries undergoing democratisation and structural adjustment. The Department's work for the application of standards would not suffer. The Office would take full account of the Committee's proposals and concerns in relation to these and other questions as to standard-setting activities.

84. The Committee noted with interest the discussion initiated in the Governing Body by the Director-General on the dynamic interaction of standards and technical cooperation. The Workers' member of Japan stated that this Committee had long underlined the need for effective organic links between the two aspects of ILO activities, and he welcomed the Director-General's confirmation that standards must be the back-bone of the Organisation. The Government members of Belgium, Cuba, Germany and the United Kingdom agreed that there should be no "conditionality" between the observance of standards and the grant of technical cooperation: the Government member of Germany said it would be an element of discrimination against Third World countries, since industrialised countries do not receive technical assistance. At the same time, several members of the Committee (the Workers' member of Pakistan and the Government members of China, Italy, Portugal, Russian Federation, United Kingdom) stressed that the ILO's technical cooperation activities should aim more systematically to improve the implementation of the Organisation's standards. The Government member of Germany thought the ILO's Programme for the Elimination of Child Labour exemplary in this respect. The Government member of Portugal recognised the importance of the social partners participating in ILO activities in this connection. The Government member of India

urged that technical cooperation should be accorded on a priority basis to countries facing the social consequences of structural adjustment or which had inherited a poverty syndrome.

85. The Workers' member of Pakistan and the Government members of Bangladesh and the Russian Federation emphasised the role of the ILO within the UN system as a whole, with particular reference to the need for coordination with the United Nations Development Programme (UNDP) and the international financial institutions. The Government member of Bangladesh called for greater resources to be found for technical cooperation, from the UNDP, from the ILO's regular budget and from bilateral sources.

(xvii) Collaboration with other international organisations, especially on human rights issues

86. The Committee noted with interest from the Committee of Experts' report (paragraphs 31-47) the attention given by the ILO to the need to work together with other international organisations for the promotion of the rights and standards falling within the ILO's terms of reference. The Workers' members and the Government member of Iceland speaking on behalf of the Nordic Governments particularly valued the ILO's involvement in preparations for the 1993 World Conference on Human Rights. The Workers' member of the United Kingdom considered that the present Committee's contribution to the World Conference would be to ensure that within its field of competence – especially where trade unionists are being killed or tortured or are disappearing – no violation of human rights would go unnoticed or uncondemned.

87. Together with the Government member of Italy, the Workers' members in addition called for closer relations with the European Community with a view to the development of the Community's social policy. The former called on the Community's Council of Ministers to adopt Convention No. 171 on night work. The Government member of Belgium stated that the Commission of the European Community had requested the Court of Justice of the Community to pronounce on the Commission's capacity to ratify ILO Conventions. The Government members of Belgium, Spain and Iceland speaking on behalf of the Nordic Governments praised the Office's role in revitalising the European Social Charter of the Council of Europe.

88. The Employers' members attached special importance to the protection of children as a matter of essential human rights, and to the ILO's role in respect of projects relating to their education, training and employment. The Workers' member of Pakistan saw these activities specifically in the context of developing countries and the implementation of the UN Convention on the Rights of the Child.

C. Reports requested under article 19 of the ILO Constitution

(i) Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

89. Following the decision of the Governing Body at its 208th (November 1978) Session, governments of States which have not ratified Convention No. 111 were asked under article 19 of the Constitution to supply reports on the effect given to the Convention. In accordance with its previous practice for these special article 19 reports, the Committee of Experts included in its general report a section (paragraphs 82-96) summarising the information received and providing its own comments.

90. The Committee noted with regret that 22 of the 40 member States requested to send reports had not done so. The Government member of Portugal declared nevertheless that the special article 19 procedure had produced good results in that there had been 14 new ratifications since it was instituted.

91. The Workers' members regarded the Convention as sufficiently flexible to take into account particular situations and encouraged all member States to ratify it. The Workers' member of Japan underscored the non-ratification of the Convention by three major industrial powers (Japan, United Kingdom, United States) and noted with regret that the Government of Japan provided no information as to any ratification prospect. The Government member of Portugal suggested that the Office could help overcome problems, for example through the "special studies" procedure alluded to by the Committee of Experts.

92. The Employers' and Workers' members and the Government members of Argentina and the Russian Federation pointed to the need to give greater attention to newly-democratic countries where there has been a resurgence of ethnic, racial, religious and cultural discrimination and conflict: the Convention was as relevant as ever in these conditions, and the ILO should give all due assistance.

(ii) Minimum Wage-Fixing Machinery Convention (No. 26) and Recommendation (No. 30), 1928; Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) and Recommendation (No. 89), 1951; Minimum Wage Fixing Machinery Convention (No. 131) and Recommendation (No. 135), 1970

93. The Committee examined the Committee of Experts' General Survey based on the reports requested under article 19 of the Constitution on Conventions Nos. 26, 99 and 131, and Recommendations Nos. 30, 89 and 135. The General Survey also took account of the reports on the Conventions communicated under articles 22 and 35 of the Constitution and of the comments received from 18 employers' and workers' organisations. From the reports received, information had been obtained on the application of these instruments in 116 States and 18 non-metropolitan territories.

Contents and scope of the instruments

94. The Committee considered that the Committee of Experts' General Survey constitutes a good presentation of the options available for the fixing of minimum wages, the various national practices, the difficulties in application and the solutions for overcoming these difficulties. It showed that the means of fixing minimum wages had been, from the beginning, among the aims of the ILO and that this question had been the subject of international labour stan-

dards for a long time. Referring to the long-standing nature of the question, the Employers' members considered that the discussion in the Committee should enable it to be established whether the solutions provided for by these instruments were still the best in the light of present practices and situations. They recalled that the right to a decent minimum wage was recognised in numerous universal or regional instruments. The Workers' members stressed that almost all countries had one or more minimum wage fixing systems, although these were not always used in practice. They considered that the standards relating to minimum wages were still strategic instruments in the struggle against social exclusion and poverty, and that the Conventions on wages were among the priority Conventions, given their importance in a world of full economic and social reconstruction. The Workers' member of Pakistan emphasised the importance of minimum wage fixing in both developing and industrialised countries.

95. The Committee noted that while Conventions Nos. 26 and 99 require the establishment of procedures according to which minimum wages could be set, Convention No. 131 prescribes the actual setting of minimum wages. The Employers' members considered that this requirement explained why Convention No. 131 has only been ratified by a third of the number of States that ratified Convention No. 26.

96. The Workers' members pointed out that many categories of workers (including the young, apprentices, the disabled, home-based, temporary, seasonal or part-time workers) were partially or totally excluded from the application of the Conventions. In any event exclusions should be temporary and re-examined periodically in agreement with workers' and employers' organisations.

97. The Employers' members stated that the abundance of detail in the General Survey might give rise to confusion and they cited as an example the situation in Germany. Minimum wage-fixing procedures in that country were referred to repeatedly in the Survey; however, although legislation existed on this matter, it had not been applied for 40 years. The Government member of Germany recalled that the fixing of minimum wages by the State only had limited significance in his country, except for homeworkers. In Germany, the wages determined by collective agreements were really minimum wages.

The fixing of minimum wages and free collective bargaining

98. The Employers' and Workers' members noted that the level of wages is one of the most important conditions of employment, if not the most important. The Employers' members recalled that the ideal method of setting employment conditions, including wage levels, is to ensure free collective bargaining between the parties directly concerned, with no state intervention. Procedures for establishing minimum wages, according to the philosophy of the Conventions, had to come into play if a free system of setting wages between the parties did not exist.

99. The Employers' members raised the question whether minimum wage fixing interferes in collective bargaining. An answer was given in Article 2 of Convention No. 131, according to which the provisions of the Convention may not contravene the principle of freedom of collective bargaining. However, from a less theoretical point of view, it was noted that where the minimum wage became a widespread standard it took account of freely negotiated wages but, at the same time, had a direct impact on them. A minimum wage that acted as a wage index was in reality a restriction of free collective bargaining, and employers and workers responsible for working conditions could not counter this influence. Repeated references to wages for comparable work or wages for similar work covered by collective agreements could have negative effects on free collective bargaining. It would be preferable, if there is really a need for minimum wages, to refer to wages paid in collective agreements for the same work.

100. The Workers' members were of the view that minimum wage fixing is a fundamental aspect of tripartism and of collective bargaining. In so far as a system based on collective agreements did not directly or indirectly cover all workers, additional machinery for fixing minimum wages had to be established. However, the Workers' members considered that a system based entirely on collective bargaining was only effective if freedom of association, including recourse to collective action and free bargaining, were totally guaranteed.

Level of minimum wages and employment policy

101. The major result that could be expected from minimum wages was, according to the Employers' members, that those involved would be able to lead a decent life. However, the fixing of minimum wages was only one of a vast number of measures which could be taken by States to ensure a dignified existence for their citizens.

102. The Workers' members recalled that minimum wages are often so low that they do not ensure a satisfactory living standard or even cover the basic needs of workers and their families. Wages that were too low had many serious consequences as much for the worker and his or her family as for the enterprises and society in general. Child labour was thus often due to the inadequacy of the parents' wages. In addition, growth of the economy was linked to purchasing power and an equitable redistribution of income, and this affected positively the strengthening of social security funding. The level of minimum wages should be revised regularly so as to compensate monetary erosion, particularly in countries faced with structural adjustment policies or transition to a market economy. According to the Workers' members, such revision should follow consumer prices and the living standards of other social groups so as to avoid having too large differences between groups.

103. For the Employers' members, economic factors listed in Article 3(b) of Convention No. 131 had to be taken into account when setting minimum wages. Application of the Conventions on minimum wages would not be useful for workers if such factors were ignored. The payment of too high minimum wages would result in the loss of jobs, depending on the level of wages and the number of people drawing them. If young workers in apprenticeship and unskilled workers whose production was lower than that of the average worker were entitled to receive

the same minimum wage as skilled workers, younger or less skilled workers would have fewer opportunities to find appropriate employment. Jobs only existed to the extent that there was a demand for products and services, and demand was dependent upon the price paid for these products and services. The particularly close link between the level of wages and the number of available jobs was established fact.

104. The Workers' members stated that the fixing of minimum wages has a positive impact on the labour market particularly through eliminating unfair competition by limiting recourse to excessive overtime. The proposition that minimum wages or their balanced increase had negative effects on employment, in particular of young workers, had not been confirmed by serious studies.

105. The Workers' member of the United Kingdom referred to the situation in his country, which denounced Convention No. 26 basing its action on flexibility and the freedom of action necessary to maximise employment opportunities, particularly for the young. He wondered whether this flexibility and freedom of action did not enable one group to exploit another or encourage unfair competition between States. The Workers' member of Pakistan, admitting the importance of providing employment opportunities, considered that it was the responsibility of States to eliminate exploitation and provide reasonable minimum wages. The Workers' members invited the Government of the United Kingdom to re-examine its position and to ratify one of the instruments concerning minimum wage fixing.

106. The Workers' members suggested that the question of the relationship between employment – particularly the employment of young people and low-skilled workers – and minimum wages be the subject of an Office study.

107. In addition, referring to Chapter IV of the General Survey as to the criteria for fixing and adjusting minimum wages, the Employers' members noted that minimum wages could not be set by means of mathematical formulae, and that what was needed was a compromise between what was desirable and what was feasible. There was a danger in establishing a uniform wage structure of the type established by the totally ineffective planned economies. They considered that there had to be a differentiated approach to setting minimum wages.

108. The Workers' members thought the consultations with employers' and workers' organisations on an equal footing provided for in the Conventions insufficient to enable real account to be taken of the views expressed. Sometimes, as shown in certain cases raised by the Committee of Experts, no such consultations took place. The Workers' members emphasised the importance of broad social dialogue in determining the effectiveness of wage policies, employment policies and social policies.

Practical application of the Conventions

109. The Workers' members noted that minimum wages are not always actually paid and workers are not always able to have recourse to efficient procedures to claim the amounts due to them. In their view, access to labour tribunals should be made easier, notably by giving workers the right to defence and assistance by their union, and employers should have to provide pay slips so as to avoid placing an impossible burden of proof on wage-earners. In addition, labour inspection services should be given sufficient human and material resources and effective legal powers to ensure the application of national provisions relating to minimum wages.

110. The Workers' member of Pakistan recalled that the application of Convention No. 99 is of great importance in rural regions particularly where there is migration between rural areas and urban centres. Also with a view to reducing international migration, which often took place to the detriment of workers' interests, it was important to raise the level of minimum wages in developing countries.

111. A large proportion of the reports sent by governments did not contain information which, in the opinion of the Workers' members, is essential. It was important that the Committee of Experts continues to request and receive this information. In addition, the Workers' members considered that the question of paying minimum wages partly in kind had to be re-examined since, contrary to the impression given by a quick reading of the Committee of Experts' report, difficulties of implementation did exist in several sectors (services, agriculture, etc.), including in industrialised countries.

Conclusions

112. The Workers' members' view was that the recent economic and social changes and adjustment processes make minimum wage fixing a strategic instrument in the struggle against poverty and for social justice. They requested governments, in a spirit of social justice and respect for tripartism, to take measures to implement or have effectively applied the instruments on minimum wage fixing. Since the Conventions in question leave plenty of room for national traditions and practices, the Workers' members appealed to member States to ratify them, thus contributing to the establishment or strengthening of a safety net of social protection for the most underprivileged groups.

113. While recognising the existence of a strong demand in many countries for minimum wage fixing, the Employers' members stressed that the systems for fixing minimum wages were an emergency measure, a second-class alternative in a world where free collective bargaining should dominate. In these conditions of free bargaining, the aims of the Conventions on minimum wage fixing would become obsolete.

D. Compliance with specific obligations

114. The Committee decided that, in examining individual cases relating to compliance by States with their obligations under or relating to international labour standards, it would apply the same working methods and criteria as last year, as amended or clarified in 1980 and 1987.

Submission of Conventions and Recommendations to the competent authorities

115. In accordance with its terms of reference, the Committee considered the manner in which effect is

given to article 19, paragraphs 5 to 7, of the ILO Constitution. These provisions require member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the Conventions and Recommendations adopted at that session to "the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action", and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.

116. The Committee noted from the report of the Committee of Experts that considerable efforts to fulfil the submission obligation had been made in a number of States, namely: Dominican Republic, Grenada, Malawi, Swaziland.

117. The Committee was informed by various other States of measures taken to bring Conventions and Recommendations before the competent national authorities. It welcomed the progress achieved and expressed the hope that there would be further improvements in States that still experience difficulties in complying with their obligations.

Failure to submit

118. The Committee noted with regret that no indication was available that steps had been taken in accordance with article 19 of the Constitution to submit the Conventions and Recommendations adopted between 1984 and 1990 by the 70th to 77th Sessions of the Conference to the competent authorities, in the cases of Antigua and Barbuda, Bangladesh, Belize, Jamaica, Pakistan, Papua New Guinea, Paraguay, Seychelles, Sierra Leone, Zaire.

Supply of reports on ratified Conventions

119. In Part B of this report (General questions relating to international labour standards) the Committee has considered amongst other things the fulfilment by States of their obligation to report on the application of ratified Conventions. 13.4 per cent of the reports due had been received by 15 October 1991, the date fixed by the Governing Body (9.8 per cent in 1990). By the date of the meeting of the Committee of Experts, the percentage of reports received had risen to 69.9, which is the lowest recorded since 1946. Since then, further reports have been received, bringing the figure to 76.8 per cent (as compared with 83.7 per cent in June 1991 and 81.9 per cent in June 1990). This year, the Committee of Experts noted that 50 per cent of the reports on Conventions for which information on practical information was requested contained such information, roughly the same as in 1991 (49 per cent), but less than in earlier years (56 per cent in 1990, 63 per cent in 1989). The Committee emphasises the importance of sending practical information, without which it is impossible to know if a Convention is actually being applied. The Committee joins the Committee of Experts in appealing to governments to make every effort to include the necessary information in future reports.

Failure to supply reports and information on the application of ratified Conventions

120. The Committee noted with regret that no reports on ratified Conventions had been supplied for two years or more by the following States: Albania, Cambodia, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Liberia, Madagascar, Papua New Guinea, Seychelles, Sierra Leone.

121. The Committee stresses the special importance of first reports, on which the Committee of Experts bases its first evaluation of compliance with ratified Conventions. It notes that this year there are no cases to which it should draw attention in this respect.

122. In this year's report, the Committee of Experts noted that 38 governments had not communicated replies to most or any of the observations and direct requests relating to Conventions on which reports were due for examination this year, involving a total of 328 cases (compared with 299 cases last year and 220 two years ago). The Committee was informed that, since the meeting of the Committee of Experts, 11 of the governments concerned had sent replies which would be examined by the Committee of Experts next year.

123. The Committee noted with regret that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 30 June 1991 from the following countries: Antigua and Barbuda, Bahamas, Barbados, Central African Republic, Congo, Dominica, Guinea-Bissau, Haiti, Ireland, Jordan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Madagascar, Mali, Papua New Guinea, Senegal, Seychelles, Sierra Leone, Somalia, United Republic of Tanzania, Venezuela, Zaire; France (Overseas Departments).

124. The Committee noted the explanations provided by the governments of the following countries concerning difficulties encountered in discharging their obligations: Belize (administrative problems); Central African Republic (misunderstanding as to deadlines for reporting); Haiti (military coup d'état); Ireland (inadequate understanding in some departments of the administration); Jordan (related to the current revision of the Labour Code); Lebanon (exceptional circumstances); Lesotho (administrative difficulties due to redeployment of officials because of structural adjustment); Madagascar (administrative difficulties); Papua New Guinea (administrative difficulties); Paraguay (administrative difficulties); Senegal (administrative difficulties); Sierra Leone (lack of human resources, breakdown of organisational machinery); United Republic of Tanzania (continuing administrative restructuring and political changes); Venezuela (delay due to consultations of employers and workers); Yemen (technical and administrative difficulties, especially translations; structural difficulties to do with unification); Zaire (paralysis of the labour administration due to transition to democracy); France (Overseas Departments) (heavy workload due to large numbers of ratifications and declarations of application).

Application of ratified Conventions

125. The Committee noted with particular interest the steps taken by a number of governments to ensure compliance with ratified Conventions. The Committee of Experts listed in paragraph 126 of its

report new cases in which governments had made changes to their law and practice following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. There were 50 such cases, relating to 30 States and four non-metropolitan territories in all regions of the world. Almost 1,950 cases of progress have been recorded since the Committee of Experts began listing them in 1964. These results are tangible proof of the effectiveness of the supervisory system.

126. At its present session, the Committee was informed of other instances in which measures had recently been or were about to be taken by governments with a view to ensuring the implementation of ratified Conventions. While it is for the Committee of Experts to examine these measures, the present Committee welcomes them as fresh evidence of the efforts made by governments to comply with their international obligations and to act upon the comments of the supervisory bodies.

127. The Committee thought it appropriate to draw the attention of the Conference to various important cases which it had to consider.

Cases of progress

128. The Committee noted with satisfaction that in a number of cases – including many involving basic human rights – governments have introduced changes in their law and practice in order to eliminate divergencies previously discussed by the Committee. It considers highlighting these cases a positive approach towards influencing governments to respond to comments of the supervisory bodies. In this respect, it refers to the report of the Committee of Experts and the discussion of individual cases which appears in Part Two of this report.

Special cases

129. The Committee considered it appropriate to draw the attention of the Conference to its discussions of the case mentioned in the following paragraph, a full record of which appears in Part Two of this report.

130. As regards the application by Sudan of the Forced Labour Convention, 1930 (No. 29), the Committee noted that the Committee of Experts had not been in a position to consider the situation as the Government had not sent a report. The Committee also noted the oral information given by the Government. It expressed its deep dissatisfaction, taking into account that no progress seemed to have been made since it discussed this case some years ago. It was under the impression that the Government confined itself to a simple denial of slavery existing in the country. In that respect, it felt bound to remind the Government that various United Nations bodies had reported on such cases and that the Conference Committee could not but consider those allegations not to be completely unfounded, as long as the Government did not report in full on the existing situation. It therefore expressed the hope, in the strongest possible terms, that the Government would send in such a report. It felt bound, in view of the very serious matter under discussion on the one hand, and the Government's attitude as mentioned before on the other hand, to set these conclusions in a Special Paragraph of the Report.

131. The Committee trusts that the Government concerned will take all measures necessary to correct the deficiencies noted and invites it to consider appropriate forms of ILO assistance, including direct contacts, to ensure that real progress is achieved by next year in the observance of obligations under the ILO Constitution and the Conventions in question.

Continued failure to implement

132. The Committee recalls that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiences, previously discussed, in the application of ratified Conventions. This year the Committee listed no cases under this heading.

133. The Government of the country to which reference is made in paragraph 130 is invited to supply the relevant report and information to enable the Committee to follow up the above-mentioned matters at the next session of the Conference.

Supply of reports on unratified Conventions and on Recommendations

134. In 1991, 40 reports were requested under article 19 of the Constitution on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111): the Committee notes that 18 of the 40 reports requested were received at the time of the Committee of Experts' meeting, and a further one report since, making 47.5 per cent in all. The Committee notes that 463 of the 710 article 19 reports requested on the Minimum Wage-Fixing Machinery Convention (No. 26) and Recommendation (No. 30), 1928; the Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) and Recommendation (No. 89), 1951; and the Minimum Wage Fixing Convention (No. 131) and Recommendation (No. 135), 1970, were received at the time of the Committee of Experts' meeting, and a further 10 since, making 66.6 per cent in all.

135. The Committee noted with regret that over the past five years none of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution had been supplied by the following: Cambodia, Grenada, Libyan Arab Jamahiriya, Papua New Guinea, Paraguay, Saint Lucia, Sierra Leone, United Republic of Tanzania, Yemen.

Communication of copies of reports to workers' and employers' organisations

136. Once again this year, the Committee did not have to apply the criterion "The government has failed during the past three years to indicate the representative organisations of employers and workers to which, in accordance with article 23 (2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated".

Participation in the work of the Committee

137. The Committee wishes to express its gratitude to the 47 governments which collaborated by provid-

ing information on the situation in their countries and participating in the discussions of their individual cases.

138. However, the Committee regrets that, despite repeated invitations, the governments of the following States failed to take part in the discussions concerning their countries: Albania, Antigua and Barbuda, Barbados, Jamaica (concerning Convention No. 81), Liberia, Somalia.

139. The Committee notes with regret that certain States which were not represented at the Conference (Bahamas, Cambodia, Dominica, Grenada, Lao People's Democratic Republic, Saint Lucia, Seychelles), as well as another whose representatives had to leave the Conference before its closure (Guinea-Bissau), were unable to participate in the Committee's examination of the cases relating to them. It decided to mention the cases of these States in the appropriate paragraphs of this report and to inform them in accordance with the usual practice.

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140. The Committee is pleased to confirm the trend referred to in its report last year, towards convergence of thinking as to the universality of standards and the absolute necessity of maintaining and strengthening the effectiveness of the supervisory system. Its discussions take place in a sober and constructive atmosphere. The dialogue which has always been the Committee's watchword continues to extend and deepen. It extends, both as the increase in membership of the Organisation offers the opportunity for more delegations to the Conference to take part in the Committee; and as the give-and-take between the present Committee and the Committee of Experts in the spirit of mutual respect, cooperation and responsibility intensifies. It deepens, with tripartism in action a clear sign of the democratisation which is the theme of the Director-General's report to the Conference this year, and thanks to the imagination and seriousness which the members of the Committee exhibit in their contributions to the discharge of its functions.

141. This said, complacency has no role to play in the supervision of international labour standards. The Committee is aware of the need to take positive measures to extend the dialogue further, in particular so that all the developing countries as well as new member States participate to the full in the Organisation's standard-setting activities. It is aware too of feelings in various quarters that there are imperfections: in the reporting system, in the question of how Conventions should be interpreted, in the question of how the ILO should go about relating standards to technical cooperation. And it is for this reason that the Committee is greatly encouraged to learn of various initiatives taken recently by the International Labour Office.

142. The Committee believes more than ever in the importance of international labour standards and the tripartite approach in finding practical solutions to pressing problems in the world: in industrialised countries experiencing the social consequences of economic stagnation, as well as in countries undergoing an often unsteady transition to democracy and market economy and, moreover, in developing countries where standards of living and working are so very hard to establish and maintain. A worthy aim and a contribution it might hope to make to the 1993 World Conference on Human Rights is to ensure that the need to improve and protect labour standards stays to the fore.

Geneva, 19 June 1992.

(Signed) MAX ROOD
Chairman

FANNY MONTENEGRO DIAZ
Reporter

PART TWO

OBSERVATIONS AND INFORMATION CONCERNING PARTICULAR COUNTRIES

I. OBSERVATIONS AND INFORMATION CONCERNING REPORTS ON RATIFIED CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

A. General Observations and Information concerning Certain Countries

Algeria. Since the meeting of the Committee of Experts, the Government has sent reports and its responses to the comments of the Committee of Experts on Conventions Nos. 29, 63, 100, 105, 138 and 142.

Cape Verde. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 19, 29, 81, 98, 100, 105, 111 and 118.

Central African Republic. A Government representative declared that his Government had sent a number of reports on ratified Conventions in 1991 and had just submitted six new reports and comments to the Secretariat. As there was certainly a misunderstanding concerning the deadline for submission of documents, the Government would be glad to find ways to fulfil its obligations. In future, the Government will do its utmost to provide regularly and in due course the reports requested by the Committee of Experts.

The Workers' members, pointing to the delays in the provisions of replies, thanked the Government representative for the explanations given in that respect. It would certainly be possible to dissipate the misunderstanding concerning the deadlines to be respected; the Government should take the necessary measures to ensure that the replies to the information requested are sent on time in future, because they constitute the basis of the work of the Committee of Experts and the Conference Committee.

The Employers' members, agreeing with the remarks of the Workers' members, underlined that a dialogue had been going on with the Government for at least ten years in respect of different Conventions; it therefore knows very well the procedures of the ILO and is urged to respect in future its obligations concerning the provision of reports in due time.

The Workers' member of the Netherlands observed that Convention No. 87 was not mentionned as a report to be provided by the Central African Republic, although special paragraphs were adopted concerning this country in 1988 and 1989. As the situation had not significantly changed, he was very surprised that this case could not be discussed in the Conference Committee because no report was requested.

The Committee took due note of the information given by the Government from which it gathered that, according to the Government, the non-replying on questions put by the Committee of Experts was due to a misunderstanding. The Committee, recalling the history of its concern with the fulfilling by the Government of its obligations vis-à-vis the ILO organs, stressed the necessity to comply with the ILO rules as far as reporting and replying are concerned. It therefore expressed its hope that the Government will do so in the very near future.

Congo. The Government representative stated that his Government recognised the remarks of the Committee of Experts to be well-founded concerning the delay in the transmission of reports as well as the submission to the competent authorities of Conventions adopted by the Conference during the last seven sessions. He assured the members of the Committee that these delays were not due to ill will or to obstruction, but were caused by numerous administrative difficulties which his country was facing for over three years. The technical work was already done, particularly with the help of the ILO regional adviser, and the speaker hoped that his Government would be able to fulfil its constitutional obligations in the coming months.

The Employers' members underlined the importance of the submission of reports in prescribed time-limits which was the first step in the supervisory system. In this case important instruments were concerned : Conventions Nos. 29 and 149 ; moreover, Conventions and Recommendations adopted during the last seven sessions had not been submitted to the competent authorities. They hoped that Congo and other countries which were in the same situation would try better to respect their obligations because, in the opposite case, their participation in the work of the present Committee would always be negative ; this was not a real participation and it was not in the interest of any country. The Employers' members invited countries which were in this situation to do their utmost in order to fulfil their constitutional obligations.

The Workers' members associated themselves with the comments made by the Employers concerning the fundamental importance of the constitutional obligations – the supply of reports and submission of Conventions and Recommendations to the competent authorities – for a proper functioning of the supervisory system. They reiterated the request made to the Government by the Employers' members, suggesting it to resort eventually to the technical assistance of the Office in order to respect its obligations.

The Committee took note of the information supplied by the Government from which it gathered that the administrative difficulties the Government had met or is meeting have been solved with the help of the ILO. It decided to mention this case in the appropriate sections of its report.

Costa Rica. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 29, 81, 96, 100, 135 and 138.

Ecuador. Since the meeting of the Committee of Experts, the Government has provided information relating to the first report on Convention No. 153.

El Salvador. Since the meeting of the Committee of Experts, the Government has sent the reports on Conventions Nos. 105, 107, 159, 160 and the replies to the Committee's comments made on Conventions Nos. 105, 107, 159. In addition, the Government has supplied the reports due on ILO instruments requested under article 19 of the Constitution.

Ghana. Since the meeting of the Committee of Experts, the Government has sent the first report on Convention No. 148.

Guatemala. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 1, 10, 13, 16, 19, 29, 50, 59, 63, 64, 81, 96, 100, 103, 105, 117, 118, 124, 141, 144, 161 and 162.

Guyana. Since the meeting of the Committee of Experts, the Government has supplied the replies to the Committee's comments made on Conventions Nos. 81, 100, 129 and 142.

Haiti. A Government representative of Haiti, the Minister of Labour and Social Affairs, stated that her Government had not been able to respect commitments and to supply reports within the time-limits provided, because of the military *coup d'état* which had taken place on 30 September 1991. The members of the legitimate Government of Haiti were exiled and living in secrecy.

The Employers' members stated that the reason given by the Government representative was distinguishable from other reasons given in other cases. They took note of the situation and hoped that the Government would quickly be able to exercise its right as the democratic Government which had been elected in Haiti. At this time they hoped that the Government would fulfil its obligations to the ILO. Nevertheless, the case of Haiti should be maintained in the report with the explanations supplied by the Government representative.

The Workers' members stressed the importance of the responses of governments to the comments of the Committee of Experts for the work of the Committee. They understood, as had also been expressed by the Employers' members, the situation with which the present Government was presently confronted. They hoped that the Government would be able to fulfil its obligations once the situation in this country had changed.

The Committee noted the information given by the Government. It understood the difficulties the Government had in replying to the questions put to it by the Committee of Experts on account of the present political situation. It sincerely hoped that the Government would be able to return to the country in the near future and expected it to reply at that time to the questions. It decided to mention this case in the appropriate section of its report.

India. Since the meeting of the Committee of Experts, the Government has sent its response to the Committee's comments concerning Conventions Nos. 29 and 100.

Ireland. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 16, 23, 27, 29, 32, 53, 62, 63, 69, 73, 74, 105 and 110.

In addition, a Government representative expressed deep regret that his Government had to appear before the present Committee to account for certain failures to respond to observations of the Committee of Experts. The Committee could be assured that these failures had no ulterior motive and were certainly not designed to frustrate the work of the Committee of Experts in any way. They should not in any way be interpreted as an expression of disregard of the work of the supervisory bodies or of the observations of the Committee of Experts. Although his Government had failed to respond to the observations on the application of five Conventions, he recognised fully that dialogue with the Committee of Experts was essential to the supervisory work on the application of standards. The department of the administration of his country which was responsible for the majority of the issues raised by the Committee of Experts had, regrettably, not displayed an adequate understanding of the supervisory work of the ILO. The Government accepted full responsibility for these inadequacies and had already taken measures to deal with these problems. The answers to all the pending questions would be transmitted within a few days. As an immediate measure, the views expressed by the present Committee would be brought to the attention of everyone involved so that these views would be acted upon as necessary.

The Workers' members thanked the Government representative for his explanations on the shortcomings of the Department in his country responsible for responding to these requests of the Committee of Experts. It was essential that he recognised the importance of providing information and that he assured this Committee that the necessary measures would be taken to this end. One could only insist that this be done shortly.

The Employers' members pointed out that this case showed that developing countries were not the only ones to experience difficulties. As the Government representative indicated, a certain department in his Government's administration was not sufficiently convinced of the importance of these reports. It would thus be appropriate to regret these shortcomings as in the other cases and to invite the Government representative to intervene so that the situation could be redressed.

The Committee took due note of the information given by the Government representative from which it gathered that the information required under the Constitution would be reaching the ILO within the next few days. The Committee further understood that the Government was fully aware of the importance of complying with its obligations under the ILO Constitution and hoped that the Government would act accordingly. It decided to mention this case in the appropriate section of its report.

Jordan. A Government representative presented his apologies to the Committee of Experts for the failure of the Government to reply to its questions at the appropriate time and stated that his Government would fulfil its obligations and reply from now on to all the questions of the Committee of Experts.

The Workers' members, while thanking the Government for appearing before the Conference Committee, expressed their frustration of not receiving reports and replies to the comments of the Committee of Experts on such important Conventions as Conventiosn Nos. 100, 105, 106, 118, 135 and 142. Noting the assurances of the Government representative that his country would fulfil its obligations in future, the Workers wanted to know the reasons of the failure to reply to the observations of the supervisory bodies.

The Employers' members stressed once again the importance of the obligation to submit reports because it was only on the basis of a written report, and not simply on the verbal answers given by the Government, that the Committee of Experts, as well as the present Committee later on, would be able to examine the questions. This Committee could not deal with the material points raised in the absence of written reports, and therefore member States must fulfill their obligations to send reports. This was particularly important in view of the number of failures to send reports which has risen alarmingly. The Employers urged the Government to comply with its obligations to send written reports. They also wanted to know the reasons for its failure to submit reports and suggested mentioning this case in the appropriate part of the Committee's report.

The Government representative explained that the failure to supply reports was related to the current revision of the Labour Code which dated back to 1960 and had not been amended since. The new draft Labour Code elaborated by all the three parties – government, workers and employers – with the help of the ILO as well as the Arab Labour Organisation, had been put before the Parliament and the Government hoped that by 1 November 1992 the Bill in question would be discussed and adopted by the Parliament. This would affect all the national laws and, once this had been done, the Government would be able to submit the reports requested to the ILO.

The Committee noted the information supplied by the Government representative. It understood that the Government would reply to the different questions and comply with all its obligations under the ILO Constitution. It sincerely hoped that the Government would do so as soon as possible and decided to mention this case in the appropriate section of its report.

Lebanon. A Government representative noted with appreciation the understanding expressed by the Committee of Experts concerning non-observance of constitutional obligations by Lebanon. Referring to the exceptional circumstances prevailing in the country in the past 16 years posing a major hindrance, she stated that her Government has submitted in 1988 a report which had apparently not reached its final destination due to past events and that a copy of the past reports could be supplied. A new report was being prepared by the Ministry of Labour with additional information, although some administrative difficulties obstructed its earlier achievement. The Ministry had completed examining instruments adopted in the 54th to 77th Sessions with a view to their submission to the competent authority. She hoped to be able to supply information very soon about the formal actions taken in this respect.

The Workers' members recalled the difficulties recognised in the past, and noted that some genuine attempts seemed to have been made. They suggested to note this case in the appropriate part of the report and urged the Government to continue with its efforts, recalling the importance of submitting reports so that the Committee would eventually have the opportunity to discuss cases affecting Lebanon.

The Employers' members also noted that non-fulfilment of the obligations to report was due to the war, the events taking place over a number of years. Stressing the importance of compliance, they remarked that as many as 23 Conventions were concerned and requested the Government to make special efforts to catch up with these reporting obligations.

The Committee took note of the information supplied by the Government representative which referred to the political difficulties existing in the country. It reminded the Government of the importance of complying with the ILO constitutional rules, and expressed a hope that the Government will do everything reasonably possible to comply with those rules in the very near future. It decided to mention this case in the appropriate section of its report.

Lesotho. A Government representative explained the administrative difficulties that delayed reporting, namely that the officers responsible for the reporting exercise had been redeployed elsewhere in view of the structural adjustment. He stated that additional officials had recently been recruited and started preparation of reports which would be submitted soon. He referred to the assistance that the ILO had provided for the Government officials and that his Government would request further assistance for the newly recruited staff.

The Workers' members noted the administrative difficulty referred to by the Government representative and suggested that this information should be noted in the appropriate part of the Committee's report.

The Employers members requested the Government to discharge fully its obligation.

The Committee noted the information supplied by the Government mentioning technical difficulties as the reason of non-compliance with the rules under the Constitution. The Committee asked the Government to comply with those rules in the very near future and decided to mention this case in the appropriate section of its report.

Libyan Arab Jamahiriya. Since the meeting of the Committee of Experts, the Government has sent the reports due on ILO instruments requested under article 19 of the Constitution.

In addition, a Government representative indicated that the blockade imposed on his country had made communication difficult with the ILO. The setting-up of a new technical committee with responsibility for examining the observations of the Committee of Experts had been proposed by the Department of Vocational Training. Replies had been given to the comments of the Committee of Experts.

The Workers' members welcomed the explanations given by the Government representative, which were incidentally of interest in view of paragraph 150 of the General Report of the Committee of Experts. It was difficult to continue a dialogue with governments if they failed to submit their reports to the Committee of Experts.

Madagascar. A Government representative, the Minister of Labour, noted that his Government had carefully taken into account the comments made by the Committee of Experts concerning the non-supply of reports with respect to certain ratified Conventions. He stated, however, that his Government undertook its obligations seriously with respect to ratified Conventions and, for example, as concerned Convention No. 29 on Forced Labour, had suppressed the obligatory nature of the national service which would from now on be constituted only by volunteers. A detailed report on this Convention would be sent to the Office in the very near future. He assured the Committee that the necessary measures would be taken to send all of the reports due to the Office in the near future. He added that assistance from the Regional Adviser on Standards would be very much appreciated in this regard.

The Workers' members recalled the importance of supplying reports to the Office and welcomed the Government's indication that all efforts would be made to ensure that reports were sent in the very near future. He suggested that the Government might wish to avail itself of technical assistance to overcome its reporting difficulties as recommended in the general part of the Committee of Experts' report.

The Employers' members noted the serious difficulties the Government had in complying with its reporting obligations and supported the recommendation made by the Worker' members.

The Committee took note of the information provided by the Government from which it undertood that the Government had certain administrative difficulties which prevented it from fulfilling its obligations under the ILO Constitution. It also noted the Government's wish to have the assistance of the ILO with a view to fulfilling its obligations in the future. It hoped that such assistance would enable the Government to fulfil these obligations in the very near future.

Mauritania. A Government representative stated that the direct contacts mission that took place in Mauritania between 27 April and 7 May 1992 attained considerable progress on the points contained in the observations of the Committee of Experts. This was due to, in no small measure, the cooperation and availability of national authorities concerned. He expressed his Government's intention to continue this cooperation with the ILO. In general, they felt the results were positive and they not only helped clarify the nature of the information requested but also helped in the formulation of the concrete measures taken to implement them. This was proof of the Government's will to contribute to the observance of international labour standards. Moreover the creation of new democratic institutions exemplified by a multi-party political system was undoubtedly a favourable factor contributing to the attainment of better solutions to the problems raised on these ILO Conventions and Recommendations. In addition the Government representative explained in detail the measures taken and envisaged in order to meet the requests made by the Committee of Experts on Conventions Nos. 22, 29, 62, 81, 87, 94, 95, 102, 111, 118 and 122. Referring to Convention No. 29 on Forced Labour he stated that, among other things, his country had prohibited and eradicated forced labour well before it attained national and international sovereignty by virtue of the 1963 Labour Code. He further stated that the Constitution of 1991 (as did the 1961 Constitution) guaranteed equality of rights and the 1981 Ordinance that prohibited slavery had as its purpose the eradication of the effects of this outdated practice more than its abolition *per se*. Finally the Government representative stated that he would transmit, in writing to the secretariat, the information he provided to this Committee to enable the Committee of Experts to examine the case.

The Workers' members noted with interest the information provided by the Government representative on the request made by the Committee of Experts concerning certain Conventions and on the changes made in the country. They expressed the hope that this information as well as a detailed report would be transmitted to the ILO and that the Committee of Experts would examine the case next year. In addition they noted with appreciation the tribute paid by the Government representative to the effectiveness of the direct contacts mission that took place in April of this year which once again proved the importance and utility, to this country and to others, of the assistance of the ILO.

The Employers' members also noted the information on the measures taken or envisaged, as a result of the direct contacts mission, to improve the application of the Conventions in question. At this stage it was not possible to evaluate the results of this mission. Once the Committee of Experts had examined the information so provided, this Committee could then determine if these measures were sufficient. Nevertheless they wished to refer to Convention No. 29 cited by the Government representative and stated that one of the major objectives of the mission was to help solve the problem of slavery in view of the fact that information on this question was always insufficient but that a problem seemed to exist. This was a good illustration that this Committee did not discuss minor details, but very important problems, and in this concrete case the reports requested by the Committee of Experts concerned numerous and complex problems. They hoped to be able to examine these questions in depth in the near future.

A Workers' member of Senegal stated his full agreement with the views expressed by the Workers' and Employers' members. He welcomed, in the name of Senegalese workers, the opening of the border between his country and Mauritania as well as the ongoing negotiations between the two countries. He urged the Committee of Experts to be attentive to the timely supply of reports and to ensure that the Government could, if it so wished, request the technical assistance of the ILO to resolve the problems in question.

The Government representative, underlining the positive results of the direct contacts mission, stated that three decrees were adopted in a period of three weeks which was notable in view of the usual bureaucratic problems his country faced. He also indicated that the measures taken by his Government to put the national legislation and practice in conformity with Convention No. 29 were aimed at removing the effects of the now non-existing practice of forced labour.

The Committee noted with interest the information supplied by the Government representative. It understood that the direct contacts mission which took place in April 1992 had produced positive results and welcomed the measures taken or envisaged by the Government. It expressed the hope that the Government would provide a detailed report to the ILO so that the Committee of Experts could fully examine the case.

Morocco. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 2, 4, 11, 12, 13, 19, 26, 27, 29, 52, 81, 98, 99, 100, 105, 122, 129, 136, 147 and the replies to the Committee's comments made on Conventions Nos. 2, 12, 29, 52, 81, 100, 105 and 122.

Myanmar. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 16, 17, 19, 27, 29, 63, 87 and the replies to the Committee's comments made on Conventions Nos. 17, 29, 63 and 87.

Papua New Guinea. A Government representative stated that his Government had experienced administrative difficulties in complying with its reporting obligations because many of the ratified Conventions entailing observations fall under the competence of other governmental agencies which have not provided the necessary cooperation. The Government is examining at present its legislation in connection with the ratified martitime Conventions and the ILO will be informed of the progress achieved. The same administrative difficulties have also impeded the Government to supply its reports on unratified Convention and Recommendations under article 19, but the speaker assured the Committee that these constitutional obligations will be respected in future. The Conventions and Recommendations adopted by the 70th to 77th Sessions were submitted to the National Executive Council – the highest governmental authority – which has approved them and their subsequent submission for adoption by the national Parliament is but a matter of formality. The speaker concluded that in future his Government would take all the necessary measures to observe its constitutional obligations.

The Employers' members, pointing out that the case of this country had been before this Committee for many years, whether it concerned the obligation to report on the ratified or non-ratified Conventions, the submission to the competent authorities, or the replies to comments of the Committee of Experts, noted that the explanations given were the same as always. Recognising that there were obviously administrative difficulties in a country like Papua New Guinea, the Employers' members inquired if the Office could help this country as regards the obligation to provide reports. While noting the expression of goodwill by the Government, they expressed a certain disappointment.

The Workers' members associated themselves fully with the comments and suggestions of the Employers' members.

The Government representative of Fiji expressed his solidarity with the Government of Papua New Guinea in respedct of the difficulties encountered in supplying reports, pointing out that the ILO has a very active representative in that particular region who was always ready to provide assistance in these matters.

The representative of the Secretary-General indicated that in August 1990 the Regional Adviser on International Labour Standards visited the country to consult the Government on its obligations towards the ILO. Moreover, at the end of January 1992, the Government was invited to send one or more participants to a training seminar on the ILO standards and procedures which took place in Canberra. Finally, the Rgional Adviser for Asia and the Pacific is ready to go to Papua New Guinea in order to provide all the necessary assistance to the Government if it so desires.

The Committee noted the information given by the Government from which it understood that administrative difficulties prevented the Government to report and to reply to comments, according to the constitutional obligations of the ILO. It understood also that the Government has requested and received technical assistance from the ILO with a view to restructuring its reporting and replying procedures in order that it would be able to fulfil its obligations towards the ILO. The Committee therefore hopes that the Government will be able to do it in the very near future. The Committee decided to mention this case in the appropriate sections of its report.

Qatar. Since the meeting of the Committee of Experts, the Government has supplied its reply to the Committee's comments made on Convention No. 81.

Sao Tome and Principe. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 17, 19, 81, and 100.

Senegal. Since the meeting of the Committee of Experts, the Government has sent its reply to the Committee's comments made on Convention No. 81.

In addition, a Government representative noted that the reports concerning the Conventions for which replies were not made to the comments of the supervisory bodies had been made but for administrative reasons had not yet been communicated to the Office for examination by the Committee of Experts. He expressed his Government's regret for not having fulfilled its obligations in this regard and its intention to take the necessary practical measures to ensure that reports would be sent in the future within the prescribed time-limit.

The Workers' members welcomed the Government's indication that the reports had already been written and noted that they were not sent within the prescribed time due to administrative difficulties. They also welcomed the assurances give by the Government that this would not happen again. They urged the Government to take all necessary measures to ensure that reports and replies to the comments made by the supervisory bodies were sent on time in the future, as this information provided the basis for the work of the Committee of Experts and of this Committee.

The Employers' members noted that reference to administrative difficulties concerning compliance with obligations under the ILO Constitution was often made in this Committee. This case concerned seven Conventions upon which no relies had been made. The Government representative however did not explain the type of administrative difficulty which had arisen. They trusted, however, that the difficulties would be overcome and that the Government would supply timely reports in the future.

The Workers' member of Senegal noted the Government's indication concerning the administrative difficulties encountered in complying with its obligations and urges that the Committee of Experts watch carefully to ensure that reports were sent within the prescribed time-limits. This was particularly important in this case in which reports on seven Conventions were due, including Convention No. 29 concerning forced labour. In this regard the speaker referred to the use of military recruits to drive buses during a strike of the transport service. Reports were therefore necessary so that the Committee of Experts could make a full assessment of the extent to which the Convention had been applied.

The Government representative noted that, while Convention No. 81 was listed as one of the Conventions for which replies had not been received, the report for this Convention had indeed been sent. As concerns the other Conventions his Government would take the necessary measures to provide the reports in time.

The Committee took due note of the information given by the Government attributing the delay in replying to the Committee of Experts' comments to technical difficulties. In view of the attitude of the Government expressing its regret for what had happened and undertaking to comply with the obligations under the Constitution in the future, it firmly hoped that the Government would do so and decided to mention this case in the appropriate section of its report.

Sierra Leone. A Government representative admitted that his Government had failed to fulfil its obligations concerning the supply of various reports. The main reason for this had been the lack of human resources and the breakdown of the organisational machinery in the Ministry of Labour itself. He noted, however, that, with the help his Government had been receiving from the ILO, everything was being done to restructure the Ministry in order to correct these anomalies. With the technical assistance of the ILO, all these problems would be dealt with and reports submitted at the earliest possible time.

The Employers' members noted hat the Government of Sierra Leone had been quite regularly called before this Committee to explain the non-supply of reports. Today they had before them questions relative to almost all constitutional obligations : reports on ratified Conventions, reports on unratified Conventions, replies to the Committee of Experts' comments and submission to the competent authorities. They stressed that without these reports no real discussion of substance could be held in this Committee. They requested, therefore, that this case be dealt with in strict terms so that the violation of all these reporting obligations be prevented from occurring again.

The Workers' members associated themselves with the statement made by the Employers' members and expressed their concern that the explanations given by the Government were the same as in previous years. They therefore supported the request made by the Employers' members to deal with this case in the strictest terms.

A Workers' member of the United States added that he would like to hear more than good intentions from the Government and requested further information as to the reasons the reporting obligations were not met and the measures that would be taken in the near future to ensure that this lapse was remedied.

The Government representative recalled that the previous Government had not been able to regularise the situation but that, with the change in Government, all possible measures were being taken to comply with its obligations. He noted that an ILO adviser would be visiting the country shortly in order to readjust the structure of the Ministry; another was expected to deal with the Labour Standards Division that will do the work of reporting.

A Workers' member of Senegal indicated his continuing concern for the situation and felt that the Government's placing the responsibility on the civil servant was too easy a way out. He added his concern for the worker representative of Sierra Leone who was conspicuously absent from the Conference.

A Workers' member of Nigeria noted the instability caused in Sierra Leone by the new Government and indicated his concern for the freedom of movement of his trade union colleagues in that country.

The Government representative pointed out that the trade union leaders of his country benefited from complete freedom of movement.

The Committee took note of the information provided by the Government from which it understood that the Government had asked for technical assistance from the ILO with a view to complying with its different obligations under the ILO Constitution. While it appreciated this information, the Committee recalled that the non-fulfilment of the Government's obligations had been a point of great concern over the last years. It therefore strongly urged the Government to meet its submission, reporting and answering obligations as soon as possible so that the Committee of Experts and this Committee could make a full assessment of the situation. It decided to mention this case in the relevant sections of its report.

United Republic of Tanzania. A Government representative stated that his country was not an exception in the process involving spectacular changes to the present world political climate, which had resulted in constitutional changes. This process had influenced the functioning of the administrative procedures and had resulted in unforeseen difficulties. The Ministry of Labour had been restructured every two to three years; such circumstances had impeded submission to the competent authorities of some reports that had already been prepared, which remained in files and could not be supplied to the ILO within the prescribed time-limits. The Government hoped to be able to overcome these difficulties quickly. It indicated that the Government would supply in the near future the next of the 1986 Workmen's Compensation Decree, which was applicable to Zanzibar.

The Workers' members insisted that the Government should do whatever was necessary to improve the situation, because the reports on the application of Conventions Nos. 29 and 105, whose cases were to be discussed in this Committee, were among those that had not been supplied. The Government also had not sent the report that was due under Article 19. This raised a problem for the supervisory system, and for the functioning of the Committee of Experts and the present Committee.

The Employers' members stated that they shared the opinion of the Workers' members and requested that this case be included in the appropriate part of the report of the Committee.

The Committee took due note of the information given by the Government representative, which referred to the political changes in the country as an obstacle to answering the questions put and to reporting within the prescribed time. The Government gave assurances that it would comply with the obligations under the ILO Constitution, and the Committee hoped that the Government would do so in the very near future. It decided to mention this case in the appropriate section of its report.

Uruguay. Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 19, 22, 73, 96, 100, 105, 111, 113, 118, 139, 141, 150, 151 and 154.

Venezuela. A Government representative stated that her Government acknowledged that it was true that the reports that were due had not been supplied or had not responded to all the questions raised. The reason for this was that, as her Government had indicated in a letter addressed to the Director-General of the ILO, consultations with workers and employers had taken place in respect to the preparation of the reports, which had involved a delay. However, given that a representation had been made concerning the non-observance by Venezuela of Convention No. 144 on tripartite consultation relating to international labour standards, her Government considered that it was preferable to engage in such consultations in respect of Conventions Nos. 3, 13, 28, 81, 88, 100 and 141. The Government representative stated that all the reports requested would be supplied by September 1992, taking into account the observations of the Committee.

The Workers' members expressed satisfaction that the Government representative had indicated that it intended to file the required reports. They suggested that in order to respond to the requests, the Government should seek the assistance of the ILO if they had trouble meeting the deadline. They emphasised the absolute necessity of sending reports so that the Committee of Experts and the Conference Committee could examine them.

The Employers' members noted that the failure to provide the reports requested was not merely a small instance of neglect which could be overlooked, in view of the large number of Conventions involved. They pointed out that it was exclusively the obligation of the Government to submit reports and to furnish replies, although input from workers and employers could be given.

The Government representative thanked the Workers' spokesperson for his suggestion that the Government request technical assistance from the ILO, and indicated that she would raise this matter with her Ministry at the appropriate time. She pointed out that of 52 Conventions, only 14 had not been reported on in 1992, a number which represented less than half of the Conventions ratified by Venezuela. She reiterated that in order not to violate its obligation under Convention No. 144, her Government had preferred to consult the social partners prior to supplying the report.

The Workers' members hoped that their earlier suggestions would eliminate the confusion between ratified Conventions and consultation with the social partners, and submission of reports by the Government, and that this point would be included in the appropriate category of the Committee's report.

The Committee noted the information given by the Government representative and understood that the Government had met with difficulties on account of the time that had been taken for tripartite consultation in this matter. It furthermore took note of the Government's undertaking to comply with the ILO rules within the prescribed time for reporting and replying to specific questions, and it therefore hoped the Government would do so at its earliest convenience. It decided to mention this case in the appropriate section of its report.

Yemen. A Government representative recalled that his Government had to face many technical and administrative difficulties which made it difficult to comply with this obligation. In particular, the documents sent to his country were not in Arabic and much time was spent translating them. On top of this, the country was being faced with many structural difficulties concerning unification. He assured the Committee that his Government would do everything possible to overcome these difficulties and that all due atention would be given to this matter. The Office would be informed of all measures taken to ensure the fulfilment of the country's obligations and on the developments of the adoption of the unified Labour Code.

The Workers' members welcomed the statement of good intent made by the Government. They suggested that the Government might consider technical assistance to help it to meet its ILO obligations. This case should be mentioned in the appropriate section of this Committee's report.

The Employers' members associated themselves with the Workers' members. They noted that the general surveys based upon the article 19 reports enabled all member States to have a perspective on the application of a particular Convention around the world. The general survey also took note of the reasons countries had given for not ratifying the Convention and the difficulties which were encountered in its implementation. These general surveys were therefore very useful for many countries. They were only as valuable, however, as the information provided by the member States. Only worldwide participation would permit a comprehensive overview of this situation. Information was particularly needed from those countries which had difficulty in implementing or ratifying the Convention. They urged the Government to bear this aspect in mind and to make every effort to submit reports on unratified Conventions and Recommendations in the future.

The Government representative noted that technical assistance from the Office would be appreciated particularly considering the difficulties encountered by his Government which prevented it from fulfilling its ILO obligations. He hoped that the Office would take the initiative to propose assistance as soon as possible in this regard.

A representative of the Secretary-General indicated that the practice was that a Government requested technical assistance from the Office and the Standards Department would assure that this was provided. The initiative, however, had to come from the Government as the Office could not impose such assistance.

The Government representative indicated that his Government attached the utmost importance to international labour standards and assured the Committee that he would do everything necessary upon his return to ensure that his country requested technical assistance in the areas most needed. He thanked the Committee for its comments and the Office for its readiness to help.

The Committee noted the information given by the Government representative attributing the delay to technical and administrative difficulties. It also noted the Government's undertaking to comply in full with the obligations under the ILO Constitution and its request for technical assistance from the Office in this respect. In welcoming that undertaking, the Committee firmly hoped that the Government would fulfil its promises shortly. It decided to mention this case in the appropriate section of its report.

B. Observations and Information on the Application of Conventions

Convention No. 5: Minimum Age (Industry), 1919

Bolivia (ratification: 1954). A Government representative of Bolivia, the Minister of Labour, stated that, although the national legislation did not authorise the work of minors under 14 years of age, it permitted apprenticeship in industrial establishments. The applicable legislation is 50 years old. The draft Bill of General Labour Act elaborated with the assistance of the ILO, which entails a major modification of the legislation, is ready to be presented to Parliament. In this Bill, the minimum age of admission to work is fixed at 14 years, which would bring the legislation into conformity with the Convention. The presentation of the draft Bill to the Parliament was delayed, because the Government wanted to submit it to parties concerned including employers and workers. In this regard, a tripartite seminar was organised, but unfortunately the employers were not present. Because of the fact that it had not been examined in a tripartite manner, processing of the draft Bill was suspended. Since then, contacts were made again with the employers to obtain their views on the draft Bill, which will be sent to Parliament as soon as possible so that it can be discussed in November 1992. The speaker explained the reasons for which children in his country between 12 and 14 years work. The insufficient income of the family and the difficult economic situation obliged children to work. Recently, a committee of the Parliament proposed the introproposed the introduction of a measure aimed to prohibit the work of children under 14 years of age, which received very negative reactions in the society of Bolivia. A child of 12 to 14 years in a developing country like Bolivia is not practically a child, since circumstances oblige them to work. It is exceptional if a child of 15 years has not ever worked. He did not consider that the total prohibition of child labour would bring about better protection of children. He referred to the case of India where a child between 12 and 14 years can work outside of the hours of primary education. As children were obliged to work one way or another, the question of the prohibition of child labour as well as the different ways of ensuring their protection while working should be studied, as total prohibition would not guarantee the protection of children.

The Workers' members stated that whilst they approved of the idea that there should be tripartite discussions on national legislation affecting workers and employers, they would not accept it to be used as an excuse for not bringing laws into conformity with the Convention. A draft Bill was to be submitted to Parliament in November 1992. The Convention had been adopted in 1919, ratified by Bolivia in 1954 and since then no attempt has been made by the Government to conform with all the obligations required by the Convention. Referring to Articles 2 and 3 of the Convention concerning exceptions, the Workers' members considered that, despite the difficulties mentioned by the Government representative which were also encountered in other countries in South America and in the developing countries throughout the world, a firm line had been taken by the Committee regarding the employment of children, and the standards laid down in this long-standing Convention should not in anyway be lessened. There were indeed some arguments for reviewing and tightening the Convention. The Workers' members strongly hoped that the Government would introduce the promised legislation and that next year the Committee would be able to receive a report from the Government which would establish that they were formally in conformity with all articles of the Convention.

The Employers' members noted with pleasure that there were no differences concerning the Convention itself, that the Government was apparently prepared to undertake the necessary correction in national legislation, that a draft had been prepared with the assistance of the ILO and that the matters would shortly be regularised provided Parliament adopted this draft. This formal aspect of the problem was a question of time. The Employers' members remarked that the government representative, however, raised a number of other matters, posing the problem in a broader context, in particular, the problem of complying with the Convention in a country like Bolivia, where in reality children work to keep the family going without an alternative. As concerned the suggestion of the Government representative that the ILO examine these situations on the basis of the facts, the Employers' members believed that this suggestion was not addressed to the present Committee but to the ILO itself. They hoped that the Government would make progress in introducing the draft legislation as intended and also ensuring compliance with the Convention.

The representative of the Secretary-General indicated that the object of a current interdepartmental programme is child labour, a real and preoccupying scourge encountered in many countries in many parts of the world. This interdepartmental project on the work of children, in which the Department of Standards participates, has been put into operation during the present biennium (1992-93) and has the principal objective of protecting those who are working in countries like Bolivia and in some 69 other countries which have ratified this Convention; where the prohibition of child labour is not respected, or where no such prohibition exists.

The Employers' member of Bolivia, observing that the comment of the Committee of Experts covers only the employment of children under 14 years of age as apprentices, recalled that the General Labour Act of 1942 only allows the employment of children as apprentices, the Code of Minors clearly modifies the General Labour Act by clearly prohibiting any work by a minor of 14 years. In Bolivia children work in general on their own account and not in an employment relation. The Bolivian employers are ready to discuss the draft Bill of General Labour Act on a truly tripartite basis. They did not participate in the meeting held by the Government because of its political connotation. They, however, welcomed the Bill and the Bolivian Institute of Entrepreneurial Studies, dependent on the employers, has the intention to organise a seminar open to everybody interested and to the public in order to discuss the Bill.

The Government representative referred to the relations between the work of the present Committee and technical assistance supplied by the ILO, and stated that although, as pointed out by the Workers' members, the elaboration of the draft Bill had taken a long time and had not been approved yet and should be accelerated, the delay was not caused by ill will. Good work has been done even though some errors have been made. The draft Bill elaborated by the State with the assistance of the ILO will be presented to Parliament as soon as possible even if the employers will not have commented on it.

The representative of the Secretary-General, referring again to the interdepartmental project, stated that the budget for this programme amounts to $2,268,602. The objectives of the project entitled "Elimination of child labour" perfectly fit the objective of the Organisation to abolish work of children. Note should also be taken of the International Programme for Elimination of Child Labour (IPEC) financed by the Federal Republic of Germany, which is contributing $5 million a year, also with the objective of assisting concrete actions in this field.

The Committee took due note of the explanations that the Government supplied, from which it understood that the Bill to change the labour legislation on the points under discussion is before Parliament, where it will be debated in the autumn of 1992. It also noted the Government's willingness to send the text of the amended law to the ILO as soon as the Bill has been passed. In view of the importance of the Convention, and the many years during which this matter is under discussion, it strongly expressed its hope that the Government will succeed in having the Bill passed and put into practice in the very near future.

Brazil (ratification: 1934). A Government representative, after referring to the discussions that took place in the Committee in the past regarding Convention No. 5, reiterated the notion of apprenticeship provided in the Federal Constitution of Brazil of 1988, in Act No. 8069 of 13 July 1990 which defines the status of children and young persons and other legislation such as Decree No. 31546 of 1952. The apprenticeship contract submitted by the National Service of Industrial Apprenticeship (SENAI) applies only to children more than 14 years and establishes work relation under Decree No. 31456. Besides, socio-educational apprenticeship is created by Act No. 8069. In virtue of the Constitution, the status of children and young persons cover the technical and vocational education of children from 12 to 14 years outside the work relationship. The status of children and young persons is not in contradiction with the Convention because it establishes a clear distinction between the activities exercised by children aged 14 years or more who engage in work, and the activities of children between 12 and 14 years who undergo the education, in accordance with the legislation in the field of education. This way of apprenticeship is established in the framework of education and training, opening for the beneficiaries the access to labour markets only from 14 years under the work relationship. In order to overcome certain difficulties of interpretation, it was proposed to ratify Convention No. 138 on minimum age, but Parliament rejected the proposal of ratification. In addition to the judicial consideration, it should be noted the work of children under 14 years of age is a reality, in particular amongst the poorest population where the children's earnings are essential for the subsistence of the family. This situation could not be corrected by decrees, laws or conventions. Brazil has faced the structural adjustment of its economy which had negative consequences on employment and wages. The Government, as well as society, are conscious that there is a social debt to be paid more than external debts. Facing this serious problem, the Government has taken such measures as follows:

- in 1991, the inspection service covered 421,067 children between 14 and 18 years at work;
- the "Minha Gente" (My People) project to which the Committee of Experts refers is a concrete reality today. During this year, 300 centres of assistance for children were established within the framework of a plan to construct 3,000 such centres by 1995; amounting to US$1 million per unit, this programme will benefit 5 million children and their families;
- a Memorandum of Agreement has been signed between the Minister of Labour of Brazil and the Director-General of the ILO concerning the inclusion of Brazil in the International Programme for the Elimination of Child Labour (IPEC). In the framework of this programme, Brazil submits to the ILO more than 20 projects of cooperation which amount to almost US$4.7 million. Upon the request of the Government, such projects will be elaborated by the workers' and employers' organisations and non-governmental organisations which are active in the field of child labour;
- the Minister requested further assistance and cooperation of the ILO to deal with the question of child labour;
- the 26 governors of all the states of Brazil recently met in Brasilia to discuss the application of advice on the rights of children and young persons in their respectives states, in the framework of an awareness campaign for society in general and for employers concerning in particular the placing of children into the labour market in conformity with the status of children and young persons. The transfer of financial resources from the federal Gov-

ernment to states and municipalities is done in law and practice through government boards. The Government was open to dialogue and to constructive cooperation with anybody who has legitimate interest in the question of child labour and who is ready to collaborate in this sense.

The Employers' members remarked that it was the fifth year that the Committee discussed this problem and there were certain contradictions from previous years on which clarification would be required. Two problems were noted in this case: the first concerning Article 2 the Convention under which children under the age of 14 cannot be employed or work in any establishments covered by the Convention, and Article 3 providing for an exception as regards work done by children in technical schools. The Government representative had said that the apprenticeships that are contemplated in Brazilian law apply to persons over 14 years old, while in 1990 the Government of Brazil stated that children under 14 may not work in industry unless it is a technical undertaking supervised by the public authority. The Government representative should clarify this point, since such training taking place in an enterprise could not be understood as a school. The second problem is that there are a large number of children between the ages of 6 and 14 who are employed in various industries, clearly in violation of the Convention and the law in Brazil. The Government representative today mentioned that 400,000 children were covered by inspection visits and the planned increase in the number of inspection centres form 300 to 3,000. The Committee of Experts however notes in its report on the application of Convention No. 81 that the activities of the labour inspectorate have decreased and that a number of relevant posts have been abolished. The Employers' members considered it better to look also at the application of Convention No. 81. Concerning Convention No. 138, which deals with the minimum age in a broader way, its ratification would mean undertaking much more extensive requirements than those of Convention No. 5, which has a narrower range of industries and obligations. Recalling that this has been a long-standing case, the Employers' members concluded by urging expeditious handling of this case by the Government.

The Workers' members stated that as to the allegations that large numbers of children between the ages of 6 and 14 years were employed in various industries, the Committee of Experts noted some attempts by the Government to control the situation by such means as labour inspection, campaigns on the matter, and discussions with the ILO. The point to be dealt with concerned section 1 of Decree No. 31546 of 1952 which allowed children to work in contradiction with the Convention. As the Employers' members pointed out, there is an exception under Article 3 of the Convention as to work done in technical schools, but even then it has to be under close supervision by the public authorities. The Workers' members did not see a problem about the interpretation of the Convention in this regard, and emphasised that apprentices under the age of 14 cannot work even if it is vocational work. The Committee of Experts has been consistent on this point over the years. The Workers' members therefore requested the Government representative to clarify whether the Government intends to amend section 1 of the Decree of 1952 concerning apprentices. Recognising the difficulties in implementation, as was remarked by the Employers' members regarding the case of Bolivia, the Workers' members pointed out that the legislation itself needed to be changed before talking about implementation. They noted that the laws of Brazil, and particularly this Decree of 1952, were not in conformity with the Convention, and requested information as to when the legislation was going to be changed.

The representative of the Secretary-General referred to an interdepartmental project on the promotion of employment and the structural adjustment set forth during the biennium 1992-93 in which it is specifically mentioned that the ILO should endeavour to ensure that international labour standards of all kinds and especially those concerning employment, human rights, tripartite consultation, freedom of association and collective bargaining remain inseparable from the adjustment policies.

A Government member of Germany noted that the Convention was ratified in 1934 and that Decree No. 31546 on vocational training adopted in 1952. He referred to two systems of vocational training, one taking place only in the training schools and the other, which is called the dual system, taking place in vocational schools and in enterprises. The latter has made excellent results particularly in his country. Observing that difficulties in the application of the Convention appeared following the adoption of the Decree of 1952 and the introduction of the dual system, the speaker wondered if the Government should extend the school age beyond 14 years so as to respect the Convention or denounce it.

A Workers' member of France stated that the Committee of Experts referred to the allegations that a large number of children between 6 and 14 years of age were employed in various industries, in violation of the relevant legislation. As regards the necessity to modify the legislation which authorises the apprentices to work, it should first be questioned whether it is precisely the impossibility to offer children the access to apprenticeship that oblige children to work not only at very young ages between 6 and 14 but in the conditions of exploitation where they live in groups, get beaten, ill-treated or even killed. The speaker wondered if, given development of the economic situation conditioned by highly political phenomena, the modification of the legislation would be sufficient to change the situation.

A Government member of Argentina considered that the prohibition of the work of children should not be affected by particular economic situations. The prohibition aims at the protection of the child. A child should not work because physically incapable of doing so : a child is growing and has to prepare to reach maturity. The prohibition of the work of children is not sufficient in itself, and has to be accompanied by policies of promotion; the State should endeavour to ensure that children are correctly nourished, educated and that they will not work to supplement the income of the parents. The speaker also referred to the action by UNICEF for children.

A Workers' member of Pakistan remarked that the question had not only legal but also economic and social aspects. He stated that the State has the responsibility to make more economic and social input so as to alleviate suffering of children and that education and training is very meaningful, particularly in the developing countries. He expressed a hope that more economic and social measures would also be taken to eliminate suffering and also to enforce legislation on the subject.

The Government representative made the following clarifications : the centres for assistance of children were not the centres of inspection; the labour inspectors were allocated to other posts by administrative measures but they were reintegrated and returned to their activities. While the present Committee has discussed the case of the application of the Convention in Brazil five times, it should be noted that the new federal Constitution of Brazil is only dated 1988 and that the Act on the status of children and young persons was promulgated subsequently. Such new texts are now in force and complement the earlier provisions. The draft of Act No. 2018 of 1991 submitted to Parliament provides for a special regime of introduction of young persons to work. An interministerial committee engages in the adaptation of the whole of the labour legislation of Brazil and another committee chaired by the President of Brazil, the Committee on Deregulation, has already reviewed more than 100,000 decrees or laws going back to the proclamation of the Republic over 100 years ago; efforts are also made for deregulation and simplification. The reform of the whole of the labour legislation is in process.

The Employers' members stated that the Government representative was avoiding the issue of Decree No. 31546 of 1952. Noting the statement by the Government representative that apprenticeships apply to persons over 14 years old, he asked again whether the Decree encompasses persons under 14 years old.

The Workers' members expressed concern about the reply given by the Government representative who indicated that attempts were being made by National Congress, in an Interdepartmental Commission chaired by the President of Brazil to work on the 100,000 decrees which exist. If this were so then the issues which concerned the Committee might have to await the birth of the twenty-first century before they were dealt with. There are two issues: firstly, a continuing concern about the position of children in Brazil, regarding which some measures have been noted such as campaigns and consultation with the ILO. Information on violations concerning the work of minors recorded y the Labour Inspectorate would help in assessing what the Government has been doing regarding this matter; secondly, the specific question respecting the Decree referred to by the Committee of Experts whether it still exists and if so whether it will be changed. As to labour inspections, the Workers' members further hoped to receive the number of prosecutions undertaken and also the sanctions imposed, such as fines, which would give some idea of the way in which the Government is in fact pursuing its own will.

A Workers' member of Greece expressed his indignation that this Committee should discuss these problems with a strictly legal approach while the situation of children in many countries, and in Brazil in particular, is intolerable for every civilised being. It is deplorable to have to discuss this problem for five years and not to be able to note at present any real progress in the protection of childhood; it is not even guaranteed that this protection exists on paper. Recalling that this Committee is not a tribunal, the speaker expressed his indignation with the situation of children in Brazil, which is recognised not only in the report of teh Committee of Experts but also in the international media. This is why, either the Government representative of Brazil would give precise information and guarantees concerning measures taken or to be taken in the very near future, or the present Committee has to take an extremely severe position on the question of the protection of children.

The Workers' member of the United States associated himself with the comments made by the previous speakers pointing out the extreme seriousness of this problem, underlined by the Director-General himself, and invited the Government representative to take home to his Government the overriding importance of the problem for the present Committee.

The Government representative stated that the Decree on Apprenticeship mentioned by the Employers concerned only the age group from 14 to 18 years of age and that it was in conformity with the labour legislation in force in Brazil; the provisions on the social and educational aspects of apprenticeship, contained in the Constitution and in the legislative texts concerning children and youngsters, covered children of 12 to 14 years in conformity with the law applicable to education. The speaker recalled that he has mentioned only some of the concrete measures taken by his Government, and stated that LegislativeDecree No. 2018 settles the question of the revision of Decree No. 31548. He indicated that no general comments should be made on the intentions of governments.

The Committee took note of the information given by the Government which contained, it seems, clarification on points mentioned in the Committee of Experts' report. It understood that the Government is in the process of reviewing very many laws, including the whole of the labour legislation, but it regretted not to have heard a clear statement on the points referred to in the report. The Committee expressed its deep concern about the situation on child labour in the country which has been a subject under discussion in the Committee for the past four years and still did not seem to be in conformity with the Convention. It therefore very strongly urged the Government to inform the ILO in the near future about steps taken to bring the situation into conformity with international labour standards.

Singapore (ratification: 1965). A Government representative stated that section 4 of the Employment of Children and Young Persons Regulations, 1976, provides that children between the age of 12 and 14 years can be employed in an industrial undertaking only with the written permission of the Commissioner for Labour, which he has never granted in practice. The number of such applications was 22 in 1988, 34 in 1989, 12 in 1990, 11 in 1991 and one up to June 1992. The labour legislation provides sufficient safeguards to check abuses in the employment of children under 14 years, especially in industrial undertakings. The incidence of children taking up permanent employment is very low in Singapore and the abuses are almost non-existent ; the Ministry of Labour has never received a complaint in that respect. The amelioration of economic conditions and smaller family structures have meant that there is no need for children to enter the job market prematurely ; moreover, parents want their children to stay on in the education system to be fully prepared for the aspirations of a growing economy. None the less, the Government monitors the situation very closely to ensure that there are no abuses, and it will review the law with the view to improve its conformity with the Convention. The Government will keep the present Committee informed of the outcome of this review when it has been finalised.

The Employers' members stated that the Government representative essentially repeated what he had said in this respect in 1987. If in practice the legislation of Singapore complied with the requirements of the Convention, then there is no employment of children under the age of 14 and it would be a simple matter to change the law. The Government representative declares today that it will re-examine the situation, but it seems that this declaration was already made in 1987. The Government should go ahead now and introduce the necessary changes into the law which would bring the legislation and practice into conformity with the requirements of the Convention.

The Workers' members recalled that this question has been discussed for many years and that the real problem lies in the fact that the legislation does not prohibit the employment of children under 14 years of age in industrial undertakings. This Convention is a priority instrument which requires a global, determined and, above all, unequivocal approach. Technical training institutions are not enterprises, the ratification of Convention No. 138 would permit a resolution of this problem. The Workers would not accept that the Government restricts itself to declaring that it will modify the provisions in question "if the need arises", as mentioned in the report of the Committee of Experts. This type of attitude on the part of the Government leads one to think that the Government's commitment to suppress child labour is not very convincing. Singapore does not suffer from lack of resources, nor it it confronted with administrative difficulties. The Government must change its legislation in respect of the minimum age to bring the law and practice into conformity with the Convention.

The Government representative confirmed that his Government would revise the law in order to bring its provisions in conformity with the Convention and assured the present Committee that its observations would be brought to the attention of the Government, which might want to provide a written reply.

The Committee noted the information supplied by the Government from which it gathered that the Government will review the Employment of Children and Young Persons Regulations of 1976. It understood also that the Government would welcome a mission on behalf of the ILO on these questions. The Committee expressed the strong hope that the Government will review the law in the very near future and will send the texts to the ILO as soon as possible, in order that the Committee may assess the situation at one of its next sessions.

Convention No. 11: Right of Association (Agriculture), 1921

Malaysia (ratification: 1960). A Government representative indicated that the Trade Unions Act, 1959, governed the formation and functioning of trade unions and applied to all workers employed under contracts of service in which an employee-employer relastionship existed. Workers who worked for agricultural enterprises were also able to form trade unions. However, agricultural workers who worked on their own behalf were free to form or to join with associations to protect their interests under the Societies Act, 1966, and the Cooperatives Act, 1948. There was no restriction on their right of association and combination. The Government provided, through the Federal Rural Development Authority (FELDA), the Small Rubber Industries Development Authority (RISDA), the Federal Rural Consolidation and Rehabilitation Authority (FELCRA), the Peasants Organisations Authority (FOA) and various other agencies, the necessary support services, loans, subsidies and training in order to improve the income and the welfare or peasants. In addition, the agricultural products market were the recipients of assistance from the Federal Agricultural Marketing Authority (FAMA). The Government representative indicated that there were presently 19 associations and 681 cooperatives representing the majority of the country's agricultural workers.

The Workers' members expressed regret that, according to information given by the Government representative, only agricultural workers engaged on plantations enjoyed the right to form a trade union. Moreover, it appeared that the Government did not intend to change its position. They emphasised that, as the Committee of Experts had reiterated in its report, all persons engaged in agriculture, including self-employed workers, must have the right to organise. It therefore was not sufficient to provide the right to join cooperatives in national legislation. The position of the Government was unacceptable in so far as it was contrarty to the most fundamental right of workers and, in a certain manner, contrary to the universal application of standards. In view of the fact that it was not the first time that this matter was raised, the Workers' members hoped that the conclusions of the Committee would take this into account, and that they would examine this matter more closely in the following year when there would be a particular emphasis on freedom of association. Nevertheless, if it was necessary for the Committee to note again that no progress had been made, they would ask that they consider its conclusions differently.

The Employers' members recalled that the Committee of Experts' report indicated that only workers who had an employment contract and who worked for plantations had the right to form trade unions. Further, it was not a matter of referring to the length of the contract or to the size of the enterprise. They stated that freedom of association must be guaranteed whether it involved workers engaged on their own behalf or pursuant to an employment contract. Although they recognised that a country like Malaysia could encounter certain difficulties in terms of law and practice, the Employers' members stated that they were of the opinion that the Government should reflect upon and revise its position in order to take measures to bring the provisions into conformity with the Convention.

The Workers' member of Malaysia hoped that the Government would amend its legislation to eliminate the prohibition of the formation of trade unions by workers other than those on plantations.

A Workers' member of the Netherlands indicated that in reading the provisional record of the report of last year's Committee attentively, he noted that the information provided by the Government this year was exactly the same, and points of view expressed by the Employers' and Workers' members were also the same. He asked the Government representative what, in his view, was the purpose and the usefulness of the debate.

The Government representative reiterated its earlier statement that there was no restriction on the right of workers to form trade unions as long as they were employed under an employment contract. He said that the purpose of a trade union was to negotiate with employers on behalf of its members. In view of the present circumstances in Malaysia and taking into account its degree of development, farmers who work on their own behalf are their own employers. As a result it did not make sense to accept that they could form trade unions, because they had nobody with which to negotiate. In response to the question of the Workers' member of the Netherlands, the Government representative recalled the contents of his previous statement.

The Employers' members emphasised that their intervention of last year regarding this matter was different from that which they had just made. In reference to the position of the Government, they stated that it was necessary to take measures to bring its legislation into conformity with the Convention. Finally, they recalled that certain cases examined by the Committee sometimes required ten or more years until progress was noted. In other cases such a result was achieved much more quickly.

The Government representative indicated, in response to the Workers' members, that the goal or the utility of the current discussion was to clarify and explain the position of his Government, taking into consideration the circumstances in his country, so that it would be better understood.

The Committee noted with regret the information given by the Government. It recalled discussing this matter at earlier sessions and felt that no progress had been made. It therefore urged the Government to comply with the suggestions the Committee of Experts made in their report and to amend the legislation existing in the country as soon as possible. It hoped that the Government would send a full report on these amendments to the ILO in the very near future.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Malaysia (ratification: 1961). A Government representative informed the Committee that the Social Security Act, 1969, had been substantially amended. These amendments, which entered into force on 21 February 1992, concerned the extension of employment insurance to cover commuting accidents resulting in injury or death of a worker while travelling on a route between his residence and place of work; while travelling in connection with his employment; and while travelling from his place of work to where he has his meal during an authorised recess. These amendments also concerned the reduction of the qualifying period for eligibility for disability pensions from 36 to 24 months, and relaxation of the dependency condtitions pertaining to compensation for dependants of insured workers. He also noted that, effective 1 July 1992, coverage under the Social Security Act, 1969, would be extended to include workers earning up to 2,000 Malaysian dollars a month (the previous ceiling was 1,000 Malaysian dollars), and all employers irrespective of the number of their staff (this scheme formerly covered only employers having five or more employees). Coverage would also be extended to all agricultural workers and those employed principally for the purpose of catching fish in maritime waters. He said that further data and other necessary statistics would be supplied to the ILO in the next report.

The Workers' members noted that direct requests had been made to the Government on the application of this Convention for nearly 20 years, and that the Committee of Experts had made observations on this case since 1982. Since 1982, the Committee of Experts was able to indicate in its reports that progress had been made regarding the extension of the application of agricultural workers' insurance. There had been comments made, by the trade union organisation, as mentioned in the Committee of Experts' report, and last year this case was discussed. They expressed satisfaction that there had been amendments that would enter into force as of 1 July 1992, as had been announced in the Government0s report of last February. They believed that it was important for the Government to supply the texts of the amendments to the Office so that they might be examined by the Committee of Experts to determine whether there remained other exclusions, or whether the legislation was in conformity with the Convention. It was also emphasised that the Government should indicate in its report the measures that were necessary for an effective application of the new legislation.

The Employers' members stated that the Committee of Experts had in the past occasionally referred to this matter in their reports, but last year was the first year that it had been dealt with the Conference Committee, at which time it had observed that insurance was provided in the agricultural sector in too selective a manner and excluded large parts of this sector. They noted that there had been substantial amendments made, which provided a good example of the effectiveness of the work of the Committee. Although they said that considerable extension of the scope of the insurance was an interesting new development, in their view it was important that the next government report indicate whether this opportunity was made use of, which persons were affected and how the new legislation was implemented, as there remained the possibility that certain persons might be excluded. They were pleased that the Government representative had said that such details and statistics would be provided in the next government report.

The Committee noted with interest the information given by the Government representative. It was under the impression that progress was being made on the subject-matter in the direction the Committee of Experts had suggested. It understood that the legislation had been amended and noted the Government's willingness to send the new text and other relevant documentation to the ILO in the near future, and it hoped to be able to conclude that the legislation was in complete conformity with the Convention at one of its next sessions.

Convention No. 17: Workmen's Compensation (Accidents), 1925

Colombia (ratification: 1933). The Government communicated the following information:

The Government, following the conclusions of the Committee on Social Security, will submit to the Congress a draft law to reform the existing system.

As regards various Articles of the Convention, the Government indicates the following:

Article 2. Concerning limitations related to the non-application of the compensation for occupational accidents, the corresponding provisions were abandoned in practice taking into account that, due to the economic factors (inflation), there are no enterprises with less than 50,000 Colombian pesos of registered capital.

Article 5. Under sections 23, 60, 61, 62 and following regulatory Decree No. 1848 of 1969, a public official who suffers from temporary or permanent invalidity due to an occupational accident has a right to receive a pension which, in terms of the Convention, corresponds to periodical payments. The articles in question provide:

Section 23: 1. In case of permanent partial incapacity a public official has a right to compensation proportional to the degree of incapacity which is determined on the basis of the salary received and the amount of which should not be less than one month's salary nor superior to 23 months of salary. (...)

2. In case of permanent total incapacity or great invalidity, the employee has a right to an invalidity pension regulated in Title XII (section 23).

Section 60 provides that every public official who suffers temporary or permanent invalidity has a right to receive an invalidity pension.

Section 61 further indicates that for the effects of the invalidity pension, a public official will be considered an invalid if he for whatever reason has lost in percentage not less than 75 per cent of his working capacity, provided that such loss is not the result of an intentional act, commission of a grave fault, or an unjustified and grave violation of safety regulations.

Article 7. Victims of occupational accidents who become incapacitated and need the constant help of another person are considered by the Colombian legislation as falling under the category of "great invalidity" which provides for special treatment to the extent that section 21 of Decree No. 3170 of 1964 stipulates that a worker has a right, in these circumstances, to receive a pension (rent) equivalent to 85 per cent of a basic monthly salary, which is higher than that for the permanent absolute incapacity fixed at 70 per cent.

Article 10. Section 10 of Decree No. 3224 of 1981 provides: a worker covered by the social security who is a victim of an occupational accident or suffers from an occupational disease has a right: (a) to the necessary medical, surgical, hospital and pharmaceutical aid as well as to the other necessary therapeutic means (without any other limit but that related to the duration of contingency); (b) to the supply, repair and renewal of the orthopaedic appliances and protheses the use of which is considered to be necessary due to the injury received and under the conditions established by special regulations.

As concerns the National Fund for Social Protection which covers social security for the employees and workers of the State, section 25 of resolution No. 2640 of 1984 stipulates: a member affected by a disease of occupational or non-occupational origin or by an occupational accident has a right to have the National Fund for Social Protection provide him with the corresponding medical help without any limitation and for all the time which will be necessary, including the supply of the orthopaedic appliances, protheses and surgical measures.

In addition, a Government representative, the Minister of Labour and Social Security, referred to the observation of the Committee of Experts where it requested that steps be taken to amend the legislation on workmen's compensation of industrial accidents in order to bring the legislation in question fully into line with the with the Convention. With respect to Article 2 of the Convention, the provisions mentioned in the observation had been repealed in practice. It was indeed impossible to establish enterprises with a capital which was less than 50,000 Colombian pesos (around US $75). With regard to the points related to the application of Article 5 of the Convention, the Committee of Experts should again examine this question in the light of the provisions of the regulatory Decree No. 1848 of 1969 mentioned by the Government in its written communication and which clarifies Decree No. 3135 of 1968. As concerns the application fo Article 7 of the Convention, it was appropriate to add that victims of occupational accidents who became incapacitated and who needed the constant help of another person were considered by the Colombian legislation as falling under the category of "great invalidity". These persons had the right to receive a special pension which was higher than that granted in the case of permanent absolute incapacity.

As regards Article 10 of the Convention, the provisions of Decree No. 3224 of 1981 and of Resolution 2640 of 1984 provided for services of medical assistance to workers in the private and public sectors as well as the supply of prostheses and orthopaedic appliances. It would be appropriate to take note of these legislative texts to which the Committee of Experts made no reference in its observation. In the event where the slightest divergence subsisted between the legislation and practice and the Convention, the Government was ready to examine the question and to put proposals before Congress with a view to amending the relevant laws. With regard to point 2 of the observation, the Government shared the concern felt by the Committee of Experts as to the number of people covered by the social security scheme. This was a problem that occurred in both developed and developing countries as was demonstrated in the tripartite seminar organised by the ILO in 1991 on the future of social security in industrialised countries. The constituents showed themselves to be conscious of this problem by providing in the Constitution that the State of Colombia should extend social security coverage by progressive stages. Social security coverage, both territorially as well as in terms of the number of persons covered, could be extended.

The Employers' members thanked the Government representative for this information but regretted that it had not been made available to the Committee of Experts. With respect to Article 2 of the Convention, the Government maintained that in practice it complied with the requirements of the Convention. It should thus not be a problem to ensure that the legislation itself was brought into line with the Convention. With respect to Article 5, the Government cited a different Decree to that relied upon by the Committee of Experts and it would be appropriate to submit this Decree to the Experts for their review. With respect to Article 7, which concerned additional compensation to victims of industrial accidents, it appeared that some compensation was provided for by Decree No. 3170 and it would be appropriate to submit this text as well to the Committee of Experts for review. The application of Article 9 of the Convention was not referred to either in the written or the oral presentation of the Government representative. It would be useful if he explained the way in which his Government complied with this provision. As for Article 10, the Government representative once again cited a different Decree to that which was referred to by the Committee of Experts. The Committee of Experts in its report also asked for some statistical information with respect to the number of persons who were actually protected by the workmen's compensation laws. This number appeared to be quite low but, based on the new information that the Conference Committee had received, this figure could in fact be substantially higher and this new information should be provided to the Committee of Experts. Generally, the Experts needed to study this legislation attentively so that this Committee could be in a better position in the future to determine whether the Government of Colombia had met the requirements of the Convention.

The Workers' members indicated concern about ensuring the extension of the Social Security Scheme to the whole of the population as soon as possible because the Committee of Experts themselves wanted detailed information on the progress achieved, with a view to progressively extending this Scheme throughout the national territories. Current figures showed that about 31 per cent of the active population was covered by the Scheme but that a higher figure would be noted and appreciated by this Committee. Moreover, the Committee of Experts had indicated that in making an assessment of whether a government had fulfilled the commitments it had entered into concerning the Conventions which it had ratified, it was not only the laws that mattered but that statistical information was needed as well. The Government representative was invited to submit such information not only to this Committee but also to the Committee of Experts in order to make such an assessment.

A Workers' member from Greece added that the Committee of Experts had very clearly established that the Colombian legislation was not in conformity with the provisions of the Convention. The Government representative should clearly indicate if his Government intended to amend this legislation which seem to be a relatively simple procedure. It was sad to have to discuss the application of a Convention relating to accidents at work since this was a problem which should first be dealt with by preventive measures. Governments should, for their part, apply legislation which was in conformity with the Convention.

The Government representative specified that, in the event that the examination of the new observations of the Committee of Experts revealed the need to revise the current legislation, his Government would be ready to put the matter before Congress which would then have the last word in accordance with the democratic system prevailing in his country.

A Workers' member from France, recalling that the Committee of Experts had indicated that only 31.2 per cent of the active population was covered by social security, considered that this low percentage required a more specific explanation from the Government representative, particularly regarding practical measures which could be taken to this end.

The Government representative confirmed his previous explanation that an eventual legislative reform would not relate to an extension of the social security coverage but to the provisions relating to Articles 2, 5, 7, 9 and 10 of the Convention. The coverage of the social security scheme depended on available funds. The social security scheme was financed by contributions from employers and workers and the State faced many problems in order to comply with its legal obligations in the matter. The assistance of ILO experts would be welcome, as well as, as was suggested by the Director-General of the ILO, international assistance in this domain. His country was absolutely prepared to receive suggestions and ILO assistance in order to obtain the resources that were indispensable in order to extend social security coverage.

The Committee took due note of the information supplied by the Government representative from which it gathered that new documents were available on the points raised by the Committee of Experts. It trusted that the Government would provide this information to the Experts very soon. In view of its concern over a social security scheme not covering all the workers and not being extended to the whole national territory, it expressed its firm hope that it would find the situation in complete conformity with the Convention at one of its next sessions.

Convention No. 22: Seamen's Articles of Agreement, 1926

Pakistan (ratification: 1932). A Government representative indicated that the Government had started to take measures to apply the Convention: a draft amendment of the Merchant Shipping Act had been prepared and interdepartmental and interministerial consultations had taken place; the draft legislation takes into account the view of the Committee of Experts and would soon be put to the National Assembly after the Cabinet's approval. His Government would report for the period ending 30 June 1933, as requested by the Committee of Experts.

The Workers' members recalled that the failure to apply legislation to seamen engaged in ports outside Pakistan had been discussed since 1981 without satisfactory response, and noted that the Government representative confirmed that the draft had not been approved. They wished to know the reason why there had been no progress. As regards the second point on which the Government stated, according to the Committee of Experts' report, that the provisions had been amended, they pointed out the ambiguity of the situation and requested that the text which the Government mentioned be sent to the Office for examination by the Committee of Experts.

The Employers' members agreed with the Workers' member in requesting the draft legislation, before enactment. They asked the Government representative whether there was some political difficulty or impediment, and if not, when could enactement be expected.

The Workers' member of Pakistan urged not only that a copy of the draft legislation should be sent to the ILO, but also that the Bill be sent to the Cabinet and passed before the Parliament, so that the gap between national law and the requirements of the Convention would be remedied.

The Government representative expressed a hope that the legislation would be adopted by 30 June 1993. He stated that there was no political difficulty with regard to the matter. Concerning the request that a copy of the draft legislation be sent to the ILO, he explained that the draft legislation, although it had taken note of the comments, was a secret document under the rules of business of the Government and remained strictly in the custody of the Cabinet, and that it might not be possible to send a copy of the draft legislation. He added that the delay in enactment had been caused by several elections in the country and changes of the Government which entailed administrative difficulties in taking up the matter.

The Committee noted the information supplied by the Government representative. It understood that the Bill had been drafted to amend the existing legislation, which would be brought before Parliament soon. In view of the fact that the Committee has been discussing the subject-matter on various prior occasions, it urged the Government to take the necessary steps in order that the amending of the legislation would take place as soon as possible, and hoped tht the Government would be in a position to send a copy of the draft to the ILO as soon as it has been brought before Parliament.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Morocco (ratification: 1958).The Government communicated the following information:

The legal minimum wage must not be less than the rate set by the competent authority. This is the right whatever the means for paying workers. Consequently, employers and workers cannot agree to apply a rate lower than the legal rate. The provisions concerning minimum wages apply to all employees in the private sector working in industry, commerce, agriculture, liberal occupations as well as domestic workers. The objective of fixing a legal minimum wage is to maintain the purchasing power of the wages paid at the SMIG. The elements which are taken into account in practice for the determination of level of minimum wages are the following:

- the evolution of the cost-of-living index;
- budgetary imperatives;
- the maintenance of economic equilibrium;
- the demands of the trade union organisations;
- the proposals of the employers' organisations.

The minimum wage-fixing machinery is regulated by the texts communicated in previous reports. In conformity with the practice and with national legislation, minimum wages may be raised by decree upon the proposal of the Ministry of Labour. This proposal is formulated taking into account the elements cited above and, more particularly, the grievance of trade unions. The consultation of occupational organisations with respect to the fixing of minimum wages is vigorously applied, in particular, at the level of tripartite committees created in the framework of dialogue between the Government and the social partners. The recent decision of revalorisation of the SMIG and of the SMAG, which was the object of a decree of 23 January 1991, was only taken after several meetings of consultaton with the different occupational organisations. The complainant organisations had also taken part, when they wished, in some of these meetings with the Prime Minister.

In conformity with the legislation and national practice, the procedure for raising the minimum wage is begun each time there is a substantial increase in the cost-of-living index.

The following table indicates the increases in the minimum wage and the cost-of-living index from 1 January 1989 to 1 January 1991.

Date	*Rate of increase*	*Cost-of-living index*
1.5.1989	10%	3.1%
1.5.1990	10%	6.7%
1.1.1991	15%	6.7%

It is fitting to reaffirm, in conclusion, that all workers who have received a wage lower than the legal minimum have the right to appeal to the courts to cover the amount which is owed and that the failure of employers to respect the legal provisions in the matter are sanctioned by fines or, in the case of recidivity, by imprisonment.

In addition, a Government representative referred to the written information provided by his Government and added that the general principle of his country's labour legislation provided that wages were set by common agreement between workers and employers as long as the wages were not lower than the minimum fixed by the Government. Consultations had been held at the request of the Government between workers' and employers' organisations concerning the fixing of the minimum wage for 1991. The trade unions had made proposals which largely went beyond the means of the enterprises. The employers, while not opposing a reasonable increase in the minimum wage, defended the position that an increase in wage would have a negative effect on employment, which was the highest priority. Finally, a compromise solution was found which took into account the need to maintain the purchasing power of workers and the means of the enterprises. An increase of the minimum wage by 15 per cent was ordered by a Decree published on 1 January 1991. Similar consultations had been held in April 1992 prior to the publication of a Decree raising the minimum wage by 10 per cent starting from 1 May 1992. These two increases were greater than the increases registered in the cost of living. Furthermore, sanctions were provided in the case of a violation of the Minimum Wage Act and its implementing legislation. A special team of labour inspectors had been created in order to monitor the application of this legislation. In this regard, it should be noted that the Government had ratified Conventions Nos. 81 and 129 concerning labour inspection in industry and agriculture, respectively. Finally, workers who considered that they had a grievance had the right to appeal to a competent tribunal. As concerns the information concerning violations made by certain enterprises with respect to the minimum wage, he stated that he had no personal knowledge of this study except through the newspapers. The figures concerning the wages of seasonal workers cited in this study were incorrect, however. Instead of reporting the wages by hour or day actually worked, minimum monthly wages were compared with the wages of workers who sometimes worked only a few days per month.

The Employers' members noted that the complaint received from the unions in this case concerned (1) the unilateral establishment of the minimum wage: and (2) the fact that in practice the minimum wage was not respected. This last point was confirmed by the World Bank study of 1978. They noted all the information provided by the Government both in writing and orally in reply to the unions' complaint. While noting that the Government had not supplied a report for examination by the Committee of Experts at its last session, they stated that the only thing to be done was to ask the Government to furnish a full written report to the Office for the Committee of Experts to assess the application of the Convention in law and practice.

The Workers' members associated themselves with the statements made by the Employers' members.

A Workers' member of France associated himself with the statement made by the Employers' and Workers' members and added that there were certain questions which had not been answered concerning the real consultation of occupational organisations on the fixing of minimum wages. He noted that the minimum wage in the agricultural sector was lower than that in the private sector by about half. Furthermore, there were still workers in the public sector who did not receive a minimum wage. Finally, he requested the Government to indicate how many appeals had actually been made by workers to the courts to recover their wages.

A Workers' member of Greece associated himself with what had been said by the Workers' members. He noted that from the written information provided by the Government it appeared that the increases in the cost of living were followed by sufficient increases in the minimum wage. If this information was correct, he wondered why the trade unions had complained. As concerns the right of all workers to appeal to the courts to recover their wages he requested the Government to provide statistics on how many such appeals had been made. This would permit an assessment of whether, in fact, workers had this right or whether they were practically blocked from appealing to the courts for fear of losing their jobs.

A Workers' member of Papua New Guinea endorsed the comments made by the Workers' members and added that in most developing countries workers did not have the sufficient financial or technical means to hire lawyers in order to go to court if they were aggrieved. He expressed his concern that if the Government could unilaterally fix the minimum wage that they could also unilaterally abstain, leaving the workers in a no win situation.

The Government representative assured the Committee that his Government would send a detailed report to the Office for examination by the Committee of Experts. With respect to the comment made by the Workers' member of France concerning whether there had been real consultations, he recalled that he had cited a practical example of this. While admitting that there was a difference in the minimum wage for industry and for agriculture he added that workers in the agricultural sector had additional payments in kind. As concerns the public sector, it was not possible to compare the minimum wages when the working week in the public sector was 37 hours, while in commerce and industry it was 48 hours. The speaker corrected the figure presented in the written information and stated that there was a new increase of 10 per cent which had been promulgated on 1 May 1992. Finally, as concerns the possibility of workers to appeal to the courts, he recalled that this was a last resort and that prior to this the trade unions and staff representatives were there to defend the worker, the labour inspection would ensure application of the law and only if all this failed did the worker need to appeal to the courts.

The Workers' member of Greece clarified his previous point by indicating that he could not understand why the unions had complained if there had in fact been sufficient increase in the minimum wage to ensure purchasing power. The facts of this matter should be looked into by the Committee of Experts.

The Workers' member of France noted that further information was needed concerning the minimum wage in the agricultural sector: how much more did the workers make through payment in kind and did they benefit from the national social security scheme?

The Government representative stated that he did not have the necessary statistics with him to reply to the amount of the wages agricultural workers were paid in kind. Agricultural workers were, however, covered by the social security scheme since 1983. Finally, in reply to the Workers' member of Greece he stated that even if the Government increased the minimum wage substantially, the workers would always find arguments to ask for more.

A Workers' member of Liberia noted that a minimum wage was never sufficient and should always be improved upon. Furthermore a unilateral fixing of wages was unacceptable.

The Committee noted the written and oral information supplied by the Government. Given the fact that the Government did not report within the prescribed time, the Committee felt that it was not in a position to discuss the substance without the Committee of Experts having made an assessment of the situation. It therefore hoped that the Government would report in detail on the points raised by the Committee of Experts in the near future in order that the Conference Committee could consider the substance of the case in one of its next sessions.

Convention No. 29: Forced Labour, 1930

Brazil (ratification: 1957). A Government representative recognised the existence of problems in the application of the Convention and was the first to be interested in overcoming them. He also requested the Committee to indicate the various forms of cooperation not only with the ILO but also with other States which were able to provide it. The speaker welcomed the Committee of Experts' recognition in its report of the efforts made by the Government, federal inspection bodies and the federal police, with the support of workers' and employers' organisations, to eradicate forced labour, and that it also noted measures taken in this respect. However, the Committee is wrong in saying that the Government has not supplied information on the allegations presented by the Association of Labour Inspectors (AGITRA) and the International Federation of Plantation, Agricultural and Allied Workers (IFPAAW); the information in question was supplied to the ILO in October 1991 and April 1992. While in general terms the description by the Committee of Experts of the phenomena of forced labour in Brazil is correct, the two organisations which denounced the situation have also mentioned the difficulty in defining the exact dimensions of the problem. One should therefore rely on factual information and should not let oneself be carried away by emotions in order to avoid sterile and hypothetical discussions. The central problem lies in the existence of conditions of work which are repugnant to national conscience. The allegations concerning forced labour are coming from different trade unions, non-governmental or political organisations, and are often repeated by the national and international media; in fact, these allegations rarely result in formal accusations before the police and labour authorities. The majority of cases entailing allegations of forced labour concern regions which are difficult to reach. In 1991 and 1992, 31 complaints on forced labour were presented to the labour inspection and subjected to investigation: in nine of these cases, neither allegations of forced labour nor allegations about other infringements of the labour legislation were substantiated; in one case, the inspectors noted that the allegations were motivated by personal political rivalry between a trade unionist and the owner of the exploitation; in another case presented by a member of the Parliament the investigation showed that the workers who were alleged to be victims of forced labour, had been recruited through the intermediary of the Trade Union of Agricultural Workers of Bahia, and that the rights of these workers wre respected and all of them were able to return home at the end of the contract. In 15 other cases, the inspectors did not find any evidence of forced labour but concluded that there was a breach of labour law, most often due to the failure to register workers and the practice of deductions on wages for food and lodging which made the worker permanently "indebted"; in all the cases which were investigated, the situation has been remedied. As concerns the remaining seven cases, the allegations unfortunately were confirmed: in the State of Para 400 workers whom the landowners prevented from leaving were liberated; in two other cases in the State of Rio Grande do Sul the responsible persons were prosecuted. In the majority of cases the allegations were not confirmed and there was only proof of other violations of the labour legislation. In order to eliminate all the violations of the Convention, the Minister of Labour has drawn up a programme designed to eliminate forced labour and to improve the action of different governmental services and the labour inspection; this programme was submitted to the authorities and the departments concerned. The Labour Ministry has also decided to implement immediately a plan of urgent action concerning the regions with the largest number of allegations and complaints of forced labour. The Government has also requested the cooperation of the ILO in the field of labour inspection to eliminate all possible forms of forced labour. These few examples show that the Government is making all efforts to suppress forced labour. However, because of the magnitude of the social problems afflicting the developing countries, the interventions of the police and the labour inspection are not sufficient by themselves to remedy this situation of structural imbalance, and greater international cooperation is needed than that existing today. The complaints are useful, but constructive suggestions are even more so, as the workers' cause should not be used by the ill-intentioned parties to serve their own interests. The government, for its part, wishes the eradication of all forms of violation of human rights and particularly of rights of the Brazilian workers.

The Workers' members expressed their profound dissatisfaction with the reply given by the Government representative which raised doubts as to whether the Government is really truly aware of the significance of what is taking place in the country. The issues in question concerned slave labour.While the law in Brazil in these matters appears to be adequate according to the Committee of Experts, the real question is its implementation. The statements made by the Government representative at the outset seemed to indicate that these problems do exist and that efforts were made to solve them, but later he went on to say that in fact the cases which had been investigated emerged as being presented for political reasons, were isolated, and that there was no problem at all; in fact, out of all these cases, they actually found only seven, which were subjected to court action. The information contained in the report of the Committee of Experts however presents an entirely different picture. The allegations made come not from one particular body or one group of trade unionists who have a political aim, they come from a wide variety of organisations, including not only trade unions, but also intergovernmental bodies, investigative journalists and churches, and the cries of all these various bodies have been heard throughout the world. Statistics show that between 1980 and 1991 the Association of Labour Inspectors (AGITRA), which should know something about the problem and presumably have no axe to grind, reported 3.144 cases of persons subjected to forced labour on 32 estates in the south of Para; there are lists of 56 estates on which complaints of forced labour have been made; nationwide, 8,886 cases have been counted; in 1991, 53 persons were murdered or disappeared; and the Government still considers that there is no problem. As to the comment concerning the need to recognise the difficulties of governments who have to rule vast areas of countryside, the AGITRA points out that these cases are not confined to remote areas but a number of them have been complained of at places near to the most developed parts of the country including areas within 100 kms of main towns. Those are areas which the police force could reach within a matter of hours at the most. The Committee of Experts' report mentions horrifying facts of child labour, observed also by a group of parliamentarians, where children of barely 10 years of age, as well as men and women, are working 12 hours a day in total dependence upon the employer, which is, of course, a nice way of saying "slave labour". The Committee of Experts points out that strong articles exist in the federal Constitution – real estate may be taken away from the owners, penalties of imprisonment – but according to the Government representative, only seven persons were tried in the State of Para, three in Mato Grosso and eight in Espiritu Santo. He wished to know the number of prosecutions taking place as they give some idea of the measures taken by the Government. It seemed, however, that the Government is not using all its will, despite the social and economic problems it has in the country, as there are in fact so few prosecutions. The Workers' members hoped that the Government representative would admit the problem and indicate the initiatives taken because this was a question of the political will to do something about what is a disgrace to his country. The implementation of a Convention is a question of will and the Workers' objective in this Committee is to try to impress by dialogue, sometimes expressing themselves quite strongly, upon governments the need to implement Conventions, particularly those on human rights. The Workers therefore hoped that the Government representative will take away from this Committee the deep and abiding concern that very little seems to have been done on this Convention and that in the light of the Committee of Experts' report no progress whatsoever can be recorded on this, one of the most important, Convention.

The Employers' members stressed that comments have been made by the Experts since 1985 and regretted that this was the first time that this case was actually discussed. This case was sufficiently serious for the Committee to review next year. They associated themselves with the opinion of the Workers' members that after openly acknowledging the problem, the Government representative tried to minimise it by discussing only 31 cases. The information provided by the Experts showed that the dimensions of this problem are huge and can hardly be limited to 31 cases. There are essentially two problems. One concerns the problem of debt bondage where individuals are induced to travel thousands of miles away from home, finding themselves afterwards in a cycle where they cannot work themselves out of the debt that they have incurred for their transportation, food and lodging. It is worth noting that Brazil ratified in 1957 the Protection of Wages Convention (No. 45). Article 6 of that Convention prohibits empoyers from limiting in any manner the freedom of the worker to dispose of his wages; Article 8 relates to conditions and limits of the deduction from wages to be prescribed by national laws and regulations; and Article 9 relates to prohibitions of deductions from wages with a view to obtaining or retaining employment. This is exactly the situation that is observed, and it is the one of merging of two sets of legal requirements, one under a fundamental human rights Convention, and another under one that deals with traditional terms and conditions of employment. The second problem relates in a large part to Convention No. 5 and concerns child labour; children work without wages in the hope of increasing the output of their parents and to help the family repay the debt that they have incurred through their employment. As the Workers' members have noted, it appears that the Government has all the necessary laws in place, but that there is a problem of implementation in practice. The Government has ratified Convention No. 81 and part of the solution to this problem is having an adequate inspection service. While recognising the practical difficulty in policing in a large country, it should be noted that the Experts pointed to situations in accessible municipal areas which have not been addressed. This is a regrettable situation of very large dimensions. The Employers' members noted steps that the Government has taken in terms of training, improving inspections in the regions, and cooperation with the ILO, and proceeded to encourage the Government to extend and expand these efforts to cure the problem in the near future.

A Workers' member of Senegal declared in connection with the comments made by the Government representative on the involvement of trade unions of agricultural workers in the recruitment of certain workers, that it is indeed the Brazilian Government which is called here to give explanations. The problem is not one of trade unions which violated the Brazilian laws but that of the workers being exploited and treated as slaves, and of the fact that those responsible for this situation were not at all menaced. It it appeared that trade unions were violating Brazilian laws, the Government should take measures to ensure that they are respected.

The Government representative, replying to the comments of the Workers' members, declared that the discussion did not concern slavery or debt bondage, but infringements of the labour legislation. The Government is fully conscious of the gravity of the problem and has decided to deal with it with all seriousness; all the cases which are brought to the attention of the authorities result in immediate and concrete actions. In 1991 the federal police had conducted about 50 investigations which did not lead to court proceedings, but in another 49 investigations the cases were submitted to the tribunals; however it was not the labour legislation which was concerned but the criminal law. The Employers' members rightfully stated that Brazil possesses a potentially effective judical arsenal to deal with the problem, and the Government is using it willfully and with great vigour. Concerning the protection of wages, the cases mentioned represent infringements of the labour laws and necessary measures have been taken by the Government. Referring to the comments of the Workers' member of Senegal, the Government representative indicated that firstly, he never had the intention of accusing a trade union, and secondly, that the workers form part of the labour committees. Brazil has a highly developed and active network of trade union organisations which keep a very close watch on the observance of the rights of their members. It also has a very committed labour inspection system as well as an efficient and well-developed tripartite system in the labour field. Brazil does not tolerate forced labour and, once complained of every violation of labour rights is subject to prosecutions and immediate corrective measures.

The Workers' members expressed their total dissatisfaction with the reply given by the Government representative. Recalling that they were speaking about slave labour under the Convention dealing with forced labour, they consider that forced labour is in fact slave labour in situations when, as described in the Committee of Experts' report, children barely 10 years old were obliged to work 12 hours a day in a relationship of total dependence upon an employer, and thousands of workers could not terminate their employment without the risk of being ill-treated, tortured or even killed.

Concerning the regret expressed by the Government representative that the report did not mention the information communicated to the Committee of Experts by the Government, the Chairman informed the Committee that said information reached the ILO after the Committee of Experts had met and drawn up its report.

The Committee took due note of the information given by the Government representative. It recognised the difficulties the Government was meeting with a view to implementing the existing legislation in certain remote parts of this very large country. It took note of the endeavours the Government made in this respect. But, taking into consideration the seriousness of the matter under discussion, it felt that the endeavours of the Government have to be reinforced in order to end the existence of the appalling labour conditions. It hoped to be able to conclude that the Government made great progress in this respect at its next session.

Cuba (ratification: 1953). A Government representative indicated that Chapter 3 of the Labour Code contained provisions in force on working hours and rests. The regulation on working days and overtime was very precise. The working hours were eight per day and 44 per week. Under the Labour Code, the workers were not obliged to work overtime and in the case in which overtime was permitted, daily or weekly limits were prescribed. On the legal point of view, voluntary work was recognised as the expression of the individual or collective social consciousness, but no worker was obliged either on legal grounds or on the viewpoint of government policy to perform the voluntary work. The voluntary work exercised by workers in Cuby was strictly voluntary, and nobody could be sanctioned, prosecuted or deprived of any rights for not performing voluntary work. The labour legislation contained a guarantee of necessary procedures to permit the worker to submit a complaint if he considered his right was hindered. The process of accumulating merits and demerits of the workers realised under the direction of trade unions by virtue of resolution No. 590 of 1980 was a way of recognition and moral stimulation of workers who accomplished the voluntary work, and was not an indirect form of compulsion to work in terms of the Convention. This procedure had been for a few months the object of consultations with the workers' and employers' organisations concerned, and a draft resolution which would repeal resolution No. 590 of 1980 was about to be adopted; this draft resolution also provided for the elimination of work books and records of merit and demerit which had been accumulated under the resolution. Workers' rights depended on regulation in the Labour Code and supplementary legislation ; no provision conditioned the exercise of rights upon the accomplishment of voluntary work.

The Workers' members stated that they would have appreciated more information from the Government representative whether, as noted in the report of the Committee of Experts, resolution No. 590 of 1980 was still in the process of being examined with a view to making the necessary amendments in the light of the particular circumstances of the country. Nobody argues against voluntary work ; many people in many countries devote an enormous amount of time and effort, for example, to charitable work without pay. The voluntary work in Cuba appears to be different from such voluntary work ; it is enshrined in the Labour Code ; there are work books of merit, although it has been argued nobody takes any account of them. If the records exist, either expressly or implicitly, for the purpose of awarding a promotion, or other privileges, trips, access to goods and materials which other people cannot obtain, it would bring the situation into contravention of Convention No. 29. The Workers' members expressed a fear that the emphasis upon voluntary labour, and the amount of voluntary labour undertaken, seemed to imply that there was a measure of compulsion somewhere or other. If the Government could eliminate from its laws references to voluntary work that would be a start. Then the next stage would be to ensure that there was not tacit or implied pressure on workers to perform this function. The Workers' members expressed their concern about the references to voluntary work, and the establishment of quotas for voluntary work, which seemed to imply a situation slightly different from what was conveyed by the Government, both in its reply noted by the Committee of Experts and in the statement by the Government representative today.

The Employers' members fully associated themselves with the Workers' members. The issue here is the question of voluntary labour and it seems that the Government representative, in her own way, essentially acknowledged that there is a problem in Cuba with respect to this issue because the Government is going to make some amendments to Resolution No. 590 as regards the registers of workers who participate or fail to participate in "voluntary" labour. If these registers are maintained, there is an implicit, if not explicit compulsion labour in Cuba, particularly because the annual assemblies consider the reports of trade unions on this subject. The Convention defines forced or compulsory labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". When registers are kept on participation in voluntary labour programmes, the persons concerned seem to be under the menace of some kind of penalty to the extent that they may be deprived of some right or of some privilege if they failed to participate in the programme. Article 9 (c) of the Convention citing the conditions under which forced or compulsory labour may be exacted, provides that the authorities have to satisfy themselves in the first place "that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service". That, in the context of the Convention, is what voluntary labour is meant to mean. The Employers were surprised that the Experts did not see this as a case under Convention No.105 as well as, particularly when the CTC acknowledges that voluntary work benefits economic and social development. But that is not before this Committee now. It is therefore clear that there is a fundamental problem in Cuba with respect to voluntary labour which cannot be viewed as anything less than forced labour; at the very least the existing registers should be abolished in law and in practice. The Government should be invited to supply a complete report on the situation in this respect indicating in detail how this system of registers functions, explaining how merits and demerits are determined, as well as giving all other pertinent information in order that the Committee could once again examine the case next year in full knowledge of the facts.

Another Government representative, the Minister of Labour and Social Security, stated that sufficient information had been presented to the Conference Committee to show that there is no legislation which establishes voluntary labour. As it seemed that some form of suspicion exists in this respect, judging from the statements made by the Workers' members in particular, the speaker had to reaffirm without any ambiguity that in Cuba there is no form of voluntary labour which is regulated by legislation, nor is it exercised under the pressure of anybody : the voluntary work is done on a voluntary basis. In regard of Resolution No. 590 the Government had two reasons for amending it: first, because although it had been modified in 1980, it was adopted 15 years ago, and secondly,because well-intentioned persons could make a link with voluntary labour. His Government had their own methods of providing incentives for efficient and productive labourers and what had been insinuated by the Workers' spokesman could not be accepted. If one continues to represent voluntary labour as a form of forced labour, one runs the risk that one day his Government will be accused, here, of imposing forced labour by the fact that hundreds and perhaps thousands of youth coming from other countries, including the United States, are organised into brigades to perform voluntary labour in Cuba, joining in work with Cuban youth and workers in a gesture of solidarity which the Government appreciated. It is moreover necessary to clearly reaffirm that no-one is forced to work voluntarily in Cuba. Cubans, and notably workers, are freedom-loving and they would not accept any form of constraint.

After the discussion on the wording of the conclusions of the Committee and, in particular, on the question of whether they reflected the content of the discussion on the Convention – in which participated two Government representatives of Cuba, Employers' members, Workers' members and the Workers' member of Chile – the Committee adopted its conclusions.

The Committee noted the information given by the Government, explaining what it called allegations, that no forced labour exists in Cuba. The Committee, however, felt the response of the Government to the obsevations of the Committee of Experts not satisfactory. It therefore asked the Government to send the full report at its earliest convenience to the ILO and decided to review the situation at its next session.

The Government representative requested that the reservation of her Government on this conclusion be reflected.

India (ratification: 1954). The Government communicated the following information:

Identification of bonded labourers

The identification of bonded labourers is mainly undertaken by the Revenue Department and the Block Development Officer of the state governments. The labour ministry has issued circular instructions highlighting the need for undertaking fresh efforts for identification. It suggests the following steps:

(a) household surveys should be conducted by the Revenue Department with the help of field agencies like the Directorate of Economics and Statistics, Zonal Directorate of Backward Classes' Welfare and similar agencies on the lines of the survey drawn up by the National Sample Survey Organisation in their 32nd round;

(b) identification should be done during censuses conducted for the allotment of house sites under the IRDP;

(c) intensive studies should be undertaken in stone quarries and brick kilns.

The release of a bonded labourer is a judicial process. The procedure for releasing a bonded labourer has been laid down in section 21 of the Bonded Labour System (Abolition) Act, 1976. The procedure envisages a summary inquiry as provided under the Criminal Procedure Code. After the inquiry is completed, the keeper of the bonded labourer can be punished and the bonded labourer has to be freed, liquidating all his debts and liabilities vis-à-vis the employer. If the offence of keeping a bonded labourer is proved, punishment is mandatory according to section 16 of the Act.

Vigilance committees

The vigilance committees are set up by the state governments in almost all the districts and subdivisions where the problem of bonded labour is endemic. These committees hold periodic meetings to review the implementation of the Act and to assist the authorities for identification, release and rehabilitation of bonded labourers and also to guide the implementing authorities.

Integration of the bonded labour scheme with other anti-poverty schemes

The need to integrate the efforts being made under the scheme of rehabilitation of bonded labourers with other ongoing beneficiary-oriented anti-poverty programmes has been stressed by the state governments from time to time. The state governments in turn have issued directions to their implementing agencies to take suitable measures to integrate the scheme of rehabilitation with other ongoing beneficiary-oriented anti-poverty programmes being implemented.

National Commission on Bonded Labour

The entire matter of setting up the National Commission on Bonded Labour was examined in detail by the Ministry of Labour in the light of the recommendation of the National Commission on Rural Labour. It has been decided that the setting up of another commission is not necessary at this stage. It was felt that what is required is better implementation of the provisions of the Act by the state governments which should be closely monitored each month. In view of this, the chief secretaries of all concerned state governments have been addressed by the Union Labour Secretary in the matter of taking vigorous steps for the identification and rehabilitation of bonded labourers on 7 February 1992. A system of quarterly monitoring has been introduced.

The labour minister's directive to the state governments to avoid corruption and misappropriation of funds in the process of the identification and freeing of bonded labour

Labour as a subject forms part of the Concurrent List in the Constitution of India which implies that the Union Government and the state governments have joint responsibility in the formulation of labour policy and legislation. In view of this constitutional provision, a large number of labour laws are enacted by the central Government but are enforced by the state governments. This arrangement exists for the Bonded Labour System (Abolition) Act, 1976. For better implementation of this and other similar labour laws, the Government advises the state governments from time to time.

Child labour

The Government has initiated orientation-cum-training courses to motivate and sensitise enforcement staff to interact with them about the problems of child labour, the need to strictly enforce the labour laws relating to child labour and also to have a special approach to the problem as a whole. It is proposed to expand this programme not only to include the enforcement machinery but also the NGOs, the community at large, the workers' and the employers' groups. In fact, two state-level tripartite workshops have been held in the states of Tamil Nadu and Uttar Pradesh involving the government, the employers' group and the workers' group to draw up a comprehensive action plan not only to integrate the welfare inputs but also to have a coordinated effort by all social partners involved in the task of the elimination of child labour. The Government has also initiated active consultation with the employers' and workers' groups separately to discuss the problems being faced in the implementation of the law and to find out ways and means of improving the situation especially with reference to the role that the employers' and workers' groups play in this regard.

Regarding the Committee's comment in respect of the writ petition (Cvil) Case No. 12125 of 1984, it is still *sub judice*. It may be mentioned that the fact-finding committee was appointed by the order of the Supreme Court and has since submitted their report to them. As soon as the Court's decision is obtained, further information will be provided to the Committee.

The Government has also supplied the statistics on the bonded labourers identified and rehabilitated as at 31 March 1991 and the target fixed for 1991-92; on the number of prosecutions launched under the Bonded Labour System (Abolition) Act, 1976, as at

March 1988, and extracts taken from the Supreme Court's judgement dated 16 December 1983 in *Bandhua Mkuti Morcho v. Union of India and others.*

In addition, a Government representative, referring to the written information provided by the Government, indicated that the central Government had not sent a report on the Convention because of difficulties in the collection of information from various state Governments. The central Government cannot fulfil also the request of the Committee of Experts to provide full information on the findings and recommendations of a committee formed pursuant to the Supreme Court's judgement of 1983, as the central Government had not received it from the state Government of Haryana, but the following information may be useful for the Committee to assess the following action which has been taken. The Supreme Court's judgement of 1983 gave a very broad and liberal interpretation of the definition of the term "bonded labour" system; this has been brought to the notice of the state Governments and to the district authorities; and the Bonded Labour System (Abolition) Act of 1976 was amended accordingly in 1985. The statistics which have been made available by the state Government of Haryana show that there have been 544 identified cases of bonded labour as of March 1991; only 21 cases out of them have been rehabilitated but the state Government is taking the necessary follow-up measures in the rest of the cases. According to the latest statistics as of 31 March 1991, the total number of identified bonded labourers is 255, 608, out of which 222,985 have been rehabilitated. In order to accelerate the process of identification, the central Government has issued instructions to the various state Governments highlighting the need for undertaking from time to time fresh efforts for identification of these cases, like the household surveys are conducted by the revenue departments, and the development departments at the grass-root level, and various statistics-collecting machinery, as well as surveys done by the National Sample Survey Organisation. These bodies have also been advised to take up intensive studies in stone quarries and brick kilns. Regarding the vigilance committees, the speaker confirmed that they are set up by the state Governments almost at every district and subdivisional level where the problem of bonded labour is endemic. These committees have been holding periodic meetings to review the implementation of the above-mentioned Act and assisting the authorities in identifying, in releasing and in rehabilitating bonded labour. However, it is not always possible for the central Government to go into the details of the workings of the vigilance committees, this work being done by the state Governments. On the question of involvement of voluntary agencies, she indicated that they are paid managerial subsidies to conduct their work on the basis of 50 per cent grants at 5,000 rupees per annum as a matching grant. In addition, they are also paid a certain amount for each release order in excess of a limit which is given on a year-to-year basis. So far there have been four voluntary agencies which have been subsidised by different state Governments, but there are other voluntary agencies which may not be taking the help of the Government but still contributing to this process in their own way. According to the information collected from the state Governements, no new surveys have been undertaken by them but they were instructed to consider the possibility of vesting the necessary powers with the grass-root district administration to facilitate this task.

On the question of the integration of the various anti-poverty development programmes which the Government started a number of years ago, it had been advising all state Governments to try to build up such integration and linkages so that there is the least chance of the bonded labourers, once released, to revert back to that status. As regards the proposal for the institution of a national commission on bonded labour, the Government has examined it and decided that the setting up of another commission is not necessary at this stage; what is required is a better implementation of the provisions of the Bonded Labour (Abolition) Act by the state Governments is what is required and a system of quarterly monitoring has been introduced to that end.

On the issue of child labour, she stated that her country has constitutional and legislative provisions prohibiting child labour in certain hazardous occupations/processes and regulating their conditions work in other employments. A national policy on child labour was also formulated in 1987 covering the welfare aspect of child labour. It is further proposed to expand this programme to include not only enforcement machinery but also the NGOs, the community at large, and the workers' and employers' organisations, with which consultations were initiated to discuss their contribution towards elimination of child labour. The speaker also referred to an extensive collaboration with UNICEF in this area and to the obligations which the international community, and not only the central Government, has in moving towards elimination of child labour. Under the inernational programme for the eliminaiton of child labour initiated by the ILO, India would be taking up the programmes involving the NGOs in a number of areas and categories of employment, the training of the inspectorate, and intends to initiate a massive awareness campaign within the country. The Committee of Experts has also drawn attention to the report of the fact-finding committee appointed by Order of the Supreme Court in 1991 on a particular case before it. As soon as the Court's decision is obtained, the Government will provide further information to the Committee of Experts.

The Workers' members thanked the Government representative for the considerable amount of information provided but expressed their disappointment to the extent that much of this information could haave been supplied to the Committee of Experts earlier, so that the present Committee could base its conclusions on the evaluation of the situation by the Experts. They considered, however, that on the point raised by the Committee of Experts concerning the Supreme Court's judgement of 1983 and the committee to investigate the issue of identifying bonded labourers in the State of Haryana, the Government should provide full details as required by the Experts and not excuse itself by invoking the fact that the matter is *sub judice* and the information is therefore not available. On the question concerning the identification, freeing and rehabilitation of bonded labourers, the Experts refer to the information submitted by Anti-Slavery International that debt bondage affected almost 5 million adults and 10 million children in India. The figures provided by the Government in this respect seem to be peculiarly constant: 242,000 bonded labourers in 1989, 245,000 in 1990, and now, as at 31 March 1991, the figure is given at 255,608. If such precise figures can be obtained there appears to be a highly developed system of collecting statistics and still the Central Government points to the difficulties it has in getting information from the various states. It is important to provide statistics in order that this Committee may assess the efforts being made by the Government to deal with the obligations under this Convention. It is equally important, as the Committee of Experts point out, to involve trade unions, social partners, and many other organisations in the work that needs to be undertaken in this case. This concerns the problem of the identification of bonded labour and the role of the vigilance committees in this respect; noting the importance of their role, the Experts asked the Government to ensure that the vigilance committees are constituted, have regular meetings and maintain registers. The Workers expressed their disappointment with the written information provided by the Government in this respect to the extent that it seems that the central Government is not able to monitor the work of the vigilance committees and is almost throwing up its hands in despair. Also there was not much information about the involvement of voluntary agencies and on the schemes for rehabilitation. The Workers' members requested the Government to provide the Committee of EWxperts with the information it has requested on how many agencies were contected and their response, concerning the categories of activities in which released bonded labourers are rehabilitated and the mechanisms which exist for the follow up of rehabilitation measures, as well as on any action plans adopted to promote the integration of bonded labour schemes and other anti-poverty schemes. Concerning the decision not to institute a national commission on bonded labour, the Workers' members could understand this if this commission would be nothing but another bureaucratic measure, but thought that such a commission might conceivably be used to coordinate all the various activities referred to by the Government. They suggested that all the arguments and recommendations in this respect should be presented to the Committee of Experts so that it can see whether the abolition of this initiative is a good thing. One particularly important area is the enforcement of the law and the Government should once again, as requested by the Experts, provide detailed information on the actions brought before the Supreme Court of India and the High Courts of the different states concerning bonded labour. The Government perhaps could be asked to speed up the process of the consideration of some of these cases by the judiciary. In view of the horrifying facts on the use of child labour referred to in the report and recognising that Western countries had their share of responsibility in the economic exploitation of Indian children, the Workers' members believed that pressure should be kept up on the Indian Government in order to ensure that there continues to be the maximum effort made to bring to an end bonded labour and child labour in the subcontinent. The Conference Committee should encourage, indeed by sometimes criticising the Government, the active assistance of all the machinery of the ILO to help it in its work. It must continue to examine all the aspects of this problem and so must the Committee of Experts. In conclusion, they once again invited the Government to supply future reports to the ILO in order to facilitate the work of the supervisory bodies.

The Employers' members observed that reading the seven pages of the Committee of Experts' report this year and the written reply of the Government, and in listening to the declaration of the Government representative today, one had the impression that the problem is being resolved. This is not the caseo. This impression is year's Experts' report described the situation in much more vivid terms and this year the Experts basically limited themselves to making 11 information requests to the Government which do not reflect the reality of the problem. There are in fact two problems – bonded labour and child labour – two subjects which give rise to a very deep concern. Obviously, there are laws which deal with these two questions, but the problem is the one of application. The penal sanctions are in the text but it seems that the exploiters of bonded labour and child labour really have nothing to fear because of the slowness of the judiciary process. One of the essential difficulties comes from the fact that the real dimensions of the problem are not known: partly it concerns the problem of the identification of bonded labourers but also it may go to what in fact is the definition of bonded labour. Numerous statistics were supplied but his Committee does not know whether the figure of approximately 250,000 persons is exact, whether it is higher or lower. The speaker said that he was inclined to consider it to be higher. This year's report does not give the impression that there are still difficulties with the vigilance committees. The Government said that they all have been set up and that it is assumed that they are operating well; however, last year's report indicated that a large number of these committees had not been set up and some of them do not seem to work very well. The Government should increase its efforts in respect of these committees which are one of the key instruments it uses to solve the problem. The Government representative stated that it has no way of assessing the effectiveness of these committees, but it is not enough for a federal State to say that a given subject comes under the responsibility of the constituent states; it has to incite them to supply the requested information in order that the Experts and this Committee can examine whether the mechanism used to remedy the situation are in fact efficient. One key part of the remedy to the problem of bonded labour is the integration of the rehabilitation schemes with other anti-poverty schemes; the Government should not just issue instructions in this respect but take other measures to push the process along. Last year's report indicated that this rehabilitation process has been delayed and that some freed labourers have fallen back into bondage because subsistence allowances which they received have not been high enough.

As they did last year, the Employers' members invited the federal Government to reconsider its strategy consisting in withholding financing from States if they did not increase their efforts, because this resulted in denying help to the very persons that needed it most.

The laws exist also in respect of child labour but they do not seem to be rigorously applied in practice. The gravity and the dimensions of the problem were well described in the report of the Committee of Experts. The measures mentioned by the Government representative are a step in the right direction, but once again the exploiters of child labour as well as bonded labour do not seem to have much to fear from the sanctions because of the slowness of the judicial process. The Committee must pursue its efforts to combat this problem step by step hoping that it may be resolved soon.

The Government representative stressed that the Government of India is equally, if not more deeply, concerned with both the issues of child labour and bonded labour. She said that the judiciary process was slow at times and that in respect of the vigilence committees it is very difficult for the central Government to collect the information. The Government decided to strengthen its implementation procedures through a quarterly monitoring system. She clarified that the decision of not instituting a national commission on bonded labour has been a conscious decision of the Government – taking all points under consideration should take care of the apprehensions expressed by the Workers. Regarding child labour it set up a task force to go into the various aspects of its problem and the central Government, in cooperation with the states, is actively engaged to fill in the loopholes in the legislation and to ensure that the minimum penalties imposed by the law are also given effect to by the honourable courts. An informal dialogue with the judiciary is also envisaged to find out ways and means of strengthening the implementation of the Act. In conclusion, the Government representative reiterated her Government's commitment to comply with the Committee of Experts' comments and the conclusions of the Conference Committee.

The Committee took note of the information given by the Government. It regretted that the detailed oral information provided had not been contained in a written report sent to the Committee of Experts. Regrettably, under these circumstances, the Committee could not fully asess the situation in particular as concerns the abolition of bonded labour. It firmly hoped that the Government would supply full particulars on the different points raised by the Committee of Experts at its earliest convenience so that the Conference Committee could make a thorough assessment at one of its next sessions.

Libyan Arab Jamahiriya (ratification : 1961). The Government supplied the following information :

The Government considers that there is no contradiction between article 1 of Law No. 20 of 1962, article 6, of the Decree of 5 October 1955 and this Convention. The confinement provided for in section 1 of Law No. 20 of 1962 and the imprisonment provided for in section 6 of the Decree of 5 October 1955 do not combine with the obligation to work. In addition, even if labour was required during such confinement and imprisonment, it would be within the exception provided for in section 2, paragraph 2 (c), of the Convention.

The Committee of Experts' statement that "... in both cases the persons concerned, who are merely suspected or accused, and detained by decision of judge, are obliged to work" is an incorrect interpretation of the provisions of the above-mentioned laws.

Section 71 of Law No. 40 of 1974 on service in the armed forces and section 108 of Law No. 55 of 1976 on resignations within the Civil Service, are contrary to the Convention. These provisions have been entrusted to the competent departments with a view to amending them.

In addition, a Government representative indicated that the blockade imposed on his country had made communication difficult with the ILO. The setting up of a new technical committee with responsibility for examining the observations of the Committee of Experts had been proposed by the Department of Vocational Training. Replies had been given to the comments of the Committee of Experts. With respect to the Convention, his Government believed that the comments on article 1 of Law No. 20 of 1962 were without foundation. This could be seen clearly in Article 2, paragraph 2 (c), of the Convention, where there is an express exclusion of this type of work from the definition of forced or obligatory labour. The law of the Libyan Arab Jamahiriya was in every respect in keeping with the provisions of the Convention. The interpretation of the Committee of Experts, viz., that persons suspected or accused of certain offences were subjected to forced labour, was also incorrect. The limitations imposed on the freedom of public servants and members of the armed forces to leave their employment was, it should be noted, the object of a re-examination at the present time.

The Workers' members welcomed the explanations given by the Government representative, which were incidentally of interest in view of paragraph 150 of the General Report of the Committee of Experts. It was difficult to continue a dialogue with governments if they failed to submit their reports to the Committee of Experts within the time limits laid down. The Government apparently saw no contradiction between article 1 of Law No. 20 of 1962 and the Convention. The Committee of Experts was of a different opinion and undoubtedly had a reason for its opinion. When a government held an opinion different from that of the Committee of Experts, the Workers' members tended rather to side with the Committee of Experts, made up as it was of eminent legal experts. Only a detailed report by the Government would permit a definite opinion to be given. With respect to restrictions on the freedom of workers to leave their employment there was disquieting news concerning the position of Sri Lankan women employed in the Libyan Arab Jamahiriya. The Government was requested to submit detailed information on this matter. The Workers' members emphasised the necessity to submit reports on the application of ratified Conventions in order to permit a genuine dialogue within the Conference Committee.

The Employers' agreed with the Workers' members. The first point concerned forced labour, which could be imposed on the basis of suspicion or accusation of certain offences; this was clearly in violation of the Convention. On this point they requested the Government representative to report to his Government that the Conference Committee shared the opinion of the Committee of Experts. On the second point concerning the possibility of leaving employment, if such a possibility were not envisaged this would be a violation of the Convention. It followed from the Government's written reply that it shared this opinion, inasmuch as an alteration of existing provisions had been envisaged. The Government could be invited to bring about this modification as soon as possible.

The Government representative informed the Workers' members that the new technical committee (the only one qualified to deal with these matters) would be informed of the question of bringing the Libyan law into line with the Convention. Even though the observations of the Committee of Experts might be relevant, there was no contradiction between the aforesaid provisions and the Convention. With respect to civil servants' freedom to resign, the matter had been referred to the competent authorities. With regard to the disquiet expressed by the Workers' members concerning the Sri Lankan women employed in the Libyan Arab Jamahiriya, he had no information on the subject.

The Committee took note of the written and oral information submitted by the Government. It understood that the Government hoped that it was not in contradiction with the Convention. In view of the fact that the Government did not send a full report on the ratified Conventions in due time, the Committee felt it was not in a position to agree with the Government's viewpoint. As the subject-matter was of a very serious nature, the Committee urged the Government to reconsider its position so as to amend the legislation in the sense suggested by the Committee of Experts. The Committee hoped that the Government would submit to the ILO a report containing full particulars at its earliest convenience.

Morocco (ratification: 1957). The Government communicated the following information:

The Ministry of Employment notes the observations of the Committee of Experts and those of the CDT and the UGTM. It reiterates that they were taken into consideration in the Bills drafted by the Government and, in particular, the draft Labour Code. The observations made by the Committee in 1991 have been transmitted to the competent authorities so as to speed up the adoption procedure of the aforementioned draft Acts.

As regards the absence in national legislation of provisions imposing penal sanctions for illegal forced labour, the draft Labour Code provides that violations of Article 28 (which prohibits forced or compulsory labour) are punished by terms of imprisonment from two months to two years and a fine of 400 to 2,000 dirhams, or one of these penalties only. This draft, which has already been approved by the Council of Ministers, not only satisfies the requests made by the Committee of Experts, but would also allow ratification of other international instruments by Morocco.

Concerning the repeal of the Dahir dated 26 June 1930, allowing the employment of prisoners by private enterprises, the Ministry of Justice once again asked about this matter, reiterating that this Dahir is not applied any more since Morocco became independent. The draft general regulation on penitentiaries, which should repeal the provisions of this Dahir which are incompatible with Article 2 of the Convention, is currently being examined by the General Secretariat of the Government.

With respect to the legal texts and regulations allowing the calling up of persons and the requisitioning of goods in order to satisfy national needs, it should be noted that implementation of the right of requisition is limited in practice to exceptional situations, where the population's life and normal living conditions are at risk. The relevant departments have denied categorically the allegations made in this respect by the CDT and the UGTM. For instance, Royal Air Maroc states that the majority of staff reported voluntarily for work during the strike of 14 December 1991. The requisitioning of staff was unnecessary in the absence of exceptional circumstances which could justify it, in particular since the normal functioning of essential services is ensured by non–striking workers.

The information requests concerning the assignment of certain persons to civic service, and the applicable criteria to accept or reject the resignation request of a public servant, have been transmitted to the relevant departments.

In addition, a Government representative referred to the written information provided by his Government and added that the draft labour code which prohibited forced labour had been reviewed by a parliamentary committee on 13 May 1992. With regard to the persons assigned to civic service, he specified that this service was part of a series of measures aimed at the reinsertion of young persons into active life. It was very difficult for persons with diplomas who had no practical experience to find jobs. For budgetary reasons, the number of persons actually admitted to the civic service was much lower than the requests received. The Government was presently studying a draft text providing encouragement to private enterprise, such as the exemption from social taxes, if they would accept to take young university students as interns in order to help them complement their academic training with practical experience. The calling up of persons in order to satisfy national needs only occurred in exceptional situations. The law providing for this would be repealed and replaced by a new law, but since the Labour Code prohibited forced labour, perhaps this would not be necessary.

The Workers' members noted that the written and oral information provided by the Government had not been available to the Committee of Experts for examination. They recalled that, without the necessary information, the Committee of Experts could not assess the situation nor could this Committee be in a position to comment upon the substance of the case.

The Employers' members noted that the Government had been mentioning a draft Labour Code since 1969. The noted the Government's statement that the legal text concerning military recruits and the calling up of people in order to satisfy national needs would be repealed and requested the Government to indicate when this would be done. They hoped that draft legislation could be submitted to the Office for examination by the Committee of Experts in the near future. They noted the Government's indication that the employment of prisoners by the private sector no longer occurred in practice and that the relevant Dahir (Act) would be repealed by a general regulation on penitentiaries. They queried whether regulations were sufficient to repeal the provisions of an Act. In any event, all additional information should be provided to the Office for examination by the Committee of Experts so that this Committee would be in a position to consider this case again in the near future.

A Workers' member of Morocco noted that trade unions in his country were confronted with very exceptional circumstances. As concerns the employment of recruits in certain cases, he noted that his Government often used such measures to combat organised strikes. He also indicated that the work imposed on employees in the public sector was forced labour, incompatible with national laws and with this Convention.

The Government representative stated that the comments made by the Workers' member of Morocco should be verified. He noted two specific examples of strikes undertaken by the public health service and in the teaching sector. The former could reasonably be considered an essential service, yet no sanctions were taken against the trade union members. The reponsibility to continue this essential service, however, lay with the Government. Some trade unions always blamed the Government when a strike was unsuccessful.

A Workers' member of Greece welcomed the fact that the Workers' member of Morocco was able to attend the Conference, but pointed out that this was no enough. He noted that trade unions were often reproached for blaming governments for certain problems. Everyone had his own political opinions, but trade unionists first took care of the interests of the workers they represented. He added that often governments would do anything to break a strike if it was bothersome at the political level, including having recourse to scabs. No country lost when it dealt with its workers in a democratic manner. Governments were not the only representatives of their countries' interests. Workers also cared about the interests of their country and often a lot more that others.

The Committee noted the written and oral information provided by the Government. Since the Government had not reported within the prescribed time, the Committee did not feel it was able to discuss the substance fully without the Committee of Experts having made an assessment of the situation. It therefore hoped that the Government would report in detail the points raised by the Committee of Experts, in particular on the status of its intentions expressed over 20 years ago to amend the legislation so that the Conference Committee could consider the substance of the case at one of its next sessions.

Myanmar (ratification: 1955). The Government has communicated the following information:

With reference to the comments made by the International Confederation of Free Trade Unions (ICFTU) concerning the practice of compulsory portering, the Government wishes to indicates that it is true that armed forces have to employ porters for transportation of equipment and things over difficult terrain in remote jungles and mountains near the frontiers where military campaigns against the armed insurgents are launched. Where the terrain is inaccessible by car or other motorised vehicles the Myanmar army has to employ porters for transport of supplies and equipment. However, it is not true that porters are treated harshly and inhumanely by the Myanmar armed forces. All these allegations about the treatment of porters by the armed forces are untrue. They mainly emanate from outside sources with ulterior political motives.

As a matter of fact, there are volunteer porters and professional porters who offer to work as porters on behalf of others to earn their living. Porters are recruited and employed by the armed forces after consultation with local authorities. This has been in practice in Myanmar since she regained her independence in 1948. Recruitment and employment are in accordance with section 8, subsection 1(n), of the Village Act of 1908 and section 7, subsection 1(m), of the Town Acts of 1907. Recruitment is based on the following three criteria:

(a) they must be unemployed;

(b) they must be physically fit to work as porters;

(c) a reasonable amount of wages must be fixed and agreed to beforehand.

Porters thus recruited are never required to accompany the troops to the actual scene of battles; neither are they exposed to danger. They are sent back as soon as their assignment is completed. They are paid equitably and in the unlikely event of a loss of life or limb unconnected with any armed conflict they or their families are compensated in accordance with the Workmen's Compensation Act of 1925. They are entitled to medical treatment like soldiers in accordance with the Armed Force's Act. They are placed in safe places during operations.

In addition, a Government representative of Myanmar referred to written information provided by his Government and stressed that in his country there was no coercion with regard to the employment of workers. Comprehensive and elaborate laws effectively prevented the use of forced labour. In response to the allegations made against his Government that equated the use of porters by the armed forces of Myanmar with forced labour, he stressed that the use of porters was not the same as the use of forced labour. He said that the allegation emanated from outside sources who had ulterior political motives.

The Workers' members stated that they regretted hearing the Government representative say that there was no forced labour in Myanmar. They referred to the report of the Committee of Experts which had noted the comments of the International Confederation of Free Trade Unions (ICFTU) on the application of the Convention in Myanmar. The ICFTU had indicated that the practice of compulsory portering was widespread and involved thousands of workers, who were forcibly recruited and harshly exploited. These porters were rarely paid, and were forced to carry excesive loads and endure physical hardship and danger. Some died as a result or were killed, sometimes during the course of military actions. They noted that the comments of the ICFTU were detailed and specific, and that it was customary for the Committee to rely on the accuracy of the Committee of Experts' reports. However, they acknowledged that there was a contradiction between the facts referred to in the report and the statement by the Government representative. They expressed the hope that the Committee of Experts would receive a detailed report on this matter.

The Employers' members stated that they would not go as far as the Workers' members in their assessment of the situation at the time. The Committee of Experts' comments had summarised serious allegations made against the Government, and the Government was responding to the request for its comments. Upon review, the Committee of Experts may decide that further information should be provided and make an explicit determination regarding the merits of their claims. They appreciated that the Government had cooperated by providing some information, and asked it to send any other relevant information to the Committee of Experts so that it might reach a conclusion as to whether or not the Convention had been contravened.

A Workers' member of France stated that he was a member of the organisation which had made the comments, and was surprised at the reaction of the Government representative. He emphasised that the ICFTU had provided all the elements of proof for this very serious case. He believed that the conclusions of the Committee should be pertinent and uncompromising with respect to the necessity to provide evidence of both the Government's will and practical measures that it would take to remedy a situation which he was certain continued to exist today.

The Government representative reiterated that the porters were not forced labour, which did not exist in his country. He stated that even if the employment of porters by the armed forces was considered to be forced labour, such porters had ceased to be employed by the military, because the Government was no longer conducting military campaigns. He stressed that the Government wished to establish national unity and peace, and to remove all differences by amicable discussion rather than fighting among the different races in his country.

The Workers' members disagreed with the observations made by the Employers' members, because in their view a presumption resulted from the fact that the Committee of Experts had set out the facts as stated in its report, and had expressed its hope that corrective measures would be taken. Although a written reply had been supplied by the Government beyond the prescribed time limit that had not been referred to in the report, it was similar in content, although more expansive than that to which the Government representative had related. They suggested that what had been stated in the Committee and the written reply be forwarded to the Committee of Experts for its evaluation and report.

The Committee noted that the Government had not supplied a report within the prescribed time. It also took note of the written and oral information given by the Government. In view of the seriousness of the allegations mentioned by the Committee of Experts, on the one hand, and the lack of reporting by the Government, on the other hand, it urged the Government to report in full to the ILO in the very near future.

Pakistan (ratification : 1957). Since the last meeting of the Committee of Experts, the Government has supplied legislative texts, particularly the law on debt bondage.

The Employers' members recalled that texts of new legislation, in particular, an Act to prohibit bonded labour, had recently been received and needed to be examined by the Committee of Experts. They indicated that the legislation would not be enough and that the implementation would be important. They suggested that the examination of this case be postponed until after the Committee of Experts have studied the texts in question.

Panama (ratification: 1966). The Government has supplied the following information:

As regards the comments of the Committee of Experts, the Government states that it has sent to the Ministry of Interior and Justice for its consideration, by means of a letter of 24 September 1991, a draft Bill which repeals and amends some articles of the Administrative Code as regards "forced labour" imposed under sentences rendered by Administrative Tribunals, with a view to making the legislation in conformity with the Convention.

This request was further reiterated by means of a letter of 28 May 1992, in which it has been requested to accelerate the measures for the submission of the draft Bill to the Legislative Assembly. The Government enclosed as annexes these letters and the draft Bill.

Peru (ratification: 1960). As concerned Convention No. 105, a Government representative, Vice-Minister of Labour, acknowledged the observation of the Committee of Experts and declared that the repeal, of section 44 from the Penal Code, was an important step in the history of his country.

As concerns Convention No. 29, forced labour was prohibited throughout the entire territory of the country and that practices which had been denounced by the National Federation of Miners, Metalworkers and Iron and Steelworkers of Peru (FNTMMSP) were illegal. The Constitution of Peru forbids these practices and they are punishible under the new Penal Code (Legislative Decree No. 635) of 1991. Although it was true that the Minister of Labour was not present throughout the national territory, periodic inspections were made.

Indigenous communities in Atalaya. The Multisectoral Committee created by Ministerial Resolution No. 083–88–PCM assigned, in its report, the following tasks to the Ministry of Labour: (1) preventative inspection of estates and settlements which were the subject of complaints; (2) the creation of the "work zone of Atalaya"; (3) the training of community spokespersons in the work issues and the publicising of labour standards in collaboration with indigenous organisations (Inter-ethnic Association for the Development of the Peruvian Forest and the Regional Organisation of Indigenous Communities of Atalaya). After the census of 1981, the 12,400 inhabitants were divided into different ethno–linguistic groups (Ashanicas, Campas, Shipibos, Conibos, Picos, Anahuacas and Yaminaguas) representing 80 indigenous communities which speak about 30 of the 52 dialects of the Peruvian Amazon. Unfortunately it had not been possible to give effect to the second and third activities set out by the Multisectoral Committee. Inspections carried out by the Ministry of Labour had not been more than had been conducted through an inquiry into the situation of 17 estates which were the subject of complaints; this had occurred because of the lack of cooperation by local authorities, the absence of employers and the lack of means. Other problems also existed in the Atalaya region such as land tenure, the invasion and colonisation of the area, and deforestation as well as human rights problems. The Ministerial Committee also proposed the intervention of other competent ministerial departments as well as approaching the ILO for the purpose of obtaining, with its collaboration, financing for technical assistance which would permit it to carry out well the tasks which had been assigned to it.

Workers in the Madre de Dios gold-mines and washeries. In August 1991 the Ministry of Labour constituted a commission charged with studying and finding a solution to the problem raised by the Committee of Experts in its observation. The Multisectoral Committee was charged to conduct an active training campaign to raise the consciousness of workers as to improving conditions of work. The employment bureaux which practise "enganche" were made the object of inspection visits and, in appropriate cases, were fined or ordered to close. The labour authority of Cuzoco took measures to ensure that labour contracts would be concluded in conformity with legal provisions in force and approved by them. Legal assistance for needy workers was provided with the assistance, in appropriate cases, of the police.

Unremunerated work by children in chestnut-peeling enterprises in Puerto Maldonado. Child labour was associated with poverty and a need by families to provide for basic survival. It was linked to family organisations and the mode of agricultural production, and was comparable to home work in urban areas. The work of chestnut peeling was task work where a set sum is paid for each kilogram of chestnuts peeled. Following collective bargaining, enterprises agreed to an increase in wages. Although the Peruvian legal system made provisions aimed at preventing the exploitation of children, it was clear that the critical poverty, misery and low standards of living that existed in regions of the country could not be eradicated or avoided only through legislation.

The Workers' members stated that there was clear progress in the case of Convention No. 105, whose application had been the subject of discussion since 1980 following the repeal of the former article 44 of the Penal Code. They hoped this Convention would be fully applied in practice in the future.

With regard to Conention No. 29, they pointed out that the legislation did not present any problems. As the Committee of Experts had pointed out since 1987, the problems raised by the National Federation of Miners, Metalworkers and Iron and Steelworkers of Peru concerned only its practical application. These problems were very serious since they shared a common feature – namely slavery, which necessitated efficient action wherever they arose. It was not sufficient that the Committee of Experts had requested the Government to provide information obtained from either the visits of labour inspectors or the work of various committees on forced labour. It was also necessary to require that concrete measures be taken to eliminate all use of forced labour as well as forced labour by children working in the chestnut-peeling enterprises in Puerto Maldonado (the Government's report did not touch on the subject although the Government representative recognised the existence of these practices and stated that they were poverty related). The Workers' members hoped that the Committee of Experts would examine the concrete measures taken in practice in order to ensure that progress is made in the coming year.

The Employers' members also underlined the seriousness of the problems relating to the application of Convention No. 29. These reprehensible practices existed as far back as 1960, when Peru originally ratified this Convention. These practices consisted of: obliging workers in the Madre de Dios gold-mines and washeries to stay permanently at their workplace situated in isolated areas because their employers' refusal to pay the cost of their return journeys, in violation of their obligations under the 90-day work contracts; the use of children to work alongside their mothers in the chestnut-peeling enterprises in Puerto Maldonado in order to fill the number of barrels of chestnuts that were required daily; the state of slavery of the indigenous communities of Atalaya, because they were subjected to the mechanisms of the system of "advances" or "enganche" provided by the employer in the form of work utensils, meals or money. Even though the Government representative stated that a new law had been adopted in 1991 providing for sanctions in cases of forced labour the Government had not send a report on Convention No. 81 on labour inspection, whose application was essential to the abolition of forced labour. It was necessary that the number of labour inspectors and the conditions under which they fulfilled their functions be in conformity with ILO Conventions on labour inspection in order to ensure the application of national legislation including those adapted in 1991. The Committee of Experts should keep this in mind in order to be able to assess the magnitude of the problems. The Employers' members requested that this case be discussed again next year with a view to ascertaining any progress made because of the serious nature of the problem involved.

Finally, the Employers' members noted with satisfaction the progress shown by the adoption of legislation applying Convention No. 105. However, they hoped that its practical application would supplement the guarantees provided by the Convention.

The Government representative stated that the new article 128 of the Penal Code of 1991 provided for imprisonment of two to four years for those endangering the lives of children under guardianship or custody. In other words, it was their own parents who, in order to increase their revenue, subjected their children to work without a contract. He added that labour inspection would ensure attaining the desired results and that the Government had sent to the Committee of Experts copies of decisions reprimanding enterprises engaging in forced labour. These decisions were complemented by political measures with a view to preventing such practices.

A Workers' member of Colombia expressed his concern with regard to the serious problems discussed relating to forced labour and children. These problems existed in Peru and in most Latin American countries as well as in the informal sector. Statements of good intent and adoption of laws did not suffice. One should equally take into account the problem of poverty, the deficient distribution of wealth, as well as the current economic system. He thought that at its next session this Committee should not limit itself to requiring reports of a political nature but should request specific information on measures taken to protect the rights of children.

The Committee noted with concern the violations of the Convention as reported by the Committee of Experts. It also noted the information supplied by the Government representative, but it regretted the existence in Peru of a situation which was not in conformity with the Convention. Even though the Committee had expressed its satisfaction with regard to progress attained on Convention No. 105, it had nevertheless underlined the seriousness of the current situation. It therefore urged the Government to provide the Committee with as much information as possible and to take all the necessary measures to end the above-mentionned violations. It underlined its decision to discuss this case once again at its next session.

Sudan (ratification: 1957). A Government representative stated that the observation of the Committee of Experts referred to allegations of the presence of "slaves and forced labour" in his country, which information it had previously received from the report of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1988 and 1989. He completely denied these allegations and repeated what his Government had emphasised during the Conference in 1989, namely that all Sudanese were totally free and had equal rights and duties. He stressed that his country prohibited any form or exercise of the slave trade and that in this connection his country did not feel obliged to provide any information since such practices did not exist in the first place. Furthermore, he issued an invitation to visitors from the United Nations or from the International Labour Organisation who so wished, to visit his country in order to verify that what he had said was true. Finally, he promised to provide a version of the Penal Code of 1990 in accordance with the request made by the Committee of Experts in its observation.

The Workers' members found the Government representative's reply to the request of the Experts to be unsatisfactory on various points. First of all, they noted that a report from the Government had not been received. Observations on this case had been made in 1989, 1990 and 1992 and this issue had been discussed at the Conference Committee in 1989. There was no difference between what the Government had said then and what the representative had stated in his declaration this year. From 1988 the Government had refuted the allegations contained in the United Nations documents concerning the capture and trade in slaves and referred to by the Committee of Experts' observation. Furthermore, the Government denied the more recent allegations contained in the report of the Working Group on Contemporary Forms of Slavery of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities of 19 August 1991 which concerned children kept in slavery and used as domestic servants and which was also mentioned by the Committee of Experts in its observation. The Government representative's statement that there were no cases of slavery taking place because of the existence of laws that prohibited slavery was not at all convincing. The Workers' members wondered what the national authorities were doing to enforce these laws. More specifically, they wanted to know, as did the Committee of Experts, whether people who were guilty of extracting forced labour had been arrested, found guilty and if penalties had been imposed on them. Finally, the Workers' members said that they were not very sure what the laws were at the time. Although the Government had referred in its previous report to sections 311 and 313 of the Penal Code, the Committee of Experts had been informed that a new Penal Code had been promulgated in 1991. However, the Committee of Experts had not had the opportunity of examing this law in order to determine whether it satisfied the requirements of the Convention. Consequently, they expressed the deepest possible dissatisfaction both with the failure to report on the Convention and on the nature of the reply given by the Government representative.

The Employers' members associated themselves very much with what the Workers' members had said. The Committee had been familiar with these very serious allegations for many years, which had emanated from two bodies in the United Nations both of which had carried out careful studies on the matter, and both of which had come to the conclusion that there was still a certain amount of trade in slaves carried out and that children were kept in slavery and used as domestic servants. The Government representative's argument that slavery had been outlawed through domestic legislation and that, as a result, the Government did not need to do anything more, was very feeble. On the contrary, the Government was duty bound to do considerably more and had an obligation to inform the Committee of Experts accordingly. The Government could not simply rely on a law which contained a prohibition on forced labour but had to ensure that such practices no longer actually existed. Three years ago, the Committee of Experts, as well as this Committee, had asked for the necessary measures to be taken so that a satisfactory situation might be reached. However, three years later nothing had changed at all and, in view of the gravity of the allegations, this was a very regrettable situation. Moreover, the provisions of the Penal Code of 1988 needed to be reviewed but there was also the matter of the new text of the Penal Code of 1991. However, since the Government had not complied with its reporting obligation, this Committee was lacking information. All in all, this was a situation which constituted a serious infringment of the Convention.

The Workers' member from Sudan stated that the information contained in the report of the Committee of Experts had been taken from a book whose contents had been criticised by the Workers' Federation of Sudan. His Federation's members had visited the region that was referred to in the book and had not encountered a single case that could be regarded as slavery. The whole issue of using children as slaves arose when there was a rebellion in the country. This issue was raised in the Organization of African Unity's Labour Committee in April 1991. This Committee adopted a unanimous resolution denouncing the rebellion that had taken place in southern Sudan since it involved the kidnapping of 15 children who were in fact used as domestic servants but, apart from this case, his organisation was not aware of any other case involving slavery. He assured the Committee that, if there were such a case, there would have been a general uprising against the Government. Finally, he invited the members of the Committee to go and see for themselves what was actually happening in this area in Sudan.

The Government representative reiterated that there were no demonstrated cases of slavery in Sudan. He indicated that he would be happy to provide a text of the Penal Code of 1991 to the ILO so that the Committee could take note of its contents.

The Workers' members stated that to visit the country would not add to the case in any sense whatsoever since the members of this Committee were not emissaries themselves but that it was the Committee of Experts who dealt with the information provided by the Government. Moreover, it was the Office that sometimes assisted countries who were unable to fulfil their obligations under the Convention. Because of the very serious nature of the case and the persistent refusal by the Government to deal with the points raised by both the Committee of Experts and by this Committee, they felt that this case required a special paragraph.

The Employers' members expressed that it was for the Government to say whether, and to what extent, its obligations were being fulfilled under this Convention. In order to highlight the urgency of the case and to emphasise this Committee's concern that the situation was not improving, they also believed that a special paragraph would make it clear to the Government that the Committee felt that it should finally act.

The Workers' member of Sudan stressed that he should not be blamed for trying to assist his Government. Moreover, this was not the case since he had been speaking on behalf of the workers of Sudan because this was a serious issue which concerned the forced labour of children.

The Government representative, in response to the comments made by the Workers' and Employers' members, indicated that all the information requested by this Committee would be submitted by his Government most diligently. His Government had agreed to have this case discussed because it had wanted to cooperate with this Committee. Although his Government would not mind having a special paragraph included in the Committee's report, he felt this would merely complicate matters further. He added that the Workers' member of Sudan had expressed his own views freely.

A Workers' member of the Netherlands indicated that Workers' members were free to express their views and to assist their governments just as certain Employers' members were free to do the same in other sittings of this Committee.

The Committee noted that the Committee of Experts had not been in a position to consider the situation as the Government had not sent a report. The Committee also noted the oral information given by the Government. It expressed its deep dissatisfaction, taking into account that no progress seemed to have been made since it discussed this case some years ago. It was under the impression that the Government confined itself to a simple denial of slavery existing in the country. In that respect, it felt bound to remind the Government that various United Nations bodies had reported on such cases and that the Conference Committee could not but consider those allegations not to be completely unfounded, as long as the Government did not report in full on the existing situation. It therefore expressed the hope, in the strongest possible terms, that the Government would send in such a report. It felt bound, in view of the very serious matter under discussion on the one hand, and the Government's attitude as mentioned before on the other hand, to set these conclusions in a special paragraph of the Report.

United Republic of Tanzania (ratification: 1962). A Government representative reiterated that which it had already stated last year, to the effect that in practice there was no forced labour *per se* in his country. The national Constitution prohibited forced labour, and the constitutional amendment which will enter into force on 1 July 1992 will include legislative changes. A draft Bill will be submitted to the National Assembly during its next session, which will amend certain existing anomalies in order to ensure the conformity of the legislation with the Convention. He pointed out that a copy of the draft had been supplied to the ILO and that it was not appropriate, as the draft had not been adopted, to discuss its contents in detail. He assured the Committee that his Government intended to comply with all the instruments which it had ratified. He indicated that the constitutional amendments had brought about fundamental changes relating to Convention No. 87, which had not been ratified by his country.

The Workers' members recalled that at the preceding Conference the Government had acknowledged that the observations of the Committee of Experts were justified, and promised to amend the legislation in order to bring it into conformity with the Convention. A new Act on unemployment should have been submitted to the National Assembly in December of last year; the report of the Committee of Experts indicated that the Government had not supplied any information in respect of this matter. The Workers' members requested the Government representative to specify whether or not the Government had sent the ILO the draft of this Act. In 1971, 1980 and 1981 this case had been included in special paragraphs of the reports of this Committee. In its report of this year, the Committee of Experts had reiterated the comments which had been made for a number of years, and had summarised the situation in the following manner: "The Committee cannot but express its concern at the institutionalised and systematic compulsion to work established in law at all levels, from the national Constitution through Acts of Parliament to District by-laws". The Committee also referred in its report to new legislative texts of 1989 and 1990 which established a policy of forced participation, that was referred to as community development. This indicated that the provisions that were contrary to the Convention had not only not been repealed, but had also been confirmed, and that this situation truly concerned them, given the seriousness of these problems. They regretted that the information had not been supplied on time so that the Experts could have examined and indicated its view of the state of the legislation. They hoped that the conclusions would be as firm as possible.

The Employers' members considered that they were in the same situation as in the previous year, the only difference being that perhaps a copy of the legislation had been supplied to the ILO. They considered that the Committee was dealing with important questions relating to Convention No. 29, such as the general obligation to work and forced labour for the purposes of development and public works. They did not clearly understand whether a draft of the new Labour Code had been sent to the ILO which would modify various Acts, including the Human Resources Employment Act and the Resettlement of Offenders Act. They regretted that the Committee of Experts had not received the information that was necessary to make an observation on this case. They emphasised that this case had been discussed for a decade, and that the result remained the same.

A Workers' member of the Netherlands stated that he wished to ask the Government representative the same question which he had raised 15 years ago when this case had been discussed: what problems did the Government have in changing the law? He recalled that on several occasions the ILO had sent technical assistance to Tanzania in order to resolve the case. The Government representative had stated that there was no forced labour in Tanzania; in the past, many promises had been made about the changes that would occur. He asked why the Government would be able this year to fulfil the promises which it had not been able to fulfil in previous years.

The Government representative, in response to the questions raised, stated that an interministerial technical committee was responsible for the consolidation of three labour Acts which would revoke the Employment Ordinance No. 366 of 1952 as amended. This project was suspended while modifications of the Constitution were taking place, so that the necessary changes in the draft could be introduced. The copy of the draft had been sent to the ILO approximately two months ago, and his Government was waiting for the comments of the Office as well as the comments of the workers' union which had been re-established as a free trade union. He hoped that the draft would be submitted to the National Assembly during its next session in October of this year.

A Workers' member of Liberia asked if there were any Workers' delegates from Tanzania on the Committee who could provide testimony as to the truth of the statements of the Government representatives. He asked the Government to encourage the participation of trade unions so that they could participate on the Committee and clarify several aspects of the discussion. The Government representative reiterated that the draft had not been submitted to the National Assembly in the period during which the constitutional amendments were being undertaken. He stated that his Government was at the same time providing the free trade union movement, that had been established effective 1 December, 1919, with the opportunity to make observations, comments and suggestions that it considered necessary for inclusion in the draft.

The Committee took due note of the information supplied by the Government representative. It stated that it was distressed at the lack of progress that had been made on the subject-matter which had been discussed by the Committee for very many years. It understood that the constitutional amendments had delayed the materialisation of the intention expressed by the Government to amend its legislation. It also noted that a Bill to amend those laws would be tabled before Parliament during its next session, which would start in the spring of 1993. It strongly urged the Government to take all measures to bring that Bill before Parliament shortly, and to send a copy of the same to the ILO at the same time, in order that the Committee could once again study the situation at its next session.

Thailand (ratification: 1969). A Government representative indicated that concerning the problem of the lack of enforcement of laws for the protection of children, the Government had paid a lot of attention to the problem and set up an ad hoc police team in the Department of Police, Ministry of the Interior, which is responsible for inspecting and supervising workplaces suspected to hire children illegally, and for prosecuting employers violating the Labour Protection Law, the civil, commercial and criminal codes. During the exercise of the investigation and of the prosecution, the police team cooperated with the Department of Labour and the Department of Public Welfare in assisting children at workplaces and rehabilitating children before sending them home. For example, an employer of a papercup factory was prosecuted on the grounds of 15 unfair labour practices, and the children rescued from this factory were either sent home or provided with necessary information to find jobs or obtained training at the Skill Development Institute of the Department of Labour. As regards notification No. 12 of January 1990 of the Ministry of the Interior to strengthen the protection of working children from being victims of illegal treatment, the Department of Labour in cooperation with the police department prosecuted 14 employers during the past seven months. In addition, the Government took the following measures to eliminate exploitation and illegal use of child labour:

(i) A Bill to protect children by raising the sanction of imprisonment from six months to five years was still in the process of submission to the National Assembly, the delay being the result of the recent political situation in the country.

(ii) A proposal to revise the Act on employment service and jobseekers' protection (B.E.2528.) with a view to raising the prison term from six months to up to six years for child abductors and illegal recruiters of employment agencies, was also in the process of submission to the new Cabinet.

(iii) As regards the request made on 5 November 1991 by the Ministry of the Interior to the Bangkok Metropolitan Administration and the Ministry of Public Health to order hospitals to gather names of patients who have suffered injuries caused by improper working conditions or physical abuse, and to report to the Department of Labour, no report had so far been received. The request, however, would be followed up regularly.

(iv) The hotline established by the Department of Labour to receive communications on possible abuse of children at worksites had been frequently used and almost 200 cases were reported during the last six months through this line.

(v) Following the decentralisation of the Department of Labour's administrative structure in the Bangkok area since mid-February 1992 which split the area into 36 sub-local areas, the inspection work had become more efficent, as shown in the statistics: 802 inspections in fiscal 1991, opposed to 1,283 in seven months so far of 1992; 725 inspections in March-April showing a 50 per cent increase in the same period of the previous year. The report of the city officials and local labour administrators, however, had not so far reached the Ministry.

(vi) Not only the Ministry of the Interior but also the public prosecutor and the Ministry of Justice were taking further steps to intensify the control over child abuse, the penalties for torturing children had been raised from three years' imprisonment to 20 years as was the case of the papercup maker, or up to the death sentence or lifelong imprisonment in a case of the loss of the victim's life.

(vii) The Department of Labour provided an information service for young jobseekers in rural areas who wanted to work in Bangkok or in urban areas. They were advised to consult provincial labour offices set up throughout the country. Moreover, the Ministry of the Interior established the prevention and protection centre for child labourers within the Department of Labour, which receives and provides information 24 hours a day and coordinates all kinds of media to disseminate information to the public.

(viii) The Department of Labour set up a programme to combat child labour with the assistance of the ILO and the International Programme of the Elimination of Child Labour (IPEC), which was expected to start next month.

(ix) The Government's policy to extend the elementary education from grade 6 to grade 9 was now being conducted on a voluntary basis, due to financial constraint, but the Government aimed to introduce compulsory education up to age 15 (grade 9) free of charge in the future.

(x) The Prime Minister repeated his statement made during the ILO Regional Conference that "the place for a child was in school and not in a factory" later in a Cabinet meeting, calling for efforts by all the government agencies to this end. A draft apprenticeship Bill submitted to the former Cabinet was at present under revision, but was expected to be taken up by the new Cabinet once formed.

(xi) As regards the decentralisation of the authority of the Department of Labour in the Bangkok area, which is the largest labour market in the country, the state employment service agencies were expanding services accordingly, and private employment agencies were also inspected and supervised.

(xii) When complaints are received in the Department of Labour, in particular through the hotline, the officer of the Department would go to the place immediately with the police of the area or officers of the ad hoc police team, and employers breaching the laws would be prosecuted immediately, the children thus rescued would be sent for rehabilitation both in health and mental conditions before being sent back home or receiving vocational guidance and training as they wish.

(xiii) The Government provided the same protection as nationals to foreign children who illegally reside in Thailand and is making efforts to prevent illegal immigration by punishing employment agencies and any persons involved in this respect.

In conclusion, the speaker indicated that her Government had taken all the necessary measures and that the situation was getting better.

The Workers' members recalled that this extremely distressing case regarding forced labour exploitation of children, including prostitution and pornography, had been pending for many years including a long discussion and a special paragraph last year. They acknowledged the effort by the Government to supply information requested by the Committee of Experts and an increasing awareness since last year by the Prime Minister who stated that it was not sufficient to wait for economic restructuring to redress this exploitation of child labour. They expressed surprise, in view of the seriousness of the case, that the Minister himself would not come to this Committee and address the situation. While the report of the Committee of Experts observed that the measures taken were not commensurate with the gravity of the problem, the Workers' members noted the measures indicated by the Government representative as a large step forward since last year on this important issue. They addressed two questions: first, whether the Government had put into practice the particular statement of policy made at the Asian Regional Conference; second, whether the Government would accept a direct contacts mission by the ILO to assist them in this extremely grave problem.

The Employers' members recalled that the case had been examined since 1985, was the subject of a special paragraph in 1991 and concerned all the forms of abuse of children: exploitation by work, prostitution, pornography and sale. The Committee of Experts referred to this statement by the Prime Minister who expressed the intention to redress the exploitation of children and to the measures which the Government had the intention to take, under strong pressure from ouside, including the Committee. The measures indicated were so far only the statements of intention and did not seem sufficient to redress this serious problem. The Employers' members considered that the Government representative did not supply, except for some points, any new information, while the questions by the Committee of Experts concerned the measures of practical application in very specific areas such as inspection, police action, collusion berween the expoloiters and the police under certain circumstances. The Employers' members expressed their grave preoccupation at the seriousness of the case, considering that the measures taken were far too hesitant: they requested further efforts and hoped that the Government would furnish detailed information in a written report.

A Workers' member of Switzerland, noting that the Government seemed to be conscious that measures should be taken to put an end to child labour without waiting for economic restructuring, stated that it was essential that the Conventions be respected independent from the efforts for the development and from economic crisis, and that the ILO should ensure that international economic competition should not be made by damping working conditions and by exploitation of the most vulnerable. To force children to work, to force them to prostitution and to pornography are particularly serious forms of forced labour. Prostitution was all the more atrocious today because it often meant a death sentence to the child by contamination of sexually transmissible diseases, in particular of AIDS. The criminal groups who made sale of children, often across the border, behaved with brutality and even corrupted the police. The speaker considered that the programme of repression mentioned was not sufficient and requested the Government to indicate the measures contemplated to stop the tourism depending on the sacrifice of children. Noting that the countries where those tourists come from had their responsibility in the fight against the exploitation of children, she considered that Thailand should encourage other countries to participate in the efforts to eliminate the basis itself of sexual exploitation.

A Government member of Germany, recalling the discussion in the Committee in 1991 followed by a special paragraph and noting with interest the measures indicated by the report of the Committee of Experts, considered that the responses were not sufficient in comparison with what was expected and that further information was necessary. Meanwhile, the Government recognised the problem and indicated that measures should be taken and the IPEC programme would help the adoption of concrete measures to redress this scourge.

A Workers' member of Pakistan supported the statement by the Workers' spokesman and, noting the efforts made by successive governments, urged that concrete measures be taken to eliminate the evil of exploitation of child labour, not only by enforcing civil and penal sanctions but also by providing more social and economic input, such as education, to help the exploited children and their families. He hoped that the technical programme launched by the ILO would help the Government and that the Government should have a more particular will to eliminate this evil.

A Workers' member of Greece stated that there was nothing worse than "economic" activity which developed by practically murdering children. The Government was ready to take measures, and the report of the Committee of Experts mentioned projects, proposals, a case of arrest, and imprisonment of three to seven years. This was not the way to eliminate the forced labour of children. The speaker wished to see the results of the measures taken by the Government. He stated that as long as children of ten years or less were exploited and imprisoned in brothels and in factories, the Committee should clearly and severely express its opinion, and the case would merit a special paragraph to condemn this situation disgraceful to humanity.

A Workers' member of Senegal stated that the competitiveness of products made in a country like Thailand, in violation of the labour legislation, would have negative repercussions on the workers of other developing countries.

The representative of the Secretary-General indicated, concerning the action by the ILO for the protection of children, that in November 1992 there would be a workshop, organised by the ILO in the framework of the Interdepartmental Programme on the Elimination of Child Labour. This workshop would examine the situation of servitude in which many children find themselves, and would above all explore possible practical solutions for the countries concerned. This workshop would be organised in cooperation wiht the Centre for Human Rights of the United Nations and with UNICEF. It would involve a number of Asian countries, including Thailand.

The Government representative welcomed all the observations made. She indicated that all measures she had mentioned would take time to reach the objectives, and requested the cooperation of other countries in the efforts to suppress the demand for sex tours referred to during the debate. As regards the direct contacts mission, which she would personally welcome, she wished to consult her Government and to report subsequently to the ILO.

The Workers' members expressed a feeling of revulsion on this case which they considered not only as "one of the worst" but as "the worst form of exploitation". They welcomed the statement made by the representative of the Secretary-General that the ILO was well aware of this problem and was going to make efforts to tackle it. They hoped that the Government representative would convey to her Government the magnitude and the gravity of the problem which requires exceptional efforts focused not on legislation alone but also on practical measures undertaken and urged again for a favourable response by the Government as regards the ILO direct contacts.

The Employers' members considered that there was large agreement to express serious preoccupations as regards the situation in Thailand. They urged that measures taken should be reinforced and extended and that the Government fight by all means against this very grave situation and that it reply in detail to the questions by the Committee of Experts.

The Committee noted the information supplied by the Government representative which it seemed reiterated mostly the points mentioned in the Government's reports to the ILO dating from four months ago, which the Committe of Experts pointed out in its latest report. It recalled that it had been discussing this case already for several years, i.e. the different forms of misuse of children. Although it welcomed the present attitude of the Government, it felt bound to underline the Committee of Experts' views that much more is to be done in order to end the appalling situation mentioned. It therefore requested the Government to take all the necessary steps, either in the legislative field or as far as the implementation and enforcement of laws are concerned, with a view to putting an end to the situation in the country which extremely distressed the Committee. It suggested strongly that the Government ask the ILO for technical assistance or sending a direct contacts mission and hoped that the Government will supply a report about the different points raised by the Committee of Experts at its earliest convenience in order that the Committee can make a full assessment of the situation at its next session.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Chile (ratification: 1935). A Government representative, the Under-Secretary of Social Welfare, pointed out, that, as already indicated to the Committee of Experts, the pension system had been reformed in 1980. This reform was made because the old system of social insurance presented great difficulties due to its rigidity causing injustice. Under the old scheme, the largest pension fund in Chile was the Social Security Fund to which Chilean workers paid contributions and received benefits when reaching the age of 65 years for men and 55 years for women, while workers could contribute to pension funds being able to receive benefits after a certain number of years, for example, 24 years in the case of bank employees. This led to a number of situations where certain sectors were privileged as compared to others. During different periods of Government, attempts were made to reform this system but the privileged few blocked any changes. The Government was also led to change the system because there was a considerable deficit. Legislative Decree No. 3500 of 1980 established a new pension system, replacing the old system of distribution with the system of individual capital accumulation. This new scheme was funded by monthly contributions which the employer deducted from workers' wages. While the contributions came solely from the workers, the legislation permitted employers and workers to agree to a voluntary contribution by the employer in order to improve the amount of pension or permit early retirement. The Legislative Degree provided for an increase in workers' wages to cover the increase in contribution. Such agreements could be either individual or collective. Even though the new system established a pension scheme funded solely by workers' contributions, this did not mean that the workers' take-home pay was reduced in any way nor did it mean an increased cost to the employer as this was simply a question of accounting. As concerns the participation of the Government in the contribution to the resources of the funds of the obligatory pension scheme, section 73, et seq. of the Legislative Decree established the guarantee by the State (for those who have completed the requisite number of years of service) of a minimum old-age pension, thus making the necessary funds available when the contributions accumulated by the worker were not sufficient. As concerns Article 10, paragraphs 1 and 2, of the Convention, Legislative Decree No. 19069 of 1991 established as one of the main objectives of trade union organisations, federations, confederations and central organisations to constitute or participate in the constitution of pension-type funds or to associate with pension funds or health-insurance institutions which permitted them, therefore, to participate directly in the management of such funds. It was no longer necessary for trade unions to create anonymous societies, but now workers could participate directly and actively in the management of their pension funds not only as users, but also as administrators of their own funds. The speaker considered that, with the adoption of this new provision, his Government was fully in conformity with the requirements of the Convention.

The Workers' members noted that this case had already been dealt with in the Conference Committee in previous years and that several observations had been made by the Committee of Experts. Furthermore, in 1984, a representation had been examined by a committee created by the Governing Body, which made recommendations to the Government. The real problem with respect to the application of this Convention was the reform leading to the privatisation of the pension insurance scheme. Even given the information provided by the Government, the comments made by the Committee of Experts were still valid. Two of the Committees comments concerned the financing of the system. The Committee of Experts had noted that almost all of the contributions to the fund were made by the workers and there was no contribution on the part of the employers. Furthermore, the State did not provide sufficient financial contribution. On two other points, the Committee of Experts had noted that the workers were not able to participate actively in the management of the system and that the institutions should not be profit-making. They noted that no progress had been made since this case had been discussed several years ago. They urged the Government to continue to provide information on the measures taken in reply to the comments made by the Committee of Experts and to review the recommendations made by the Committee set up by the Governing Body. Such action would be necessary to ensure the practical application of the pension insurance scheme in compliance with the Convention.

The Employers' members recalled that this case had been discussed a number of years ago and that four major points had been raised by the Committee of Experts. The first concerned the lack of employers' contributions to old-age insurance. They understood that the Convention provided that employers' contributions were necessary only if the insurance was compulsory for workers. They therefore requested the Government to provide further information on this point. As concerns the increase in wages to take into account contributions made by workers, they noted that, over time, this increase had very little real value. They recalled that, according to the Government, the state guarantee with respect to the entire fund replied to the question of state contribution. Furthermore, the Government had indicated that this guarantee was frequently made use of by people taking early retirement. They requested the Government to provide more detailed information on this question so that it could be fully examined. While noting that the Convention strictly prohibited the administration of insurance schemes by profit-making institutions, they wondered whether this Convention, which was adopted in 1933, reflected present-day views in this regard. Clearly, profit benefited the insurees. Of course, speculation with risk of loss should not be permitted. Nevertheless the state guarantee would ensure that there was no loss. In any event, the prohibition of profit-making institutions was quite clear in the Convention. Finally, they noted that the participation of workers in the management of the fund would depend upon the structure of the insurance system. Once again they requested the Government to supply more detailed information so that the Committee of Experts could determine whether the minimum requirements of participation had been met.

A Workers' member of the United States referred to the Workers' and Employers' members' statements and noted that there had been no substantial progress in this case. He suggested that a complete restructuring of the system was needed and requested the Government to carefully consider this alternative when replying to the questions raised by the Workers' and Employers' members.

The Workers' member of Chile pointed out that ever since the system of individual capital accumulation replaced the system of repartition, the workers of his country had expressed a number of concerns which are also reflected in the report of the Committee of Experts. In particular, the workers wanted to manage their own funds. In this regard, he recognised that some progress had been made with the new legislation which enabled workers to create associations for the management of pension funds. He expressed the hope, however, that the legislation would be further revised to enable the workers themselves to be the administrators of pension funds or directly participate in the management of such funds. Furthermore, under the new system, the number of years actually necessary for the right to a pension at retirement was 65 without taking into account the years of service. This is different from the earlier scheme which provided for different ages of retirement. As the speaker considered that this retirement age was excessively high, he noted that a contribution from employers would be useful in order to reduce the actual working period required before retirement. Finally, the speaker noted that the two systems were actually coexisting. The repartition system consisted of workers who had decided not to affiliate with the new scheme and who had continued to contribute to the former centralised system under which contributions higher than for those affiliated to the new system had to be paid. On the other hand, workers who found themselves integrated in the new scheme were confronted with the problems noted in the Committee of Experts' report. They urged the Government, therefore, to review the situation with a view to solving the problems of workers retiring in their country.

A Workers' member of Argentina associated himself with the concerns raised by the Workers' member of Chile. These concerns were shared by everyone since the type of system was beginning to spread in Argentina and all of Latin America. He expressed his doubts concerning the funtioning of the new system since the workers could not participate in the management of their own funds and these was no guarantee as to what would happen to these funds at a time when these countries were facing serious economic difficulties. Furthermore, as could be noted in his own country, these funds were not generally invested for the benefit of the national economic and social development. Often, these funds were invested in other countries. The manner in which these funds were being used now and would be used in the future was unknown.

The Government representative pointed out, in reply to the questions raised, that a radical change in the pension system had taken place in his country and that the Government wished to maintain this system and make the changes necessary for its perfection. A decision was taken that the worker would make contributions to the pension funds since it was to his benefit. With the implementation of the new scheme, a worker would continue to receive the same wage previously paid to him by the employer and the employer would pay exactly the same as he was paying previously. The difference was simply a matter of accountancy. The worker now had the right to choose the pension fund which granted the best guarwantees and security whereas under the old system the worker was required to affiliate with a specific fund regardless of the advantages it provided. The new scheme is not a private pension system but rather a public system which the legislation by means of a commission on the classification of risks and the determination of where investments could be made. The instruments, which were deposited in the Central Bank of Chile, could not be handled in an arbitrary fashion. If part of the funds were invested abroad, this operation had to be based upon certain guarantees and had to be in compliance with the requirements which ensured full security and the necessary profitability so that workers could benefit in the future from a higher pension. Today, pensioners under the old scheme benefited from a minimum pension and it was hoped that, with the income of these funds, the pension levels would be be raised. As an alternative, an authorisation had been given to invest annually a certain percentage of the funds abroad. The increase in the amount of the funds would lead to the necessity of finding new possibilities for investment in the country. At present, regulations concerning investments were being drawn up by the commission on risk-classifications so that the funds could be invested in projects which would assure the necessary security and profitability. As concerns participation in management of the funds, the changes brought about by Legislative Decree No. 19069 of 1991 enabled trade union organisations to constitute their own administrative associations for pension funds without the previous requirement of creating an anonymous society. The present public system, which permitted regulated private administrations, would enable workers to obtain an adequate pension in relation to their contributions by providing the possibility of voluntary savings. With respect to the age-limit of 65 for men and 60 for women in order to obtain pension benefits, this age-limit was established only as concerns the state guarantee, but if a worker had the sufficient capital necessary to obtain a pension which was 10 per cent higher than the minimum he could retire at any age. There were two coexisting pension systems in his country which meant a high cost for the State. In replacing the repartition system, the Government had undertaken the cost of the contributions by paying the pensions of the previous scheme. At the same time, the State assumed the obligation to pay a "recognition bond" for the contributions made by workers who had changed from the old system to the new one. Finally, he recognised that he was speaking about a system which was different from that required by the Convention and therefore he understood the reason for the comments made by the Committee of Experts. He reiterated that there now existed a state system which permitted the direct participation of workers in the management of pension funds.

The Committee took note of the information supplied by the Government with some disappointment in view of the fact that the subject-matter had been previously under discussion in the present Committee. It felt that the progress made in meeting the suggestions of the Committee of Experts was not sufficient. The Committee therefore urged the Government to change its legal system as indicated in the Committee of Experts' report and recalled the possibility of ILO assistance in this regard.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Guyana (ratification: 1966). The Government has communicated the following information:

Based on the assistance and advice received from the ILO, discussions were held with the National Insurance Scheme and recommendations have been put up for consideration by the Government.

The suggestions of the Committee of Experts contained in paragraphs (a) – (f) of its observation, and the references to poisoning caused by arsenic and benzene were considered.

Convention No. 52: Holidays with Pay, 1936

Central African Republic (ratification: 1964). A Government representative declared that a detailed report had already been sent to the Committee of Experts in April 1991 and that the Government recognised the rightfulness of the obeservations of that Committee in respect of this Convention. A draft text to modify article 129(2) of the Labour Code had been submitted to the competent legislative authorities which however had not adopted it due to political problems in the country at that time. Nevertheless, the Government, the social partners and labour specialists are unanimous in recognising that the Labour Code elaborated immediately after independence has become obsolete and that it should be urgently brought up to date. Article 129(2) is not applied in practice; it was adopted because at the time communications were difficult and a person working far away from his home had difficulties to return home in order to benefit from his holidays; the legislature then thought it better to give a possibility to workers to accumulate their holidays and in order to spend more time with their families. In practice, however, workers always got the number of days of holidays provided by the law and they use them as they wish, if there are no other contractual arrangements. The global revision of the Labour Code, including article 129(2) will be made. The Government would contact the ILO in this respect.

The Workers' members observed, firstly, that the Committee of Experts has made a number of observations for many years; secondly, that there was a discussion on this question in previous years, including last year, and with a special paragraph in the report in 1981; and, thirdly, that there was no progress in conjunction with the Experts' comments. The basic problem, which is described in their report, is the exclusion of many workers from the right to holidays because of the requirement to fulfil the qualifying period which can be of up to 30 months; this situation may concern a great number of workers in view of the traditional use of contract of employment of a limited duration. If the intentions of the Government to revise the Labour Code would become concrete, there would be progress, but as of now there are only declarations. The Government must now proceed to the revision of the Code and transmit to the ILO the texts of the modified laws. It is to be hoped that this Committee would be able to note progress next year.

The Employers' members underlined that the Government representative recognised without ambiguity that the observations of the Committee were well founded, declared that he was determined to follow the recommendations of the supervisory bodies and wanted to meet with the secretariat to discuss the necessary modifications in order to bring the legislation into conformity with the Convention.

The Committee, taking note with regret the information supplied by the Government, understood that the Government started the process of amending the Labour Code to comply with the requirements of the Convention. Recalling that this case has been reported for many years, the Committee urgently asked the Government to send the text of the drafted amendments to the ILO at its earliest convenience. It furthermore urged the Government to keep the ILO informed of any progress made in the process of changing the existing regulations on this subject in order that the Committee will be able to conclude that the legislation is in complete conformity with the Convention at one of its next sessions.

Côte d'Ivoire: (ratification: 1961). A Government representative stated that since 1984 his country had been revising its Labour Code in order to bring it into full conformity with ratified Conventions and take into account comments of the Committee of Experts. In this reform, article 108 of the Labour Code concerning holidays with pay had been modified to take into account Articles 2 and 4 of the Convention. During this period, holidays had been accorded to all workers without consideration of nationality. Unfortunately, the Labour Advisory Committee, which was a tripartite body charged with examining the draft revised Labour Code, had to suspend its work at the request of the Committee on Competitiveness – another tripartite body charged by the Government to make labour market regulations more flexible within the context of structural adjustment. In March 1992 the draft was given to a technical committee of the Ministry of Employment and Public Service for re-examination so that it could be submitted to Parliament by the end of the year.

The Employers' members noted that the Government representative had implicitly recognised that the country's current legislation was not in conformity with the Convention. This divergence had been the subject of comments by the Committee of Experts since at least 1987; the Government representative himself had indicated that his country had been in the process of revising a Labour Code for eight years. Difficulties resulting from the intervention of various bodies in this revision process did not alter the fact that there was a need to correct application of this Convention, which was ratified 30 years ago. The Government representative should convey to his Government the Committee's strong feeling that the relevant legislation should be modified quickly. The ILO should be kept informed in a detailed and written manner in this regard.

The Workers' members joined the Employers' members in emphasising that this case had been the subject of the Committee of Experts' comments for many years. For still as many years the Government had repeated that it was in the process of revising its legislation with a view to bringing it into conformity with the Convention. It did not appear that the bringing of national legislation into conformity with Conventions long ago ratified was a government priority. When it came to drafts concerning holidays with pay, it was not right that, in practice, an important category of workers could be excluded from the right to holidays; this was now the case. The Workers' members did not wish to be provided once again with the same information but wanted clear undertakings by the Government with respect to the Convention.

The Government representative wished to clarify that all workers, national or not, benefited from a paid annual leave of one month. The leave of two months provided for expatriates, a period which took into account delays in travelling to and from home, had been supressed because it no longer had a reason for being.

The Committee regretted to note that the labour legislation was still not in conformity with the Convention. In view of the fact that this situation had existed for many years it reminded the Government of the possibility of technical assistance to be given by the ILO. It expected the Government to change the regulations and bring them into conformity with the Convention as soon as possible and hoped to be able to take note of same at its next session.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

Panama (ratification: 1971). A Government representative of Panama indicated that the draft Bill No. 15 on labour in the maritime environment was drafted with the technical assistance of the ILO at the end of the 1980s and received the approval of the highest authorities of the Executive Body before going to the Legislative Assembly. After consultation with all parties involved, this draft bill went through a first debate before the competent parliamentary Commission. One had to wait for the debates in the Plenary of the Legislative Assembly to be finished in order to pass this bill. Following consultation with the tripartite Commission which drafted the bill, the Minister of Labour was ready to propose the introduction of the necessary amendments recommended by the Committee of Experts not only on this Convention, but on all others which bore upon labour matters at sea.

The Employers' members pointed out the positive elements in the observation of the Committee of Experts and in the intervention of the Government representative. Among the points raised by the Committee of Experts, some were relatively less important, for example, the definition of the term "vessel" or the question of the shipowners' liablity in the event of accidents attributable to the sailor. As regards the qualification of the words "reasonable" of medical costs whose deletion the Committee of Experts advocated, this seemed to be a simple nuance. The Government which was ready to envisage these amendments seemed to be proceeding along the right lines.

The Workers' members stated that the Committee of Experts had made observations since 1983 on this case which had also been discussed by this Committee in 1987 and 1988. Since 1982 the Government spoke of a Bill which would comply with all the provisions of the Convention. In 1988 this Committee noted that no progress had been made in this respect. This year the Committee of Experts took note of a Bill which would put an end to the violations of the Convention and the Government representative confirmed that this Bill was going to be adopted. It would be appropriate to hope that there would be real progress made as stated by the Government report and confirmed by the Committee of Experts. The Workers' members were particularly concerned with the respect of Conventions on Seafarers as they showed during the examination two years ago in the General Survey of 1990 on labour standards in merchant shipping. That was why the violations that still existed had to be redressed shortly.

The Government representative thanked the Employers' members and the Workers' members for their declarations and assured them that they could count on the legislative procedure which would lead to the adoption of draft Bill No. 15. He confirmed that his Government would present the amendments recommended by the Committee of Experts to the Legislative Assembly.

A Workers' member of Italy stated that Panamanian ships were known for the frequency of their accidents as well as for the incidents of exploitation of foreign workers on board. That was why the compliance by Panama of the Convention was of the utmost importance.

The Committee took due note of the information supplied by the Government representative from which it understood that a Bill to change the legislation was before Parliament and that it would in all probability be adopted soon. It hoped that the Government would report in detail to the ILO as soon as this Bill had been passed so that it could conclude that the legislation was in full conformity with the Convention at-one of its next sessions.

Convention No. 81: Labour Inspection , 1947

Bolivia (ratification: 1973). The Government communicated the following information:

Article 5 of the Convention. In order to give effect to this Article, the Government established the policy of maintaining ongoing dialogue and consultation with the employers' and workers' organisations in the country. Furthermore, in order to encourage and spread the role to be played by the national inspection services, the following events and actions will be planned and carried out with the co-operation of the Latin American Labour Administration Centre based in Lima, Peru (CIAT):

(a) A seminar on inspection was organised with the participation of three experts from the ILO and was attended by inspectors from all over the country. This seminar dealt with the following themes: labour legislation, inspection procedures and forms, conciliation, mediation, arbitration and an analysis of inspection in Bolivia. The results were excellent and it was made clear that an inspector must have a wide perspective on labour relations in the present ever-changing society and economy.

(b) Along the same lines, a seminar on occupational safety and health was held for inspectors of the relevant division, and trade union leaders concerning the means of prevention and control of occupational accidents, and on working conditions in industrial establishments.

(c) A national awareness campaign was undertaken throughout the country on television, radio and the newspapers concerning occupational safety and health. Moreover, the General Occupational Safety and Health Act was published and 14 safety posters were provided to labour centres.

(d) Intense consultation has taken place systematically with respect to conciliation in order to resolve the numerous problems which have resulted from the crisis. This has had the best results at all levels, beginning with labour inspectors, the general inspectorate, the general management, the Under-Secretary for Labour, up to the Minister's office.

Article 6. First, it should be noted that the Labour Inspectorate Regulations, approved by Ministerial Resolution No. 346/87, have entered fully into force. These regulations, therefore, guarantee stability of employment for staff who serve in this operativfe unit. Proof of this is that no inspector has been removed in the last three years.

Furthermore, the total number of inspectors has increased from 63 in 1991 to 73 in 1992, of which six belong to the Occupational Safety, Health and Welfare Inspection Service. Of this total, ten inspectors have recently been created in the following districts:

1. Monteagudo	Departmen of Chuquisaca
2. Mineros	Department of Santa Cruz
3. Montero	Department of Santa Cruz
4. Ibirgazama	Department of Cochabamba
5. Colagaita	Department of Potosí
6. Bermejo	Department of Tarija
7. Positos	Department of Tarija
8. Villamontes	Department of Tarija
9. Sorata	Department of La Paz
10. Itinerant Inspector	Tupiza, Potosí

Articles 10, 11, 16, 20 and 21. The wages of the inspection staff in each administrative section were also increased, according to the economic possibilities of the National General Treasury, in the following amount and percentage:

1990	
from Bs. 131-210	60.31 per cent
1991 from January to July	
from Bs. 210-235	11.90 per cent
from August to December	
from Bs. 235-242	2.98 per cent
1992	
from Bs. 242-263	8.68 per cent

Presently, the working conditions are unsurpassable with respect to physical space, equipment, lighting, cleanliness and other aspects, as compared with conditions three years ago.

Article 16. This article is fully applied since inspectors carry out their visits under the same terms as the Convention and as often as necessary.

With respect to the annual reports referred to in Articles 20 and 21, their publication and distribution will take place in the next months due to the new mechanisms which are being organised in the Ministry.

In addition, a Government representative, the Minister of Labour, stated that contrary to what was indicated by the Committee of Experts, regulations on labour inspection were in force in his country since 1987. In the last three years, the administrative problems encountered in the area of labour administration had been overcome with a contribution from a national seminar organised with the technical assistance of the ILO on the training of labour inspectors (1991). There was progress made in ensuring the professional status and continuity of the labour inspectors (the Government will be asking for ILO technical assistance on this point). With regard to the areas covered by inspection, new districts had been created covering not only capital cities but also agricultural areas (these did not exist before due to the absence of enterprises and the obsolete methods of production in these areas). In the major districts the number of inspectors grew by 50 per cent as compared to the figures in 1990 and between 1990 and 1992. The salaries of the inspectors increased by 100 per cent and they now have permanent status in their jobs.

The Workers' members stressed the importance that was attached by the Committee to labour inspection, because without an adequate labour inspection service many legislative provisions could not be implemented. An adequate labour inspection service that was reasonably well paid, well trained and provided stable employment was essential. They noted with interest that the number of inspectors had increased, and that in ten districts wages had been increased substantially. In reference to the information requested in the Committee of Experts' report, they stated that they had failed to fully understand the responses given. In particular, they referred to Articles 5, 6, 10, 20 and 21. They asked the Government member to reply to the point raised by the Committee in respect of Article 5, regarding the importance of the collaboration between officials of the labour inspectorate and employers and workers of their organisations. In their view, great importance should be attached to the question of stability of empoyment and independence of inspectors (Article 6). They noted, however, that the Government's report contradicted information given at the 1990 Conference regarding certain regulations; the Workers' members wished to know whether or not these regualtions had actually entered into force. They also requested information about a further point raised in the Committee of Experts' report concerning publication of annual inspection reports. They emphasised that it was not useful for inspectors to make inspections without producing reports the might be seen by everyone, and then the goverment providing periodic published reports to the ILO, which could ensure that this work was being carried out in a satisfactory manner.

The Employers' members maintained that the Government representative seemed to be aware of the significance of inspection, and that the Government had already accomplished much in this area and was prepared to make further efforts. However, they noted that no precise answers were given to specific issues dealt with in the Committee of Experts' report. Interest was expressed in clarification of several matters raised in the Committee of Experts' report. Firstly, they wished to have information about coordination between the different supervisory or inspection bodies, in relation to Article 5. Secondly, they wished to know whether the labour inspectorate regulations that for administrative reasons had not been implemented were now in force. Thirdly, they raised the matter of the publication of inspection reports, which were necessary for an overall view by the ILO and the Government of the situation. In order for the Govenment to take measures, it had to have complete data and facts; inspection reports were a excellent basis for such information. In addition, they asked for information on the application of Convention No. 129, and a reaction to the comment in the Experts' report that the Government thought that it was neither appropriate nor practical in the agricultural sector to organise labour inspection. They emphasised that the Government had ratified Convention No. 129 in 1977 and should be able to take relevant measures for its application.

The Government representative reiterated that his Government intended to take into account the comments of the ILO in order to improve its activities and to apply the Conventions. He emphasised that it was more important to observe that a country had taken necessary measures in order to ensure the application of the Conventions themselves. The principle of coordination of inspection sevices with other government services, and inspection officials with employers and workers and their organisation, as provided for in Article 5 of Convention No. 81, was fully respected not only because the Convention required it but also because it was indispensable in practice. In reference to Article 6 of the same Convention on stability in employment of inspection staff, he indicated that the regulations previously referred to guaranteed such stability and that for the past three years no inspector had been dismissed, except on the basis of performance. In respect of Article 10 concerning the number of inspectors, he indicated that this number had doubled since 1990. He also referred to the Article concerning the means which it was necessary to provide to inspectors for the carrying out of their duties, and stated that in 1990 inspectors were working under minimal conditions. Since that time, the physical space in which they worked had been quadrupled, and remuneration and expenses had been increased, as the Government wanted inspectors to be able to fulfil their tasks, thus guaranteeing respect for the rights of workers. His Government had a special interest in the application of these principles, as it was aware that inspection was the instrument that permitted it to ensure respect for the Conventions. In respect of the annual report on inspection services referred to in Article 21, he pointed out the difficulties which had been encountered in publishing this report, and requested the assistance of the ILO for the purpose of improving this situation. In response to the question regarding the Inspectorate Regulations, he stated that it was in force.

The Workers' members stated that it was still not clear to them whether the Government's report was intended to include the application of Convention No. 129. Some signs of progress had been noted concerning sugar-cane and cotton harvest workers, but agriculture as a whole still did not appear to be included, according to the Experts' report.

The Government representative, in referring to Convention No. 129, stated that in the past labour legislation had excluded the country's agricultural sector. This sector was incorporated within the scope of the application of the General Labour Code pursuant to Decree No. 20255. This created the necessity for inspection in the agricultural sector, and in this sense the demand of the ILO coincided with the decision of the Government, two years ago, to establish inspection in the agricultural sector. He stated that of the ten inspectorates established, eight were in the agricultural sector. Moreover, given the particular situation of this sector and in order to permit a better understanding of social legislation, a plan for diffusion by means of posters had been put into practice, which would permit a better understanding of such laws.

The Committee took note of the information supplied by the Government representative on the points raised in the report of the Committee of Experts. The Committee was under the impression that progress had been made, but requested the Government, in view of the fact that two different Conventions were involved, to send in the near future a detailed report to the ILO concerning the questions raised.

Libyan Arab Jamahiriya (ratification : 1971). The Government has supplied the following information :

Referring to Article 20 of the Convention, the Government emphasised the changes in the powers of the secretariat of the Popular Committee for Vocational Training. In 1989 this Secretariat had been entrusted with the supervision of foreign manpower and its employment. In 1990 the powers of the Secretariat were extended to cover national manpower and the Committee has given special attention to labour inspection. The Committee's Secretariat appoints labour inspectors in each of the seven municipalities of the country and gives them the status and competence of members of the judicial police. As a result, the training and manpower offices in the municipalities have been reorganised. At the beginning of 1991, the Government organised a general inspection drive in which 30 employment inspectors participated in six working groups. Two hundred and fifty-four places of work were inspected in the different regions.

During such visits the inspectors informed employers and workers on occupational safety and health. Violations were noted and many cases were brought before the courts. The inspection machinery is currently undergoing reorganisation and new inspectors will be named after a period of training.

In addition, a Government representative indicated that the observation of the Committee of Experts was based on a labour inspection report for 1987 and 1988, by the Department of Labour in Tripoli. He reiterated written information provided to the Conference Committee and referred to the programme of inspection for 1991, giving the number of inspections carried out and violations recorded.

The Employers' members believed that a small step forward had been made inasmuch as the Government had just submitted its first annual report under Articles 20 and 21 of the Convention which was ratified 21 years ago. It would be for the Experts to decide initially if the report was complete. In any event, it was appropriate to expect that such reports would be submitted regularly in future, so that the Government would be in compliance with the obligations arising from the Convention.

The Workers' members did not entirely share the optimism of the Employers' members. In the previous year when the identical case had been discussed, the Government had undertaken to submit without delay a report on the Convention, and the same thing had occured in 1988. Up to the present time these undertakings had not been honoured. In the case of the Libyan Arab Jamahiriya, it was not possible to accept arguments of an economic or administrative nature. It was regrettable to note that this country was one those which usually submitted its reports after the Committee of Experts had finished its work and before the Conference began. It would be desirable to adopt firm conclusions, and to emphasise that the Government should change its attitude respecting the obligations arising from the Convention.

The Government representative stated that the delay in submitting the reports could be explained by the difficulties in the procedures necessary for their compilation but were also due to the sanctions imposed on his country. Similarly it would be desirable to have received the observations of the Committee of Experts in Arabic without the delays which had occured in that year.

The Committee noted the information submitted by the Government. It also noted that the Government had in the meantime submitted a detailed report to the ILO. It regretted that the report had not been sent within the prescribed time-limit and that it had thus not been in a position to discuss the contents of the said report during the present meeting. The Committee hoped to be in a position to do this at one of its next meetings.

Paraguay (ratification: 1967). A Government representative, the Vice-Minister of Labour, referred to the comment made by the Committee of Experts concerning Article 13 of the Convention and the powers of labour inspectors. In practice, the following procedure was applied: at the request of an interested party or officer the Division of Occupational Safety and Health undertook a first inspection and, if the safety and health conditions were not adequate, the employer would be granted a reasonable period of time to remedy the situation. After this, a second inspection was carried out and if the situation was still unsatisfactory, sanctions would be imposed by means of an administrative resolution. Under the Health Code, which is enforced by the Ministry of Public Health and Welfare, in cases of immediate danger the operational licence of an establishment may be withdrawn. Furthermore a national tripartite Occupational Safety and Health Board had been created by Decree No. 10.836 of 6 September 1991. In conformity with Section 280(b) of the Labour Code presently in force, a general technical manual containing standards concerning conditions in the workplace was provided to employers' and workers' organisations for consideration. This manual would soon be mandatory in the entire country and a copy would be transmitted to the ILO shortly. Furthermore, the Government had quintupled the budget of the Occupational Safety and Health Department as compared with last year. The Government was presently reviewing the possibility of technical and financial assistance from the ILO in order to evaluate the national situation with respect to working conditions and occupational safety and health. The Government representative admitted, as was pointed out in the Committee of Experts' comments, that the information provided by the Government was insufficient and stated that the necessary measures were being taken to overcome this difficulty by providing different workshops under the auspices of the ILO and through the horizontal cooperation which had begun with the ILO Office in Buenos Aires. With respect to Articles 10, 16, 20 and 21 of the Convention, while the number of inspectors was insufficient, the Minister intended to present in 1993 a new request to the Treasury for a substantial increase in the number of inspectors and an improvement in the conditions necessary for their effective functioning. Finally, he added that Decree No. 43, which established an increase in the fines applicable for non-compliance with labour provisions, was passed by Executive Order on 31 March 1992.

The Employers' members welcomed the information provided by the Government representative which led one to believe that the legislation would soon be in line with the Convention, but noted that action was also necessary to ensure compliance in practice. They noted the Government's indication that the resources necessary for inspection would be increased, but wondered whether the resources obtained would actually be sufficient and therefore urged the Government to make its best efforts to ensure that this would be the case. They further noted that additional powers would be given to labour inspectors and that a reasonable amount of time would be provided to employers to resolve problems before drastic sanctions would be imposed. They requested the Government to indicate how long a period of time would be given to employers to enable them to take the necessary action before sanctions would be applied. They noted the Government's indication of its intention to communicate the number of inspection visits carried out, but recalled that, under the Convention, an annual inspection report was to be published in order to permit a review of the national situation, the type of remedies used and to assess their effectiveness. Nevertheless, they were encouraged by the Government's statement and noted that the information provided in the next years would demonstrate whether the measures taken were sufficient.

The Workers' members recalled that there were two main problems with respect to the application to this Convention: (1) insufficient powers for labour inspectors, and (2) incomplete information provided in the inspection reports. They noted the Government's assurances that measures would be taken to improve the situation but stressed, as had been noted by the Employers' members, the importance of the practical application of the Convention. They urged the Government to communicate, as soon as possible, further information on the measures taken to improve the situation concerning the above two points for examination by the Committee of Experts.

The Government representative stated that the normal practice for labour inspection visits was to first carry out an initial visit, noting the irregularity, and then granting the employer a period of time to overcome the difficulties. Once this period had elapsed, a second visit was undertaken to verify the situation and, if the anomalies had not been corrected, an adminsitrative resolution would impose the fine established by law. He further noted that new standards existed with respect to non-compliance with labour law in areas other than those of occupational safety and health, and recalled once again the existence of Decree No. 43. Finally, he noted that the results of this Decree were encouraging and promised to inform the Office of the effects of its implementation.

The Committee noted the information provided by the Government. It stressed the importance of the Labour Inspectorate and the annual publication of its reports, in conformity with the Convention. It therefore expressed the hope that the Government would take the necessary steps to ensure the application of the Convention in the near future.

Spain (ratification: 1960). A Government representative pointed out that the observation of the Committee of Experts was based on the comments made by two Spanish unions but that the corresponding Government report had been handed in to them in compliance with the standards of tripartism figuring in the ILO Constitution and Convention No. 144. The necessity of increasing the actual staff available to the Labour Inspectorate – in relation to Articles 1, 3 (paragraph 1) and 16 of the Convention – was one of the aspects upon which the present team in the Labour Inspectorate had concentrated attention upon: the simplification procedures; full distribution of information with respect to what were the essential characteristics of the work accomplished by inspection; conclusion in October 1991 of an agreement with the Savings Bank Organisation to provide long-term and low-interset credit in order to facilitate the preparation of examination procedures to enable staff to join the Labour Inspectorate. According to statistics put at the Committee's disposal, these measures permitted in 1992 to hold examinations for 75 new posts in the senior grade of labour inspectors and social security and for 40 new posts in the grade of labour controllers. There was also a corresponding increase of material resources and of ancillary staff necessary to fulfil the objectives of labour inspection. With regard to "workplaces which were not inspected to ensure the effective application of the relevant legal provisions" (Article 16 of the Convention), it was appropriate to point out the provisions of section 12 of Act No. 39 of 21 July 1962 on the Organisation of Labour Inspection and of section 10 of Decree No. 2122 of 23 July 1971 which approved the regulation of labour inspection establishing the determining circumstances for the priority and frequency of visits to the workplace. There were also statistics on the number and nature of the activities undertaken by the Labour Inspectorate as well as on the steep increase in the number of workplaces inspected and the total number of activities carried out (more than 12 per cent in 1991 in comparison with 1990). With regard to the actual cooperation between employers' and workers' representatives and those of the Labour Inspectorate, the Circular of September 1988 issued by the General Inspectorate of Labour should be referred to. It provided that the inspector had to collect information as per section 30.2 of Act No. 32 of 1962 and of section 22(i) of Decree No. 2122 of 1971. It also provided that during inspection visits representatives of workers and of the company should be present and that meetings should be convened with such persons when the circumstances required. Cooperation with the Labour Inspectorate was going to be reinforced by a draft regulation of a procedure for penalties which was provided by Act No. 8 of 7 April 1988 on violations and penalties with regard to welfare matters particularly when the procedures of the Labour Inspectorate were related to the rights of representation, the protection of freedom of association or the compliance with labour standards on occupational safety and health. Moreover, workers' representatives received copies of the reports of the Labour Inspectorate. Since January 1991 cooperation between the Labour Inspectorate and employers' and workers' representatives were required on the matter of recruitment of workers and this cooperation between the Labour Inspectorate and employers' and workers' representatives were required on the matter of recruitment of workers and this cooperation had to be extended to prevent work hazards under section 39 of a draft Bill a copy of which had also been transmitted to this Committee. As for the measures adopted by the Labour Inspectorate to ensure the implementation of the clauses of collective agreements, information on this matter had been transmitted in the Government's reports on the implementation of the Convention. Certain judicial decisions confirmed the competence of labour inspectors to implement the normative clauses of collective agreements. Generally speaking, the Labour Inspectorate had fixed its activities towards specific objectives and had planned its work in order to reinforce control over companies. As to the point made by the Committee of Experts in its observation on labour controllers, it would be appropriate to supplement the information communicated in the Government's report on the implementation of the Convention by adding that section 27 of Act No. 31 on Budgetary Resources for 1992 had amended section 52 of Act No. 8 of 1988. It contained a new paragraph which provided for the presumption of veracity with regard to the statements of violations made by labour controllers when they concerned facts which had been duly proved. Thus the problem which had arisen due to certain legal decisions which had contested the validity of the procedures carried out by labour controllers had been resolved.

The Workers' members thanked the Government representative for the fairly detailed information supplied in response to the requests of the Committe of Experts, whose observation reflected the comments made by the workers' organisations concerning insufficient means available to the labour inspection and the lack of collaboration with the workers' organisations. The decrease of financial means made available to the labour inspection seemed to be related to the budgetary restraints inspired by the necessity, strongly felt in Spain, of aligning the European economic policies. It however might have negative social consequences. When the inspection was supplied with excessively limited means, the practical application of labour standards was less controlled, to the detriment of workers and also of employers who respected these standards, as the visits on the spot of enterprises constituted the most effective form of supervision. The cooperation between the labour inspection and the workers' organisations should be developed. In spite of the declaration of the Government representative, there seemed to be problems in this regard. As the Commitee of Experts indicated in paragraph 57 of its general report and also emphasised in this Committee, such cooperation, not costly for the State, was likely to improve the application of the Convention. It was therefore important to request the Government to respond as precisely as possible to the requests of the Committee of Experts, which should be easier since the statement of the Government representative already included a certain number of elements which should be found in its next report.

The Employers' members also thanked the Government representative for the detailed reply. In a large measure, the observation of the Committee of Experts summarised the criticisms made by the workers' organisations concerning the structure and function of the labour inspection, said to be under-equipped and provided with insufficiently qualified personnel. It was for example indicated that the labour inspectors would not be able to determine whether the clauses of collective agreement were of a "normative" or "obligational" nature. It concerned a problem on which it was difficult for the present Committee to pronounce itself, and neither did the Committee of Experts take a position in this regard. The Committee of Experts limited itself to enumerate the problems on which detailed reply of the Government was requested. The Government representative had supplied a full reply. Nevertheless, it concerned a type of case where a written reply was necessary. It would not be possible to make a fundamental appreciation on the basis of a simple oral statement. Only a written report submitted for the examination by the Committee of Experts according to the normal procedure would permit it to determine which problems had been resolved and which remained. For the moment, it might be questioned whether it was useful to treat in the Conference Committee cases for which the Committee of Experts had not been in a position to formulate its opinion.

The Workers' member of Spain emphasised that in this case it was not the activity of labour inspectors which had to be questioned but the Government's attitude to the labour inspectorate. Labour inspectors worked very well and it would only be necessary to give them more resources. In addition, they were too few in numbers, which hampered the effective implementation of the Convention. If Convention No. 81 was not fully applied, all international labour

Conventions risked remaining a dead letter. The application of the Convention should be examined under three headings: hiring; control of complaince with collective agreements; and activities of labour inspection as regards health and safety at work. As regards the hiring of workers, a distinction was made in Spanish labour inspection between "inspectors" and "controllers". The latter dealt exclusively with work centres employing fewer than 25 workers and only for subsidised contracts. Taking into account the multiplication of the types of precarious contracts, in practice it was the majority of work centres with fewer than 25 workers, where such contracts were the most frequent, which were not inspected, by inspectors or controllers. Because of the high levels of unemployment in Spain, i.e. about 15 per cent of the working population, the labour inspectorate had to intervene in order to prevent employers from unduly resorting to temporary contracts. Rather than raising the resources of labour inspction, the Government chose instead to reduce unemployment benefits by 40 per cent, which led to the half-day strike on 28 May 1992. Spanish labour law doctrine distinguished between "normative" provisions in collective agreements and those which are "obligatory". According to this doctrine, the labour inspectorate should abstain from controlling the application of obligatory clauses. Therefore, the labour inspectorate ceased filling its conciliatory functions, which led to an increase in the number of strikes and to a situation where Recommendation No. 92 of 1951 on voluntary concliation and arbitration was not complied with. The Government also presented a draft law restricting the right to strike rather than promoting with the same dispatch a new legislation on health at work. The multiplication of visits by the labour inspectorate was an essential means to prevent violations and accidents in the field of health and safety at work, but of course the Government seemed to be mainly preoccupied by is economic commitments under the Maastricht Treaty signed on 7 February 1992, even though that would mean limiting the resources of labour inspection. Two issues remained : the exact distribution of work between labour inspectors and controllers, and measures which would be taken to ensure that the labour inspectorate may control the implementation the collective agreements.

A Workers' member of Greece emphasised the importance of the implementation of this Convention. The Government's attitude was well known: for reasons of image, they voted for the adoption of Conventions, then they enacted legislation which was compatible with these Conventions. However, the situation was different when these acts had to be applied. The European trade unions heard quite often the excuse of insufficient financial means; it was reflected today by the pretext of economic convergence provided for by the Maastricht Treaty of 7 February 1992. And yet, it would be preferable to combat tax evasion rather than asking sacrifices from workers, in order to put public finances in order. Countries had nothing to benefit from neglecting their labour inspection services since it was well known that violation of labour laws had a cost for the community as a whole.

The Government representative stated that he had taken due note of the discussion. As regards the intervention of Workers' members, it should be noted that there were no links between the project on European economic convergence and the labour inspection budget, which indeed had been raised, as was the number of inspectors. All the data available showed that visits by labour inspectors increased both in number and in quality, which helped improve collaboration between employers' and workers' representatives. Concerning the Employers' members intervention, a written reply to the issues raised by the Committee of Experts' observation was more appropriate. The statement of the Workers' member of Spain went beyond the questions relating to the application of the Convention. There could always be a feeling of insufficiency, even if in reality personnel and material resources for labour inspection had been increased. The points made on the recruitement of workers were more related to employment policy, and those made on the nature of clauses in collective agreements involved an academic debate which had no bearing on the practical activities of labour inspection. One could not but share the opinion expressed on the vital role played by inspectors' visits to workplaces. In reply to the questions raised, it had to be pointed out that, in general terms, the procedures followed by labour inspectors and controllers were the same and their validity was recognised for both categories of officials. Except for one observation raised in certain judicial decisions, labour inspection could fully monitor the application of the contents of collective bargaining agreement and a circular had been adopted on this subject. If the solidarity expressed by the Workers' member of Greece was well understood, he shared that speaker's opinion that labour inspection did not have adequate resources. Each year the ILO received a copy of the annual report of the central labour inspection authority in conformity with the Convention, and the comments made did not concern questions of substance relating to labour inspection activities.

The Workers' member of Spain recalled the distribution of tasks between labour inspectors and labour controllers and stated that while this was not clearly laid out by law, it was the subject of internal labour inspection circulars.

The Committee took note of the information provided by the Government representative according to which the Government had taken measures to improve the position of the labour inspectorate with a view to increasing its resources and strengthening its powers. Although it welcomed the detailed information which had been supplied, it considered that it was not in a position to discuss it in substance without an assessment by the Committee of Experts. It consequently hoped that the Government would transmit, as it had said it was ready to do, a report to the ILO containing all the particulars necessary for the Committee of Experts to weigh that information and make a full assessment of the situation. It hoped that it would be able to come to the conclusion that the situation was in full conformity with the requirements of the Convention at one of its next sessions.

Syrian Arab Republic (ratification: 1960). A Government representative requested an extension of the deadline for supplying the Governments's inspection reports. In order to obtain the statistics and information needed under the Convention, it was necessary to contact various government bodies such as the Directorate of Social and Labour Atafairs. Moreover, this information concerning the different districts had to be authenticated by the Central Statistical Office. He indicated that it was necessary for the Government to enter into consultation with the employers' and workers' organisations to improve labour inspection. Finally, he noted that he had supplied a first inspection report to the ILO, and he hoped that this would satisfy the Committee.

The Employers' members stated that they could not comment on the substance of the matter because the Experts' report noted only that inspection reports had not been supplied for several years. They were aware that preparation and publication of these reports required time. Nevertheless, they emphasised that the obligation under the Convention was to publish and supply such reports to the ILO on an annual basis. The Employers' members noted that the Government had supplied inspection reports immediately prior to the Conference, which amounted to a first step, and hoped that such reports would be supplied regularly in the future.

The Workers' members joined in the comments and the request of the Employers' members.

The Committee noted the information given by the Government. It recalled its repeatedly expressed views on the importance of the yearly reports on labour inspection. It sincerely hoped that the Government would comply with the requirements of the Convention in that respect.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

Colombia (ratification : 1976). The Government communicated the following information :

The political Constitution prohibits the suspension and cancellation of the legal personality of trade union organisations, and it is appropriate to note that such a provision is also found in Act No. 50 of 1990.

However, the requirement that two-thirds of the members be Colombian in order to form a trade union, the alleged intervention in the internal administration of trade unions owing to the presence of public servants of the ministry at some meetings (particularly when they declare a strike), the requirement of Colombian nationality to be elected a trade union leader, the additional penalty of denying trade union office for a period up to three years where a judge has found a person responsible for the dissolution of a trade union, and the requirement that persons be of the respective occupation or profession in order to be elected as a trade union officer are matters which were fully referred to in the letter dated 25 October 1991 directed to the Director-General of the ILO (the Government has attached a copy of its letter).

The Government had requested in a letter dated 9 October 1991 sent to the Director-General of the ILO that – considering the importance of the matter – a Convention be adopted on the right to strike. The Government regrets that the Director-General wrote on 22 November 1991 that, for procedural reasons, he would not be able to include this significant matter on the agenda of the International Labour Conference in 1992 or 1993. The Government takes this opportunity to reiterate its request concerning the urgency of the adoption by the ILO of a Convention expressly concerning the right to strike. It is equally insisting on the fact that this right should not be derived from interpretations which, even if they are valid, are but the opinions of respectable jurists. In this sense it mentions that there are restrictions on the right to strike taking into account that the Labour Minister and the President of the Republic can invoke the arbitration tribunal to resolve the conflicts after 60 days of strike or if the strike affects the whole of the national economy.

In this respect, it is very illustrative to mention the jurisprudence of the Supreme Court of Justice which has considered Law No. 50 of 1990 to be in conformity with the Constitution and has expressed itself on the above-mentioned question in the following manner :

The trade union movement, particularly in moments of its apogee, had always wanted the right to strike to be absolute and unlimited so that collective disputes could only be resolved by its unconditional will ; nevertheless, it was recognised that strikes prejudice not only the interests of workers who rely on them to fulfil their aims, but also the aims of the enterprise and, in general, those of the economic order which also deserve the same protection ; it was necessary, consequently, to seek a balance between the opposed interests and this was what was understood by those who wrote the Constitution of 1936 which did not permit strikes in the public service and left it to the law to regulate the recourse to strikes in these services as was very judiciously done in the case examined here ; the well-known image of the industrial institutions abandoned, useless, left indefinitely to deterioration and unproductivity, as permanent witnesses to the conflict which nobody wanted to resolve to recuperate lost goods and employment itself, led the law to preclude the general impoverishment and social damage made by the obstinate attitude of the parties, by means of alternative methods which do not touch the protection due to all and which now is specifically supported by article 55 of the Constitution according to which " the State has responsibility to promote ... other means for the peaceful solution of collective industrial disputes " as the arbitration court precisely does. (Supreme Court of Justice, Plenary, Decision of 26 September 1991.)

As regards the right to strike, article 56 of the Constitution provides :

The right to strike is guaranteed except in essential services as defined by legislation.

The law shall regulate the right to strike.

A standing committee composed of Government and employers' and workers' representatives shall promote good industrial relations, contribute to the resolution of collective labour disputes and coordinate wages policies and labour policies. Its composition and functioning shall be determined by law.

In performance of this constitutional requirement, the Government has, through the Ministry of Labour and Social Security, called a meeting of employers' and workers' representatives to conclude an agreement on the composition and functions of this standing committee and presented a Bill to the National Assembly on the subject in December 1991. When the law is enacted, the standing committee will, in conformity with the constitutional requirements and its purpose of coordinating labour policy, report on how legislation should be adapted to Conventions Nos. 87 and 98.

In addition, a Government representative, the Minister of Labour and Social Security, stated that the Committee of Experts had confirmed a major improvement in the application of the Convention, although it pointed out that provisions which could be incompatible with the Convention still existed. As regards the legislative requirements concerning nationality criticised by the Committee of Experts (two-thirds of the members had to be Colombian to establish a trade union and persons had to be Colombian for election to trade union Office), the new Constitution granted to foreigners the same rights and guarantees as nationals, but provided that the law could regulate these rights. The legislation therefore violates neither the Constitution nor the Convention. Foreigners could form unions, but could not control a union or be union leaders. This was based on national sovereignty, for example, to restrain foreign leaders from calling a strike in industries related to national security. Similar standards no doubt existed in most countries. The trade union central organisations of the country had not objected to the nationality requirements, any amendment to them could, however, be discussed when the tripartite labour commission, on which Congress was soon to pass regulations through a law, was set up. As for the supervision by public servants at meetings of unions of internal management (section 486 of the Labour Code), the presence of public servants was aimed at verifying fulfilment of the majority qualifications set out in trade union statutes, for example, for the calling of a strike. Trade unions frequently requested the presence of public servants when internal disputes occurred. In such cases, the role of the public servant was to collect evidence which would allow conflicts to be solved in the future. With regard to the suspension for up to three years of trade union officers who had been responsible for the dissolution of their unions (section 380(3) of the Code), Act No. 50 of 1990 removed the administrative power to suspend officers. It was now the judicial authority which verified whether a trade union leader was responsible for the dissolution or suspension of a union. Since such dissolution or suspension was ordered by the judicial authority, section 380(3) of the Code did not violate the Convention. With regard to the legislative requirements that persons belong to the trade or occupation in order to be a trade union leader, it was inherent in the nature of a trade union that its leaders belong to the same profession as its members. However, the Government did not insist on this point and was open to dialogue with the trade union confederations; it requested the ILO's technical assistance in this respect. As for the right to strike of federations and confederations, a draft law was before Congress on this subject and would be discussed. There had been developments in the country regarding the right to strike. The previous Constitution had recognised it, except in the public service. The new Constitution of 1991 only laid down restrictions on the right to strike in essential public services, to be defined by the legislature in a future law; there would be tripartite consultation on the subject. Moreover, the Government had requested the Governing Body of the ILO to study the possibility of a future Convention on the right to strike because at present it was the subject of conjured-up interpretations by the Committee of Experts or the Committee on Freedom of Association. The ILO should regulate the right to strike for the sake of judicial clarity. With regard to the power of the Minister of Labour and the President of the Republic to intervene in disputes (sections 448(3) and (4) and 450(1)(g) of the Code), this discretion resulted in the calling of a compulsory arbitration tribunal in conformity with the principles of the ILO supervisory bodies in cases where the right to strike was restricted. As for the possibility of dismissing trade union officers who had intevened or participated in an illegal strike (section 450(2) of the Code), the ILO supervisory bodies recognised the legitimacy of dismissal in cases of illegal strikes and the Convention provided that workers' organisations should respect the law of the land. Accordingly, this section did not violate the Convention.

The Workers' members referred to the report of the Committee of Experts which had drawn attention to the Government's report, the discussion of the Conference Committee in 1991, and the reports of the Committee on Freedom of Association as well as the 1991 direct contacts mission. They further referred to the Government's written replies and the statement by the Minister of Labour and Social Security. In describing the context in which this case was being discussed, they recalled the large number of trade unionists that had been killed or had disappeared and that the situation had not yet improved.

The Government representative made a point of order to the effect that the question of public order and disappearances and deaths concerned not only trade unionists but also politicians, peasants, soldiers, teachers, children, etc., and asked the speaker to limit himself to matters related to the Convention.

The Workers' members pointed out that the Committee of Experts had referred to this Committee's discussions in 1991 which had made mention of these matters. They pointed out the reason they made reference in their introductory remarks to the disappearances and deaths of trade unionists was in order to set the difficult context of freedom of association in Colombia. They noted the written information given by the Government as well as the legislative measures noted with satisfaction by the Committee of Experts in its report. They referred, however, to the points raised by the Committee of Experts that were incompatible with this Convention. With reference to the requirement that persons be Colombian for election to trade union office, they considered it was still a violation of the Convention even if membership of unions was not prohibited by such law as was pointed out by the Government representative. They welcomed, however, the statement made by the Minister that the Government would be discussing this matter with workers and further hoped that this contradiction with the Convention would be removed soon. With respect to the suspension for up to three years, with loss of trade union rights, of trade union officers who have been responsible for the dissolution of their unions, they rejected the argument that this was not done by the Government but by the labour court because in any event it was the laws of the country that permitted such suspension and those laws are not in conformity with the Convention. They pointed out, as the Employers' members had done in the context of another case, that trade unionists were not asking for immunity from ordinary laws of the country but that this Convention protected them when they acted legally as trade unionists and the law of the country was in conformity with this Convention. Regarding the requirement that persons belong to the trade or occupation in order to be considered eligible for election to trade union office, they were not sure the Government representative had said the relevant laws had been repealed, despite the fact that most trade union officials were from the trade or occupation in question, they considered the law should not prohibit unions from appointing a full-time professional officer. Referring to the Minister's statement that the prohibition of strikes in the public service being repealed except in essential public services, they pointed out possible differences between the Committee of Experts and the Government in their understanding of what constituted essential services. Even though the Convention, as had been stated, did not specifically refer to strikes, they said the Committee of Experts had made it quite clear that strikes should be allowed when workers were acting in defence of their economic and social interests, and any attempts to restrict such rights would be in contravention of the Convention. Without getting into a general debate on the right to strike, they wished to be on record as being in favour of the Committee of Experts long-standing interpretation of this Convention in this regard. They requested the Government representative to provide the Committee of Experts with a clear definition of what constituted essential public services to enable it to assess the extent of this exception. They stressed the views of the Committee of Experts that if strikes were restricted or prohibited, as in essential services, appropriate guarantee should be afforded such as impartial and speedy conciliation, mediation and arbitration procedures. With regard to the question of illegal strikes, they considered that the problem was not so much the strikes considered illegal under laws that were strictly in conformity with the Convention, but the laws that gave illegal strikes a very wide definition as did the Colombian laws and Constitution. They welcomed the information that was noted with interest by the Committee of Experts of the desire expressed by the Minister of Labour and Social Security to the direct contacts mission which took place in September 1991 to formally request the technical assistance of the ILO in the future process of reform of the labour legislation. They requested this Committee's conclusion to reflect their wish that as a result of this assistance the laws would soon be put in full conformity with the Convention.

The Employers' members felt that the report of the Committee of Experts on this question could be treated in three parts. The first part dealt with the points where national legislation was in conformity with the Convention. Two years ago the Conference Committee had considered devoting a special paragraph to Colombia. Today, however, a number of cases of progress could be observed. The second part pointed out the provision of the legislation that raised certain questions or where the Experts clearly considered these provisions to be contrary the the Convention. They acknowledged that the Government representative had provided some information relating to these points. As regards the requirement that two-thirds of the members be Colombian in order to establish a trade union, and the requirement that persons be Colombian for election to trade union office, while it was often the Labour Code that contained these requirements based on considerations of sovereignty, they noted that the Constitution of the country left the question open, as was often the case in other countries. They pointed out that, following the adoption of laws and directives of the European communities in this area, discrimination based on nationality did not exist in Europe. Given the Government's statement that it was ready to establish a dialogue with workers and employers on this subject, they considered its position to be flexible and that changes could be expected. As regards the suspension of trade union officers who were responsible for the dissolution of their unions, the Employers' members expressed doubts that these provisions would truly protect the trade union officers, and it seemed to them that it was up to the Government to examine this question and prepare amendments to the law in this respect. As regards the requirement that persons belong to the trade or occupation in order to be considered eligible for election to trade union office, they considered that this question was a subject for the union to determine internally and not a subject requiring legislative tratment. Given the statement by the Government representative that his Government was ready to engage in consultations on this subject as well, they felt that the tripartite committee he referred to earlier could be the appropriate body to take up these questions. With regard to the massive dismissals of workers in the public sector and the extended use of short-term contracts in the private sector, they felt there could be reasons other than that mentioned by the Committee of Experts, namely aimed at weakening the trade union movement, to justify such measures. However, they did not feel they should continue the discussion of this aspect at this stage. The third part of the report of the Committee of Experts related to the right to strike. The Government representative had stated that the Convention does not contain precise provisions in this respect and that the ILO should prepare an instrument on the rights and obligations relating to strikes and their restriction. The Employers' members noted that this year a draft resolution had suggested similar points but it had not been given a high priority. Therefore, in their view, it was necessary to limit the discussion to Convention No. 87 at this stage, as that instrument was the basis for the views of the Committee of Experts on this subject. Referring to earlier statements, they requested the Committee of Experts to re-examine their reasoning on the right to strike, as the results of such reasoning do not follow from the text of the Convention. They considered that the Convention should, as the Committee of Experts itself had indicated on other occasions, be strictly interpreted according to the Vienna Convention on the Law of Treaties, in particular articles 31 and 32 which, besides the context, require the taking into account of (a) all prior agreement regarding the interpretation of the treaty or the application of its provisions made between the parties and (b) all prior practice followed in the application of the treaty, using which the agreement between the parties for the interpretation of the treaty was established. The report of the Committee of Experts contained a large number of points on the application of the Convention throughout the world. It was clear from this report that the situation in various countries was so different that there were no common elements to be identified in the application or prohibition of the right to strike. Using the interpretation rules of the Vienna Convention it was clear that the rules supplied by the Committee of Experts for the interpretation of this Convention were clearly incorrect. Indeed, strikes not only adversedly affected employers, but third parties as well. The definition of the scope and the prohibition of strikes should not, as a result, be left to the decision of one party; only the State that had fully accepted the democratic rights and liberties of its citizens, should be responsible for the definition of the right to strike and its limitations. The Employers' members considered that this question, along with the others previously mentioned, justified that this question, along with the others previously mentioned, justified that a request be made to the Committee of Experts for it to once again re-examine its conclusions. The fact that the same conclusions had been reached concerning the Committee on Freedom of Association for many years did not make either these conclusions nor the principles derived from Convention No. 87 correct. Finally, as regards the right to strike in Colombia, the Employers' members disagreed with the conclusions reached by the Committee of Experts.

The Workers' member of Colombia indicated that, during the month of June 1992, nine trade unionists were assassinated and, contrary to the statement made by the Minister of Labour, the situation of unions in Colombia is very grave in law (as indicated by the Workers' members last year referring in particular to Law No. 50 of 1990) as well as in practice. The Government interfered in union activity because of the legal obligation imposed on unions to invite officials of the Ministry of Labour to attend their general assemblies. These officials went to the extent of asking all workers to present their identity papers when a vote was being taken to call a strike. In these circumstances the trade unionists felt obliged to meet secretly at night to avoid reprisals. Even if the new legislation gave automatically legal personality to unions the Ministry has continued to give its approval in a discretionary manner. The extended use of short-term contracts (between 15 days and 3 months) constituted a serious impediment to freedom of association because the workers involved recognised that their contract would not be renewed if they became members of a union. The great majority of strikes were declared illegal including those that took place in services that were clearly not essential. That was the case during the strike at the Hotel Teguendama following the dismissal of 24 workers when agreement could not be reached in the context of the proceedings signed to settle the labour dispute. Recently, trade union leaders were criminally tried for sabotage and their case given to "anonymous" judges having jurisdiction over cases of terrorism, for having called a strike in a telecommunications organisation. In addition, 27 workers were threatened with dismissal and the president of the organisation concerned as well as the Minister of Labour requested the withdrawal of the legal personality of the union and the suspension for up to three years of the trade union officers. In the oil sector a union was fined millions following a strike. In many instances strikes were called to ask for the right to life of union leaders. Finally, in view of the many grave violations of freedom of association in the country the speaker requested that this case be mentioned in a special paragraph of the report.

Another Workers' member of Colombia stated that the right to form unions did not exist in Colombia in law and in practice because of the elements he would enumerate which were direct and indirect threats to freedom of association. Employment contracts were given in the form of civil or commercial contracts; contracts of very short periods, which actually numbered 1,050,000, were permitted; the right to appeal decisions concerning requests for re-employment of workers with ten years of service but who were dismissed without reason; a grace period of ten years was given to enterprises during which they did not apply the same bargaining unit to all their subsidiaries, thus weakening the results of collective bargaining which would have been beneficial to trade unions; temporary work was facilitated and the establishment of organisations providing such services was promoted which hindered unionisation; collective agreements were concluded with non-unionised workers; Law No. 60 and its implementing decrees created systems of dismissal and mass retirements based on blackmail promoting retirements with negligible compensation for employees of the State (400,000 such retirements and dismissals are expected in the coming two years): all public services, including land irrigation, the production of cement, the financial and petroleum sectors, were declared essential services with a view to making all strikes illegal; recently employers were permitted to make complaints under criminal law in the case of strikes in order to hinder the enjoyment of the right to work; penalties equivalent to minimum wages of 80 months were imposed on the petroleum workers' union for having organised two to three hours of work stoppage; strikes were considered crimes of terrorism and were submitted to "anonymous" judges during which procedures access to files was not permitted. Given the fact that laws and the practice in the country were not in conformity with the Convention and no progress has been observed and 102 trade union members and leaders were assassinated in the past year, the speaker requested that this case be mentioned in a special paragraph and that the ILO should provide technical assistance in the drafting of future labour legislation.

A Workers' member from Spain stated that the improvements in the laws mentioned by the Committee of Experts should be assessed in the context of the low level of respect given to union rights in the country. The speaker felt that provisions in the law regarding the supervision of the internal management of unions including the presence of public servants in the general assemblies were unacceptable because they indicated the prevailing lack of confidence in unions and the fact they were objects of suspicion unlike other organisations. He stated that unions were not anomalies in society but were necessary elements for progress in the country as indicated by the past 40 years of tripartism in Europe. In addition, he found the prohibition of strikes by federations and confrontations was unacceptable because the Convention gave the same rights to these organisations as it did to trade unions in general and constituted an essential part of freedom of association. Referring to the statements of the Minister of Labour on the interpretation of the right to strike made by the Committee of Experts he rejected the view that these interpretations were conjured up by them and said on the contrary that the Experts were as indispensable as judges and lawyers were to giving meaning to constitutional rights. Finally, he stated that a government that did not guarantee the right to life was not worthy of the name. He pointed out that in Colombia, as previous speakers indicated, trade unionists were assassinated and tortured constituting grave ciolations of the Convention. A Workers' member of Greece denied that trade union rights of foreigners were restricted in all countries for reasons of threats to the security of these countries and sighted the cases of Belgium and Germany where immigrant workers were part of the trade union leadership. The question of internal security in the context of a strike arose only with respect to certain particular sectors. He urged that the legislation be put in conformity with the Convention and that the Government should indicate its intentions in this regard and request the technical assistance of the ILO.

A Workers' member of France stated that the interventions previously made by the Colombian trade unionists demonstrated, if it was still necessary to do so, the extent of the difficulties with which the trade union movement was presently confronted in Colombia. He noted the limitations on trade unionism in this country: the problem of foreign workers, raised by the Workers' member of Greece; that of part-time workers, the number of which was constantly increasing; and the interference of political power in the trade union movement, notably through the presence of authorities in general meetings held to take strike votes. In respect of the request of the Employers' spokesman that the ILO adopt a Convention concerning the right to strike, he stated that this was not the ideal time to discuss the report and the views of the Committee of Experts concerning the scope of freedom of association. The right to freely organise their activities and to formulate their programme of action, provided for in Article 3 of the Convention, was a prerogative of trade union organisations, and for this reason since 1919 one had refrained from curbing or limiting its application by means of a Convention. The strict framing of the right to strike must be avoided and the provisions of the Convention respected. The Workers' member of France emphasised that the best way to assist the Government to develop legislation was to formulate firm requirements in the conclusions of this debate.

A Government member of Germany refered to the comments of the Committee of Experts on this case, and the written statement made by the Government and said that there were no means to verify many of the events described, and, although these matters were quite shocking, they did not constitute the matters upon which it was necessary for the Committee to pass judgement. He noted that considerable progress had been made, although there remained significant discrepancies between national legislation and the Convention. However, he emphasised that this view did not apply to everything that had been said, nor to all the findings of the Committee of Experts concerning restrictions placed on the right to strike in the public service.

Another Workers' member of Colombia stated that in his country there was neither justice, democracy or free trade unionism, and that he was required to speak before the Committee, because to remain silent would be to betray the confidence of those who had sent him to the Committee to defend their rights. In his country, there existed a so-called anonymous justice, which permitted the judging of someone without his knowing who was judging, who was accusing or of what one was accused. A number of trade union leaders of the national telecommunications company who has engged in a strike when it wanted to privatise the enterprise, were being judged today by anonymous judges. This year, at the time of the 500th anniversary of the discovery of America, indigenous persons had been murdered because they were looking for a bit of land where they could work, land which always had belonged to them. He considered that the Government of Colombia deserved to have the case of this country included in a special paragraph.

A Workers' member of Uruguay referred to the consequences of the policy of indiscriminate rationalisation and privatisation of public enterprises. He stated that the right to strike was an inalienable right, the tool which workers had in order to defend themselves, and for this reason restrictions on this right meant that there would be a reduction of its most important means of defence. With reference to that which had been stated by the Government representative to the effect that it would be appropriate to adopt an international labour standard on the right to strike, he asked whether what the Government representative wanted was to impose restrictions, and indicated that the Committee on Freedom of Association has stated that limitations on the right to strike could only be justified in cases in which strikes ceased to be peaceful. He recalled that in Colombia trade union leaders had been murdered, strikes were prohibited, there was no freedom of association, and Convention No. 87 was being contravened; he therefore asked the Committee to include the case of Colombia in a special paragraph.

The Government representative stated that his country guaranteed freedom of association to foreigners, but it was another matter to permit a group of foreigners to be able to dominate a trade union and to declare a strike. Regarding the clear constitutional definition in respect of the right to strike, he indicated that the Constitution guaranteed this right except when essential services were involved, but that such services still had not been determined; this was a task for Congress. He considered that the situation regarding the right to strike was different according to the country in question, and according to its development. The reference which he had made to the possibility of adopting an instrument of this nature did not mean that his Government wished to limit the right to strike. This right had been found to be limited, even by the Committee of Experts; for the Committee, the freedom of association which had been established did not allow strikes in essential public services, or in the public administration. The purpose of his proposal that an international instrument be adopted on the right to strike was to set out the limits for this right. In reference to the intervention of the Workers' member of Spain to the effect that his Government did not respect the right to life, he emphasised that his Government did respect the right to life, not only as required in international instruments on human rights, but also under the national Constitution, and on behalf of his Government he fervently rejected this allegation. He referred to the difficult situation in his country, an excellent place for drug traffickers, but rejected the insinuation to the effect that the murder of a number of indigenous persons was owing to inaction on the part of the Government. His Government was struggling against such circumstances, and it seemed that other governments, for example Spain and the United Kingdom, were experiencing similar circumstances in respect of terrorist activities, without one being able to suggest that they did not respect the right to life.

The Workers' member of Colombia stated that the Government nad not responded to the question which had been raised in respect of the situation of the trade union movment, and reiterated his question as to what were the essential public services in Colombia, as the absence of definition in the legislation left the determination of such services to the free will of the Government.

A Workers' member of Ecuador stated that he shared the different opinions expressed in the Committee on the report of the Committee of Experts, which had recognised that Colombia had made some progress in implementing legislation. Nevertheless, he observed that in their interventions the Workers' members had stressed the discrepancy between such provisions and practice. He referred to the intervention of public servants at trade union meetings, which according to the Government representative was intended to guarantee the democracy of the decisions which trade unions were adopting. In his opinion, this involved a clear violation of the Convention. He considered that the Government had an interest in eliminating such participation in trade union meetings, and that such participation might lead to suspicion in the cases of murders of trade union leaders, in that there could be established a cause and effect relationship between these matters. The speaker observed that presently the rights of workers guaranteed under ILO Conventions appeared to be becoming fewer. In this context, he clarified that trade union freedom which was not accompanied by the right to strike as an indispensable complement was a non-existent freedom of association.

A Workers' member of Chile stated that Chilean trade unionists had extensive experience in respect of restrictive laws on the trade union movement. After having heard Colombian trade unionists and those exercising public power in that country, he considered that he was confronted with a reality that was characteristic of Latin America. The restrictive laws which existed in Colombia existed in Chile and were characteristic of a dictatorship. He believed that Colombia was a country that wished to improve the institution of democracy, but which could not do so without the workers. Free workers not only exercised the right to strike but also constructed peace together with employers and politicians. He wished that the Government representative would say whether the authorities really had the will to respect the Convention. He hoped that in 1993 they would not speak more about murders, and that Government representatives would not need to give explanations. He also hoped that in the coming year the Government would show more respect for the rights of workers and human rights, so that workers could play an appropriate role in the development of their country.

A Workers' member of Greece stated that there must have been a misunderstanding, because no one had confused political power and judicial power. The latter, in all democratic countries, involved only the interpretation and the application of laws. The Government was requested to change national legislation in order to bring it into conformity with the Convention. In addition, he asked the Government whether it intended to request technical assistance from the ILO for this purpose.

The Workers' member of Spain referred to the intervention of the Government representative. He indicated that the essential difference between what was occurring in Spain and Colombia was that in Spain, it was known who was committing the murders and acts of terrorism. The State was taking responsibility for the elimination of such murders and had succeeded in reducing their number. He requested the Government representative to respond to two questions: when was the control which the administration exercised over the trade union movement by the presence of a public servant at trade union meeting going to disappear, and when was it going to recognise the confederations and the right to hold strikes?

The Workers' members stated that the Colombian Workers members' had provided useful information in describing the types of strikes that were banned as "essential services", such as those in the hotel and oil industries. They noted that such an interpretation of "essential services" was not a correct application of the principles of the Convention. They agreed that there was a generally accepted distinction between government and judiciary in such countries: the Government established laws while the judiciary applied them, but he emphasised that if the law was wrong, the Government could not use the judiciary and its independence as an excuse for lack of action. In their view, the law was wrong and needed to be changed. The Government referred to acts of terrorism which had taken place in Spain, the United Kingdom and the USA which infringed upon the right to life. The Workers' members stated that if hundreds of trade unionists disappeared and even worse were killed every year in those countries, there could be no doubt that these facts would be of concern to this Committee and the subject of considerable discussion. There were death squads operating in Colombia that were killing trade unionists, and this fact could not be ignored. They declared that they did not believe that it would be helpful to re-open the debate on Convention No. 87 and the right to strike. They noted that a resolution in respect of this issue had been placed on the agenda of the Resolutions Committee, and had been given low priority. In their view this was an indication that both Workers' members and many governments at this Conference felt that the more detailed examination of these issues would not be helpful and certainly the work of the present Committee might become chaotic during the course of an examination which could take many years. Governments who had been strictly following interpretations of the Committee of Experts on the right to strike would begin to doubt the correctness of their application of the Convention if the principle became the subject of lengthy examination. The Committee of Experts' stated view on the issue had been clear for decades and had not been challenged except in the last year or two by the Employers' group and now the Government of Colombia.The Workers' members suggested that the Government be asked whether it could be prepared to accept technical assistance from the ILO. Although they had seen the first signs of movement towards conformity with the Convention, they stated that they wished the conclusions of the Committee to be strong enough to establish that the Government still has a considerable way to go before they were fully in conformity with the Convention.

The Employers' members stated that, despite the many problems faced by its country, the Government had managed to take positive steps in respect of the Convention, which had caused the Committee of Experts to note this case as where progress had been made. In reference to the distinction made between law and interpretation of the law, they noted that where the law was unclear or contained loopholes, the interpretation of the law became independent as it stepped in to clarify and apply the law. This was also true of Convention No 87, in respect of which a body of case law had developed which was extremely favourable to the workers' case in the present situation, although in their view the content of this case law could not be derived from the Convention. However, as the Committee of Experts had made lengthy statements about the right to strike and restrictions on this right, they must be addressed by this Committee.

The Committee took due note of the written and oral information provided by the Government. It also took note of the progress being made in conformity with the Convention, and it felt bound to recall that there still were different points raised by the Committee of Experts where the law was in conflict as the Convention. The Committee noted, however, that the Government was setting up a tripartite commission to prepare a draft Bill which the Government intended to bring before Parliament. It also took note of the Government's willingness to ask for technical assistance from the ILO. The Committee remained concerned about the situation – not only the legal one – existing in the country. It therefore urged the Government to take all necessary steps to bring the legislation into complete conformity with the Convention at its earliest convenience in order that the Committee could make a full assessment of the same at its next session.

Cuba (ratification: 1952). The Government communicated the following information:

The Committee of Experts bases its observation on criteria it established itself on trade union unity and not on the text of Convention No. 87 which recognises the right of workers to establish trade union organisations of their own choosing without specifying any criterion on trade union plurality or unity. In this connection, the Government draws the Conference Committee's attention to section 13 of the Labour Code, which states that "all workers, manual and non-manual, shall be entitled without previous authorisation to voluntarily associate and to form trade union organisations". The wordng of this important provision corresponds to Article 2 of Convention No. 87.

Furthermore, according to the *Digest of Decisions and Principles of the Committee on Freedom of Association*, at paragraph 223: "The Committee has pointed out that the International Labour Conference, by including the words 'organisations of their own choosing' in Convention No. 87, made allowance for the fact that, in certain countries, there are a number of different employers' and workers' organisations which an individual may choose... it did not pronounce, however, as to whether, in the interests of workers and employers, a unified trade union movement is preferable to trade union pluralism."

If the way workers exercise freedom of association finds expression in a unitary or pluralist trade union moveent, this is not a question to be reflected in legislation. It would, in fact, be a violation of Convention No. 87 to establish by legislation one or another type of trade union structure, since this Convention bases freedom of association on the choice by the workers themselves of the way in which they wish to organise their activities, their structure and programmes of action, how they wish to draw up their own constitutions and rules and elect their leaders in the manner which they consider to be most appropriate. This is what is contained in section 15 of the Labour Code.

The Committee of Experts states in paragraph 4 of its observation that the Labour Code explicity refers to the Central Organisation of Workers of Cuba. It seems that the Committee of Experts has still not had a detailed reading of section 15 of the Code. The central trade union organisation which groups together 18 national branch level unions in Cuba, according to its own rules, is named the "Central Organisation of Workers of Cuba" and is identified by the acronym CTC. Section 15 of the Labour Code, which is the text on which the Committee of Experts relies, states word for word the following: "The trade unions and the Central Organisation of Workers of which the said unions are voluntary members shall govern themselves by and act in accordance with the principles, statutes and standing orders democratically discussed and approved by their members".

As is clear from a simple reading, the reference to the Central Organisation of Workers does not identify the one called the "Central Organisation of Workers of Cuba (CTC)" according to its own statutes. In addition, the reference in section 15 to the workers' central organisation is not aimed at the setting up or maintenance of a system of trade union unity, but as an expression of full application of Article 3 of Convention No. 87.

The historical character of the trade union unity system of the workers' movement in Cuba is referred to once again.

Cuba's labour legislation does not make any reference to the structure to be adopted by trade unions, nor does it set out requirements for the exercise of trade union activity. This is a matter which is up to the workers themselves. Section 13 of the Labour Code is clear on this point. Workers have the right to form organisations of their own choosing, without previous authorisation. The second paragraph of this section stipulates what is the framework of trade union activity, recognising that "the trade unions shall defend the interests and rights of the workers and seek to improve their living and working conditions". This responds in part to the ICFTU's comments which refer to the impossibility of creating trade union organisations. The legislation contains no such impossibility. The ICFTU promotes and defends a supposed trade union organisation called "independendent". Huge resources are given for propaganda in the international press in support of a so-called trade union organisation which is known neither by the workers nor by the population and which is not at all representative of the workers. In Cuba there is not one central labour organisation which has organised a union belonging to the supposed trade union organisation fostered by the ICFTU. The impossibility to which the ICFTU refers is not in the legislation, but in the very fact that the workers themselves have not responded to nor supported the call of the ICFTU, which has tried to impose its criteria on how trade unionism should be carried out in the country. In these circumstances, the ICFTU's actions constitute trade union interference which aims at dividing the Cuban workers' movement.

The Committee of Experts also refers to and takes note of the ICFTU's comments on the appointment of trade union leaders and the functions assigned to trade unions as expressed in the statutes of the Central Organisation of Workers of Cuba or in the resolutions it adopts at its congresses. In this respect, the Government recalls that the Labour Code states that trade union organisations and the Central Organisation to which they affiliate voluntarily are governed by and act in accordance with the principles, statutes and standing orders democratically discussed and approved by their members, always in the framework recognised for trade union activity in the Code itself, which is the defence of workers' interests and rights and the improvement of their living and working conditions.

This means that the Government creates the appropriate legal framework for the exercise of trade union activities, but that the contents of trade union constitutions and rules, the ways they elect their leaders and the functions attributed to them in the framework of the resolutions adopted by workers' congresses remains a question exclusively within the jurisdiction of the organisations themselves.

In addition, the Government points out that the observation's comments on the contents of trade union statutes go beyond the framework of Convention No. 87 on freedom of association, since this Convention is limited to recognising the right of employers' and workers' organisations to draw up their own constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities; this right is recognised by the Labour Code and has been exercised in practice by the organisations existing in Cuba.

The Government does not know which provisions of Convention No. 87 on freedom of association allow the ICFTU or the Committee of Experts to set out the criteria for statutes of central trade union organisation when the laws of the country lay down the right of organisation to draw up their own statutes and to function in accordance with trade union principles and with the standing orders democratically discussed and approved by their members, for the defence of workers' rights, in the manner recognised by sections 13 and 15 *of the Labour Code*.

If the Committee of Experts wishes to have an explanation of these statutes, which do not go beyond the limits of freedom of association, it is not really the Government which should be asked to supply information, and even less in the form of an observation, since this question is outside Convention No. 87 and since these statutes have been drawn up, discussed and approved by the trade union organisations at their workers' congresses.

In addition, a Government representative, referring to the complete written reply of her Government, highlighted that article 13 of the Labour Code recognises the right of all workers, manual and intellectual, to associate themselves voluntarily and to organise unions without any authorisation. The rest of the Labour Code must be viewed in the light of this premise dedicated to trade union action. Also, the mention made in article 15 of the Code about the Central Organisation of Workers is not meant to institutionalise a single union system. This provision is merely aimed to fulfil the requirements of Article 3 of the Convention, and it reaffirms that the union organisations act in pursuance of the principles, by-laws and regulations which are discussed and approved democratically by their members. Even if the regulations and by-laws of the Central Organisation of Workers (CTC) give rise to some misgivings in the view of the Committee of Experts, the Government cannot adopt any measures to change these by-laws because they were adopted freely by the congresses of the workers without any state intervention.

The Workers' members expressed their gratitude to the Government for providing complete written and verbal information to the Conference. Over the years, the Workers have attempted within this Committee to have this Convention applied to the circumstances which existed in those States that had a single party system and a single trade union movement. In many of the countries which have pursued this dialogue, this problem is becoming less and less frequent. To dissipate any misunderstanding, the Workers' members underlined that they were not suggesting that the legislation has to prescribe any one form of trade unionism, be it single or pluralistic. What they were suggesting was that the legislation should make it clear, both in law and subsequently in practice, that workers can establish trade unions of their own choosing. As to the wording of the law which clearly created a misundertanding of what the situation is by referring to the Central Organisation of Workers in Cuba by name, the Workers believed that it would be useful to change the law so that there is no further confusion either in the minds of the Committee of Experts and indeed in the minds of the general population in Cuba. The Workers' members had great difficulty in dealing with a situation in which the party runs the trade unions as well as the Government. Concerning the observation of the Government representative that it would be either for the Government itself or for the Committee of Experts to examine the by-laws of trade unions, this argument did not help to advance the discussion because the party is, in fact, both the Government and the trade union movement. The Workers' members therefore wanted a situation in which it would be possible for any trade union to be set up in Cuba without any intervention from the Government, or the party or anybody else. This was a legitimate argument in their opinion because under Cuban law at the present moment it is not possible for independent trade unions to operate freely. They went to suggest to the Government that it might seek advice from the ILO to reconsider the situation through further consultations inside the country.

The Employers' members stressed that the application of the Convention in Cuba is a well-known case that has been already discussed in the Committee as well as commented upon by the Committee of Experts on five occasions in the past ten years. The question is whether a unified trade union movement laid down by law is in conformity with the Convention. Obviously, if it is imposed by the State, this is incompatible with the Convention. In the past, some governments argued that there is no violation of the Convention if the workers themselves at one particular stage in history have demanded this unity; in such case the unity would result from the wish of these workers, which the State confirmed in one or another form. The Employers' members could never accept this view and the Committee has never accepted it either. Now the Government puts forward new arguments, of a linguistic nature, stating that the Convention simply says that there must be the freedom of choice of trade unions, and once a trade union has been chosen, the Convention has been complied with. This is obviously out of line with the word and spirit of the Convention. The freedom to establish a trade union and the freedom to join it should not just have existed at one point in time, this freedom must be exercisable at any time. In a country where there is trade union unity, a more pluralistic system may arise at any time; this freedom must therefore be upheld. Another linguistic argument used by the Government consists in suggesting that in Cuba a Central trade union organisation is not like a central trade union organisation in other countries where there are competing organisations. Nevertheless, one cannot but note that, as in the past, there is still a system of trade union unity in Cuba which is laid down in law, which is in clear contradiction to the Convention. The Employers' members expressed the hope that the Government will perhaps come up with some new ideas and will actually guarantee this freedom in legislative form so that workers will be able to chose freely the trade union they want to join. At the moment, however, this is not the case and the Employers' members have to note this with regret.

A Workers' member of the United States stated that over all those years the majority of the membership of the Conference Committee has agreed that there is no prohibition in the Convention of trade union unity, but there is a violation of the Convention when that is established by inserting in legislation the name of a single trade union, together with the appointment of the trade union leaders by the Communist party. That is the core of the problem. This Committee has always viewed that kind of legislation as institutionalising a single trade union which is not derived from the will of workers.

The Workers' member of Cuba indicated that the Central Organisation of Workers of Cuba was created even before the revolution and before the adoption of the present Consutution of the Republic. It is completely wrong to claim that trade union leaders in Cuba are appointed by the Communist party; there are more than 300,000 of them in the country, which is about 10 per cent of the labour force, and they were elected as leaders by secret ballot. There is not just one single union organisation in Cuba but one central organisation which brings together 18 national unions; there are more than 70,000 union bodies throughout the country and all working establishments without exception have elected their own leaders. The workers choose their trade union organisation, approve their by-laws and freely make their own decisions.

The Government representative recalled that workers have the right to establish the organisations of their choice in conformity with a article 13 of the Labour Code, this provision being the starting point of any analysis of other articles in this section of the Code. The labour legislation does not contain any reference to the structure of the unions, nor does it contain any requirements as to their activities: this is a question which is decided by the workers themselves. The structure, functions and by-laws of the unions are adopted by them and by the Central Organisations of Workers at their congresses without any intervention of the State. This is why Government cannot put forward any suggestions on the contents of these by-laws.

A Workers' member of the Netherlands asked what the Government and workers would lose if mention of the CTC would be deleted from the law, as according to the declarations of the Government representatives, 98 per cent of workers or even more wished to have a central trade union organisation, and the Government declares not to intervene in the internal affairs of trade unions. It is therefore legitimate to ask why the Government insists so stubbornly on keeping the reference to the CTC in the law if there would not be any change in practice if it were deleted.

The Workers' members reiterated their invitation to the Government to reconsider the situation with the help of the ILO in order that any misunderstanding would be dissipated and progress would be achieved soon in this respect.

The Government representative, the Minister of Labour and Social Security, replied that the Cuban Government has requested and received on numerous occasions the assistance of the ILO. When the Government deems it necessary it calls for help taking account of the needs and the realities of the country and not on criteria imposed by others. It is incorrect to say that the Communist party appoints trade union spokespersons; they are nominated and freely elected by the workers. At its last congress a part of the leadership of the Central Organisation of Workers of Cuba was changed by the will of the workers themselves, as it is their right to do. The current leadership was elected from construction and tobacco workers. Cuba is currently engaged in the modification of certain texts, for example Resolution No. 590 and a series of amendments to the Constitution. However, for any modification concerning mention in law of the CTC the decision should be taken by the workers; it cannot be taken by the Government because the initiative has to be taken by the workers. Replying to the Workers' members of the Netherlands, the speaker said that the Government and the workers of Cuba would lose nothing if mention of the CTC would be taken out of the law, but he once again underlined that any modification of the Labour Code in this sense should be discussed with the workers as all of them have participated in the discussions to elaborate the text of the Labour Code. A campaign external to the country seeks to divide the Cuban people, but the workers will not permit this no more than the external world can tell them what form of union organisation should be adopted.

The Committee noted the information given by the Government on points the Committee has been discussing for several years. It stressed the importance of the existence of independent trade unions which it regrettably felt bound to conclude do not seem to exist in the country. Therefore the Committee urged the Government to consult with the ILO on the situation under debate. It hoped that the Government will send a full report on these questions to the competent organs of the ILO and that the Committee will be able to conclude the situation being in full conformity with the Convention at one of its next sessions.

The Workers' member of Cuba assured that in his country trade union organisations were independent and requested that his reservation on this conclusion be reflected.

Ecuador (ratification: 1967). The Government has communicated the following information:

With regard to the observations of the Committee of Experts, the Government emphasises that the amendments in the Labour Code which were introduced by Act No. 33 were the result of important discussions and debates at the national level. The Act in question updates the Labour Code of 1938 and responds to the needs of contemporary economic and commercial reality without losing sight of the intangibility of the guarantees on labour matters contained in international Conventions.

Act No. 133 constitutes important progress in the protection of workers' interests. In order to approach professional relations more seriously and to guarantee a right of appeal to workers to claim their rights in the event of a loss of their source of income, the Act also introduces in the legislation two new bases for a strike (section 63(6) and (7)), and it increases the fines imposed in general on employers when they violate the provisions of the law which protects workers.

The opinions expressed during previous meetings with representatives of chambers of commerce and with workers' organisations were taken into consideration during the drawing up reforms of the legislation.

Within the National Assembly, the Commission for Labour and Social Affairs is responsible for initiating the constitutional procedure provided for reform drafts which are proposed by the executive as well as for the propositions made to this organ by the United Workers' Front and the Ecuadorian Confederation of Class Organisations.

The goal of the reforms is to establish a balanced and equitable instrument to regulate professional relations to the extent that these reforms aim to correct defective procedures, make the exercise of the right of appeal quick and flexible, and improve the degree of individual protection of workers.

The increase in the minimum number of workers necessary to form trade unions (sections 53 and 55 of Act No. 133).

The Government is of the view that the exercise of the right to form trade unions is not hampered by sections 53 and 55 of Act No. 133 which increases the minimum number of form trade unions. Indeed, the first paragraph of Article 8 of Convention No. 87 stipulates that in exercising the rights provided for in the Convention workers shall respect the law of the land. Consequently, this international instrument confers on each country the authority to determine, in the light of national realities, the necessary number of workers. It is precisely the economic, productive and social realities prevailing in Ecuador that have made it necessary to revise the minimum number of workers needed to form trade unions; the old rule was adopted in 1938, at a time where the industrial and professional development was still entirely in its initial stage. Today, the country is undergoing a process of economic, industrial and customs union at the regional and subregional levels. As of 30 April 1992, 41 workers' organisations had been established in virtue of Act No. 133. It is equally important to underline that the legislator has paid particular attention to the protection of acquired rights and to the legal personality of organisations established prior to the entry into force of the said Act. To this end, a transitional provision has been incorporated into the Act.

The decision of the Minister of Labour concerning minimum services in the event of a strike (Section 69 of Act No. 133)

The legislator is of the view that the Government has the fundamental obligation to look after the functioning of minimum services in the event of a strike in institutions whuch provide services which are essential to the social or public interest. This is not a rule which applies generally, but rather is a provision of an exceptional nature, which is applicable to institutions which provide essential services in the social or public interest. Within this narrow scope of application, the provision in question applies only in case of a disagreement between the parties. It should be pointed out as an antecedent that since 1991, the country has suffered terribly from the effects of a serious cholera epidemic. Due to this fact, it was indispensable that hospital and health services, particularly those situated in rural zones lacking in sanitary facilities, continue to function. However, in these circumstances, national and regional strikes were called by workers in the health sector which competely paralysed the medical services. This situation not only led to the death of persons affected by cholera because they had not received the necessary medical care but also put parts of the population deprived of this essential public service in great danger. Any society, and especially one which is on the brink of poverty, has without any doubt a fundamental obligation to maintain the right of its citizens to life and to health. Confronted with this reality, the Government was obliged to adopt, without, however, hampering the right to strike or other actions with similar claims, adequate measures in order to ensure a minimum guarantee for the running of essential services. These measures apply once the period of time provided for in the law has run out and the parties are still not able to agree on the maintenance of these services.

Drafts of amendments to labour legislation

In the context of the commitment made by the Government towards the International Labour Organisation, the Minister of Labour took many steps within the National Assembly to include in the reforms drawn up by this organ in labour matters, the examination of draft modifications and of legislative interpretations of provisions which were the object of observations by the Committee of Experts. In the light of this commitment and considering that it is in the interest of the Government to regularise the application of ratified international Conventions, the Minister of Labour, in his communication No. DM–900116 of 18 April 1991, asked the President of the Assembly to initiate the constitutional procedure regarding the draft legislation which was submitted to this legislative body on 22 May 1990. Following this, in a communication No. AIT–91102 of 19 July 1991, the Ministry of Labour asked the Vice-President of the Commission for Labour and Social Affairs of the Assembly, to proceed in the examination of reforms of the Labour Code. Finally, in a communication No. AIT–91117 of 12 August 1991, the Minister of Labour himself addressed the Vice-President of the said Commission and immediately asked it to advance in the examination and the adoption of the legislative reforms introduced on 22 May 1990. Under these conditions, the Government reiterates its intention to continue asking the competent authorities of the National Assembly to examine and approve the draft legislation, the end result of which will be determined by this legislative organ.

The Government has enclosed a copy of the communications mentioned in its report.

In addition, a Government representative, the Minister of Labour and Human Resources, supplied information on the efforts made by his Government to revise the country's labour legislation. Recalling that, in November 1989, at the request of President Dr. Rodrigo Borja, the ILO had undertaken a consultative mission to Ecuador to examine, among others, issues relating to the application of the Convention, draft legislation which took into account the suggestion made by the ILO mission had been presented to Congress. As of this time the draft legislation had not been adopted into law. Noting that communications had been sent to the President of Congress in April 1991 and the President of the Labour Law Committee in July 1991, he regretted that in spite of the close relations of these persons with trade union activists, no action had been taken on the draft legislation, leaving unresolved certain questions of application raised by the Committee of Experts. The speaker invited the Workers' members of his country to join with the Government in its efforts to adopt the draft legislation before the closing of the present legislative session in August 1992. As concerned the specific points raised by the Committee of Experts in its observation on the problems in applying of Act No. 133 of 1991 to reform the Labour Code, in relation to the Convention, the speaker referred to the context of this reform. The reform had been made after a significant period of consultation with workers' and employers' organisations, consultations which had never taken place before in the history of constitutional democracy in Ecuador. Act No. 133 brought many improvements for workers; unfortunately, the Committee of Experts' observations took up only two points. Act No. 133 did not violate the explicit provisions of the Convention. The Convention did not stipulate a permissible minimum number of persons for establishing a workers' organisation, a level suggested to be between 20 and 30 workers. Changes in economic and social conditions of his country had obliged an amendment of the Labour Code of 1938, increasing the required minimum of 15 workers to 30. The speaker recalled the comments recently made by the President of the Republic of Zambia to the Conference that efforts should be made to ensure that legislation does not hamper business activity, as well as the offer of the Director-General of the ILO to provide technical assistance to countries seeking to make labour legislation more flexible in the light of new social and economic conditions. The Government had introduced elements of flexibility in its labour legislation and was going to examine the practical results of Act No. 133; in the six months it had been in force, 41 workers' organisations had been registered and the frequency of labour disputes had dropped. As concerns the decision of the Ministry of Labour, in the event of disagreement between the parties, on the level of minimum services to be maintained in the event of a strike in services that are considered to be essential – referred to by the Committee of Experts in its observation – the speaker expressed the view that strikes in essential services, particularly hospitals, had produced desperate situations for local populations. The regulation of strikes had to be considered in a broad social context, both by governments as well as by trade unions. In any case, under Act No. 133, the number of cases in which a strike could be called had been extended. In conclusion, he emphasised the need to revise the labour legislation in such a way as to meet the principal preoccupation of government: unemployment and underemployment. As unemployment had been a priority issue for government, measures had to be taken to encourage creation of enterprises.

The Workers' members were deeply disappointed that the Government did not take advantage of the opportunity offered by the adoption of Law No. 133 in order to put its legislation in conformity with the Convention as well as to implement the points contained in the comments of the Committee of Experts over the last several years. This was all the more so because of the fact that this case had been previously discussed on several occasions, that two ILO missions had visited Ecuador (1986-89) during which the Government had taken on certain undertakings, and that special paragraphs were included in the Committee's report to the Conference in 1988 and 1989. Despite the fact that the Committee of Experts made, at least on one occasion, a positive comment about Law No. 133 (an increase in the number of justifications for going on strike) they considered this law raised previously non-existing problems. In conclusion, they noted that unfortunately nothing had changed regarding the serious violations raised for a number of years by the Committee of Experts. Law No. 133 could very well be a ploy on the part of the Government to avoid making basic changes in the Labour Code by amending only certain articles and thus claiming to fulfil the requests of this Committee. The Government had stated, however, that the basic changes requested by the Committee of Experts had only been submitted to the National Congress by one of its members. It seemed to them, therefore, that the fate of the trade union movement had become the task of an individual member of Congress and regretted to note the decline in the State's responsibilities in this area. They considered, therefore, that the serious problems of the application of the Convention remain unchanged: the prohibition placed on public servants from setting up trade unions, the intolerable interference by the Government in the internal administration of trade unions as well as on matters touching on the very existence of the trade union movement, the Government's negative attitude about freedom of association and the dynamic role that trade unionism could play in the economy and in the development of the country, the increase of the minimum number of workers required for the establishment of trade union associations. In fact the Convention does not specify any such number and it was evident that the increase in the minimum number required tended to diminish, in reality, the possibilities of workers to create trade union organisations as well as their power to defend their interest. The workers' members strongly urged the Government to be more active in ending, as soon as possible, the long-standing problems raised and thus fully implement in practice the provisions of the Convention.

The Employers' members referred to the three points raised by the Committee of Experts regarding Law No. 133. They did not wish to make further comment on the extension of the number of cases in which a strike can be called, as this aspect of the law had not been criticised by the Committee of Experts. They recalled, however, that the Experts considered problems could arise regarding the other two aspects of the law (the increase in the minimum number of workers required for the establishment of trade union associations and the decision by the Ministry of Labour, in the event of disagreement between the parties, on the minimum services to be maintained in the event of a strike). Apparently the Experts were not sure on this point and the workers' members expressed the same doubts as well. Although a good number of countries did require a minimum number of workers for the establishment of trade unions, the employers were of the view that it was not necessary to fix such a minimum number. As the convention was silent on this question they felt that it should be the practice in reality that should resolve the question. The Experts considered the minimum number established in the Ecuadorian legislation (the figure was increased from 15 to 30) to be a dubious one. The Employers' members did not wish to pursue this point because, as already stated, they felt it was the practice in reality that should provide solutions. As regards the decisions made by the Ministry of Labour, in the event of disagreement between the parties, on the minimum services to be maintained in the event of a strike, the Employers' members considered that it was necessary to maintain emergency services. A decision should rapidly be made in the event that the parties failed to agree on the definition of such services. In their opinion, this decision should be made by the employer and that such decision could successfully withstand legal challenges. They considered medical services to be part of essential services that should not be interrupted and for which the minimum requirements should be clearly established. The Experts required other changes regarding the five points discussed previously by the Conference Committee. the Employers' members considered these points to have varying degrees of importance. With regard to the penalties for strikes they assumed this referred to illegal strikes. In view of the fact that this Committee was not aware of the clear definition of an illegal strike in the country, they felt this question should be left pending for the time being. With regard to the administrative dissolution of a works council when its membership drops below 25 per cent of the total number of workers, they considered that the Convention did not contain specific provisions on this point. In such a case they considered that the general principle that, on such matters, freedom, understood in the widest sense possible, should apply and that practice in reality should resolve the details of its application. The other points, namely, the prohibition placed on public servants from setting up trade unions, the requirement that members of the executive committees of a works council be Ecuadorian, as well as the prohibition placed on unions from taking part in religious or political activities, were, in their view, unjustified interferences in the exercise of freedom of association. With regard to the four drafts presented to the National Congress by one of its members referred to in the report of the Committee of Experts, the employers' members requested the government's representative to provide information on the content of these amendments as well as on the prospects for their adoption. Considering that it was up to the Government, in the end, to take appropriate measures regarding the criticisms made, they requested for all useful information in this respect.

A Workers' member of the United States, on behalf of the Workers' members, regretted the fact that this was a long-standing problem in need of remedial action. He was all the more concerned because of the absence of information from the Government representative on the results of the 1986 direct contacts mission. Six years after this mission, the situation remained unchanged. The exasperation of the workers finally led the workers to insist on, and obtain, a lengthy special paragraph in the report on the question. He requested the Government representative to indicate to this Committee which recommendations of the direct contacts mission received follow up in order to initiate the badly needed reforms and which ones were not, and the reasons for such failure.

The Workers' member of Ecuador deplored the fact that the changes to the Labour Code introduced by Act No. 133 of 1991 signified a step backwards of 50 years in the area of freedom of associations, collective bargaining, and the right to strike and that the Government had taken no measures to go ahead with the adoption in Parliament of the draft legislation prepared with the ILO's technical assistance and which concerned four of the points raised by the Committee of Experts for many years. Regarding the establishment of trade unions, and, specifically, the increase of the minimum number of workers (from 15 to 30) included in Act No. 133, the Government had justified this provision in the press by stating that it was aimed at increasing employment, and that if trade unions were to be restricted to enterprises with more than 30 workers, more small enterprises would be created. This was a violation of the Convention, especially when account was taken of the fact that most undertakings in Ecuador did not have the above-mentioned minimum legal number of employees. In addition, attainmnent of this minimum number might be easily frustrated, lost by the dismissal of members, since all that was needed for dismissal was the simple payment of compensation. In addition, the creation of trade unions faced obstacles in the Ministry of Labour which, in many cases and repeatedly, returned the trade union constitutions without having registered them because of minor problems with formalities such as the omission of a word, fullstop or comma, thus violating the legislation. In relation to the prohibition on public servants from setting up trade unions, the President of the Republic had stated in the press that unionism in the public sector was the shortest road to the dissolution of the State; this concept inspired the Government's policy on trade unionism. Public servants could also not bargain collectively or sign collective agreements. In addition, section 73 of the Armed Forces Act denied civilian employees in undertakings attached to the Armed Forces the right to form trade union organisations. He also criticised the regulation of minimum services to be provided in the event of a strike in essential services as set out in Act No. 133. The range of public and private activities which do not correspond to "essential services"; minimum services must be maintained with at least 20 per cent of the workers and, when the parties did not agree on the number of workers required to guarantee that service, the Ministry of Labour decided the matter. This was the case in the public sector as well, where the State was both judge and petitioner. If the workers did not accept the minimum service decided by the Ministry, they could be dismissed and new workers could be recruited, including those subject to civil liability. He criticised the provisions of Act No. 133 concerning the need to establish a sole central committee representing 50 per cent of the workers in a company, undertaking or industry of the public sector so as to be able to bargain collectively. Such a committee in fact replaced unions and disappeared once a collective agreement was signed, thus making any follow-up on the agreement impossible. Moreover, the required percentage of 50 per cent for negotiation could be very difficult to attain. In concluding, he recalled that the case had been discussed for many years and supported the Committie of Experts' observations; he hoped that the Committee of Experts would examine the points to which he had referred.

The Employers' member of Ecuador stated that the intervention of the Workers' member of Ecuador was highly exaggerated and gave a picture which did not correspond at all to the situation existing in the country. He deplored the fact that the trade union organisations had not wanted to take part in the first stage of the work on revision of the Labour Code and had participated in an unsatisfactory manner in the subsequent phase. He regretted that the questions were being interpreted out of context and that there had been no mention of the labour victories gained through Act No. 133: increase in compensation for unjustified dismissal; possibility for unions to intervene as parties in judicial proceedings where the State had lodged a petition against an undertaking; possibility to exercise the right to strike during collective bargaining; creation of a tripartite minimum wages council; abolition of the low level of protection against dismissal for workers having permanent contracts. As for the right to unionise in the public sector, a restrictive standard did exist, but only in theory – and statements of the President of the Republic had explained this – because most public servants in Ecuador had enjoyed this right since the revision of section 125 of the Constitution in 1978. Trade unions existed in municipalities, in the petroleum sector, in the electricity sector, etc., and for this reason Act No. 133 regulated the minimum sercices to be maintained in the case of a strike. This was because, in such essential services, the community had a more valuable interest than that which trade union leaders wished to impose – although it was also valuable – and the country could not for that reason be at their mercy. The increase in the minimum number of workers for the establishment of a trade union contained an implicit reference to informality in a context where undertakings faced many restrictions. A choice had had to be made between rigid legislation and a flexible, sensible and prudent legality in which all factors were present. Finally, he indicated that the minimum services to be maintained in the case of a strike met the requirements of equality in labour relations and in the exercise of the rights of all parties. Trade union organisations had on many occasions signed clauses concerning minimum services.

A Workers' member of France noted that statements made by the Employers' member of Ecuador would make one believe that the situation was satisfactory and the serious criticisms made by the Experts in their report should be overlooked. The statement did not include new points that would eliminate the need to amend the provisions prohibiting civil servants to form unions and the impediments on freedom of association. In addition the efforts made by an Employers' member to convince this Committee that it would be possibe to put Ecuador in the hands of workers, despite the numerous obstacles contained in the laws, was beyond him. Taking into account the need to insist upon the changes requested by the Committee of Experts he expressed his expectation that the Government would do everything possible to change the laws along the lines suggested by the Committee of Experts and that the Ecuadorian employers would in the future respect not only the laws but the workers in the country.

The Workers' member of Ecuador stated that the trade union organisations had sent their suggestions in writing to the Government concerning the reform of the Labour Code and that the Government had not retained them. Given the differences of opinion between the members of this Committee, he asked that an ILO mission visit Ecuador so as to obtain information on the application of the Convention.

A Workers' member of Colombia deplored the fact that the Employers' member of Ecuador considered the informal economy as the panacea of Latin America and sought justification for the disappearance of the trade union movement. The problems proposed by the savage capitalist model had to be looked at jointly in Latin America. Since there had been no reply given to the points raised by the Workers' member of Ecuador, the Committee of Experts would have to examine them next year.

A Workers' member of Pakistan pointed out that the right to organise, recognised in the Convention, was equally pertinent to workers and employers. He appealed to the employers to show concern in this case even if it only involved the right of workers to organise because the power of the government to dissolve such organisations could be also applicable to them. In his view, trade unions always put their communities' interests ahead of their own. He expressed the hope that the national legislation in Ecuador would soon be put into full conformity with the requirements of the Convention.

The Workers' member of the United Kingdom, on behalf of the Workers' members, expressed his doubts about the reassurances given by the Government representative that his Government did not wish to restrict the right of workers to organise. Workers in public enterprises such as electrical and oil companies were granted certain rights while employees of the state administration were still deprived of their right to organise. He was particularly concerned about civil servants in Ecuador who were denied the right to organise under the law of that country.The Convention clearly recognised their rights in this respect: he referred to the countless examples of civil service unions throughout the world. If civil service unions had not existed a number of leading members on the Workers' bench on the Committee would not have appeared and taken part in the work of the Committee. They recognised the right to strike had in recent years been queried by some employers as not being integral to the Convention but this Committee and the Committee of Experts had reaffirmed this right. Unless the Government representative could offer clarifications on the concerns addressed by this Committee and unless the Government could assure the Committee that his country will soon be in full conformity with this Convention they would be urging that this Committee re-examine the case next year. In the event that no progress is reported next year, they would be requesting that the matter be dealt with in a special paragraph in the Committee's report.

The Government representative regretted the attitude of certain Workers' members, and, in particular, of the Workers' member of Ecuador whose tergiversation prevented any advance and had repercussions on the internal politics of the country. An example of this tergiversation was that Act No. 133 implied a step backwards of 50 years because it allegedly removed all the labour victories contained in existing law. He recalled in this respect that the trade union organisations had at the outset rejected participation in the process for reform of the Code and that, despite this, he had met with the trade union leaders – including the Workers' member of Ecuador – and managed to arrive at an agreement which settled eight or ten basic questions. It also had to be pointed out that under the present system 400 new trade union organisations had been established. He stated that he was willing to defend, together with the parties who so wished, the revision drafts which had been prepared with ILO assistance. He read them out to the Committee. He also recalled that the Member of Parliament who introduced these drafts in Parliament had done so at the request of the Government. Finally, he pointed out that the trade union organisatiaons were involved in the noble fight for better conditions, but should not lose sight of the circumstances necessary for efficiency in public and private enterprises.

The Employers' members considered that this dialogue was necessary in view of the fact that the last time the Government spoke to this Committee was three years ago. The discussions, in their view, went beyond the points contained in the report of the Committee of Experts and they thought it was not appropriate to go into the details. Both the report of the Committee of Experts and the statement of the Minister referred to the positive changes made but they thought other changes were still needed. The Employers' members hoped that the Government would be able, as soon as possible, to provide this Committee and the Committee of Experts with a detailed written report in this respect.They urged that the Committee's conclusions concentrate on the large areas of agreement between the Workers and Employers regarding these suggestions.

The Committee noted the information supplied by the Government but recalled that the subject-matter had been discussed a number of times before and that its conclusions have been mentioned in special paragraphs of its reports. It found small signs of progress in the Bill to amend the labour legislation pending before Parliament. It asked the Government to take appropriate measures to bring its labour legislation into full conformity with international standards and to ensure implementation in the very near future, taking into account the great importance attached by this Committee to freedom of association. It urged the Government to send the relevant documents to the ILO as soon as possible and it decided to examine the case at its next session and hoped to note with satisfaction measures taken in this respect.

Ethiopia (ratification: 1963). A Government representative acknowledged that the Committee of Experts had been making observations concerning the application of the Convention for the past ten years. The Ministry of Labour had been aware of these observations, and had conducted several studies to revise Labour Proclamation No. 64/1975 and other labour-related legislation in order to conform with the relevant ILO Conventions. However, the political situation in Ethiopia at the time did not favour the enactment of a progressive labour law. The country was now experiencing a new era of peace and democracy. The Transitional Government had issued a Democratic Charter fully endorsing the principles of the United Nations Universal Declaration of Human Rights; it guaranteed freedom of conscience, expression, association and peaceful assembly and demonstration, and specifically provided that a just labour law protecting the rights and interests of workers should be promulged. She stated that the Ministry of Labour and Social Affairs was now preparing a new draft Labour Code, taking into account the comments of the Committee of Experts and making all possible efforts to bring the law into conformity with the principles of ILO Conventions ratified by Ethiopia, as well as principles in Conventions which it had not ratified, in particular those stipulating fundamental standards regarding working conditions. The draft law provided that workers may organise without interference from public authorities. A single trade union system was not imposed, and federations and confederaations could be formed upon the initiative of workers. Employers may also establish and join employers' organisations. She noted that the Labour Proclamation of 1975 and Proclamation 222/83 omitted the question of the right of association of employers. She stated that trade unions did not need to obtain previous authorisation from competent authorities in order to affiliate, either with national organisations or with international organisations, and were not subjecst to any kind of scrutiny. They could establish their own constitution and by-laws and organise their administration and activities as they wished in order to achieve their objectives. Under the draft law, trade unions were no longer obligated to dissiminate government ideology or serve as government spokesmen. They were free to protect their members' interests and to negotiate with employers on any labour matters. The right to strike in furtherance and defence of their interests was recognised. A tripartite tribunal was authorised to determine the legality of strikes, but no unnecessary conditions restricting the exercise of the right to strike were imposed. Lockouts by employers were also permitted. It was emphasised that the draft law, which replaced all previous labour legislation, was comprehensive, and covered all forms of employment relationships existing between workers and their employers. An effective labour inspectorate was established, and inspectors were empowed to bring court proceedings in respect of any violation of the labour law. Tripartite consultation was stressed for all spheres of industrial relations. The Government representative noted that the draft labour law had been discussed at length in the Council of Ministers, and that the final draft would be submitted this summer to the Council of Representatives, which was the highest competent authority in the country. The Government intended to send the text of the law to the Committee of Experts so that it could be examined in detail to determine whether it conformed with ILO standards; any suggestions from the Committee of Experts would be welcomed, as there remained an opportunity to improve the draft law prior to presentation for debate in the Council of Representatives. She noted that during the Organisation of African Unity's Commission Conference, the Prime Minister had informed the ILO Director-General that the Government was committed to implementing the principles of ILO Conventions and stated that the final text would be sent to the ILO as soon as it was adopted.

The Employers' members considered that the statement of the Government representative was very good news, especially when compared to that which they had heard about the case in previous years. In many ways, legislation and practice in this country contravened the Convention: for example, a single trade union system was imposed, trade unions were required to represent particular political views, and there was an absence of employers' organisations. In the report of the Committee of Experts it was pointed out that the transitional Government had undertaken the revision of the labour legislation. The Government representative referred to the content of this new legislation, which seemed to meet all the points referred to in the Report of the Committee of Experts. They hoped that all the discrepancies between the Convention and national legislation would be eliminated in this way. It was clear that a democratic State was pluralist by nature and could not impose a political point of view on social groups. They encouraged the Government to put its intentions into practice as soon as possible so that at a later stage the Committee of Experts might ascertain whether the points raised had actually been addressed.

The Workers' members thanked the Government representative for informing them about the improvements and developments noted in the report of the Committee of Experts. As they had been waiting to receive the text prepared by the committee responsible for revising the national legislation, the Experts could only refer to the previous comments which noted the discrepancies between the legislation in force and the Convention. In this respect, it was necessary to raise two matters. Firstly, as the 1983 General Survey on Freedom of Association and Collective Bargaining had clearly indicated the legislation could not impose a single trade union system. If the workers themselves decided to form a single trade union, this was their right, but other choices – in particular, trade union pluralism – must remain possible. The second point concerned the crucial importance of the right to strike as an essential element of freedom of association. It was hoped that in the examination of this question the Government would duly take into account the decisions of the Committee on Freedom of Association and the conclusions of the

Committee of Experts. Finally, in view of the importance of the announced changes, it was essential that the legislative text be supplied in the near future to the ILO, so that the Committee of Experts could examined the planned legislation to determine whether it had eliminated the discrepancies that had been pointed out for many years.

A Workers' member from Italy considered that it was necessary to take into account the very serious economic and political conditions faced by Ethiopia during its transition towards democracy. It was necessary for this democratisation process to gain support from ILO assistance and from bilateral relations.

A Government member of Germany referred to the fundamental changes which had taken place in recent months in Ethiopia, which had not only brought peace to the country but had also led to a completely different political, economic and social orientation. The events which were related by the Government representative were further evidence that the Government was proceeding in the right direction. These statements demonstrated the influence which ILO standards could have on the national legislation of member States. The Government representative from Germany wished to join in the comments made by the preceding speakers and hoped that in the next report of the Committee of Experts, it would be able to take note of significant changes in this case.

The Government representative reiterated that the Government would send an English translation of the draft labour law to the Committee of Experts for its review; the draft was approved by the Council of Ministers in June 1992.

The Committee welcomed the information given by the Government. It understood that the Transitional Government had started a process of changing the existing labour legislation, with a view to bringing it into full conformity with the Convention, which process had already led to a draft. It noted that the Government had mentioned that that draft was likely to be passed during this calendar year. It also noted the Government's undertaking to send a copy of the draft to the ILO as soon as possible, which undertaking was welcomed. It therefore hoped that the Committee of Experts would be able to find the legislation in conformity with the Convention in its next report.

Honduras (ratification: 1956). The Government supplied the following information:

The Government is aware of the need to reform its Labour Code with a view to bringing it into conformity with ratified Conventions and social developments in this field. The Government's will as concerns these changes has been expressed by the President of the Republic on different occasions; this interest has been translated into the creation of a Special Commission, in which the Government's will to make these changes as well as all those which arise on tripartite level to the extent possible, with the intent to secure agreement of all the interested sectors. The Government has at the same time implemented a project entitled "Modernisation and institutional reinforcement of the labour administration in support of the economic reorganisation programme", of which this Special Commission has knowledge. The objectives of this project correspond with those of the Special Commission. The Government nevertheless understands the Committee of Experts' preoccupation with the period of time – many years – which has elapsed since the Committee's first observation without the necessary amendments having been accomplished. The Government will continue to regularly inform the Committee of Experts on the progress which it has achieved.

In addition, a Government representative, the Minister of Labour and Social Welfare, referred to the enormous and serious problems faced by his country in all areas. He indicated that his Government generally encouraged dialogue and consultations in all sectors. Referring to the observations of the Committee of Experts he pointed out some contradictions that existed between certain articles of the Labour Code and the provisions of the Convention even though these contradictions might only relate to minor points. For example, it was a requirement to obtain the consent of a certain percentage of workers or, in some public enterprises, the approval of certain authorities before calling a strike. However, the right to strike was not prohibited. The Government has decided that the adoption of a new Labour Code or the substantial reform of the existing one should be based on and the product of consultations in the country as it was useless to legislate arbitrarily or adopt idealistic standards. In doing this it was necssary to take into account the suggestions of the Committee of Experts as well as the assistance offered by the ILO. Two very productive seminars, which helped bring out the initial cooperation required from the different sectors, were conducted. A tripartite committee chaired by the Deputy Minister of Labour has been established in order to change the structures of Honduran labour legislation and to follow up the comments of the Committee of Experts and its results would be seen in the course of this year. Finally, he indicated that the Government would be sending its observations along with conclusive evidence on the complaints pending before the Committee on Freedom of Association and expressed the desire to cooperate with the ILO as requested.

The Workers' members welcomed the information provided by the Minister concerning the setting up of a tripartite Committee to advise on the changes that need to be made to the Labour Code to put it into full conformity with the Convention. They also welcomed the information about the Government's consultations with the ILO on these questions. While all these were encouraging developments, they recalled that the Committee of Experts had been making its comments on this question for many years now and no legislative measures have yet been adopted to amend the Labour Code. Referring to the strong language used by the Committee of Experts in its report, they emphasised to the Government the need for it to examine these comments, including the seven specific areas in which the Committee of Experts found the existing Labour Code to require amendments to bring it into line with the provisions of the Convention. In view of past long delays in this case, they strongly urged the Government to do its utmost to adopt legislative texts to amend the Labour Code as soon as possible as well as to ensure their full application in practice.

The Employers' members considered that the seven points figuring in the Committee of Experts' comment did not have the same weight. The ban on workers employed in small agricultural undertakings and stock-raising enterprises form joining a union, the ban on more than one union per enterprise, or the requirement that trade union leaders be engaged in the occupation or profession represented by the union for more than six months violated the very text of the Convention. The Employers' members were therefore in agreement with the comments made on these points by the Experts and considered, like them, that the Government should take the necessary measures to bring its legislation into conformity with the Convention. They also expressed the hope that the Government would amend the legislation in the near future. However, the other points criticised by the Committee of Experts could not be directly based on the Convention. When the Convention was drawn up in 1948, the question of introducing the right to strike, for example, had not been retained in the text. The comments of the Committee of Experts on national legislation in relation to essential services and other aspects of the right to strike were not therefore founded on the Convention itself. As regards the legal requirement of a two-thirds majority of a union's general assembly for calling a strike, the Employers' members noted that, in many countries, the majority required for calling a strike was governed by legislation or through trade union statutes, and that in any case when trade union statutes were silent on this point, it was for the State to determine the parameters since every strike involved some disruption. The definition of the required majority was a national question which had to be settled by the law and practice of the country. In the light of these considerations, the Employers' members did not share the Experts' opinion that the requirement of a two-thirds majority of a union's general assembly for calling a strike constituted a violation of a Convention.

The Workers' member of Honduras confirmed that a tripartite commission for the revision of the Labour Code had in fact been designated for bringing the Code into conformity with the Convention, along the lines of the comments of the Committee of Experts, but with one exception: the recommendation that more than one enterprise union be allowed to exist in the same enterprise, institution or establishment. In fact, compliance with this recommendation would open the doors in Honduras to the serious phenomenon of solidarist organisations, which some employers were trying to introduce to take over the activities belonging of trade union organisations. He indicated that, in 1991, the Confederation of Honduran Workers had signed a document with the President of the Republic in search of an immediate process for the revision of the Code so as to prevent the rise of solidarism. Subsequently, the employers' and workers' organisations had presented amendments along these lines to the competent authorities. Finally, he stressed that a final date should be fixed for completion of consultations on the various revisions of the Labour Code, and stated that if cooperation did not succeed, the Government would have to take the appropriate decisions.

The Government representative stated that the Government saw no problems with submitting the Committee of Experts' recommendations to Congress. He repeated his earlier statements on the need for cooperation which would lead to the processing of the reforms, because the contents of some of them could be subject to controversy between workers and employers.

The Committee took note of the information supplied by the Government. It welcomed the progress which was being made, in particular in relation to the reform of the Labour Code which was being prepared. However, it recalled that the Committee of Experts had been drawing the Government's attention to the legislative provisions requiring revision and yet until now such revision had not occurred. Consequently, the Committee expressed the hope that the Government would very rapidly be able to have the necessary reforms adopted and that it would send the relevant texts to the ILO.

Kuwait (ratification: 1961). A Government representative referred to the reasons why the Government had not been able to implement the Convention, and stated that the Government had started, on its return home last year, to look into the observations of the Committee of Experts. Kuwait had set up a committee in order to carry out a final study on the possibility of drawing up a draft Labour Code, in consultation with the General Federation of Kuwaiti Workers and the Chambers of Commerce and Industry, taking also into account the observations of the Committee of Experts. This committee had finished studying the draft Code which was being submitted to the legislative authorities. Labour relations had gone beyond Act No. 38 of 1964; workers had been able to enjoy their rights through bilateral negotiations and collective agreements which had been authenticated by the Ministry of Labour and Social Affairs, and had become a referral point for courts. Under section 13 of the Act, workers and employers have the right to organise. Another element clarified by this Act was the role of these organisations. The law recognises the right of workers to freedom of association and the right to organise, and therefore made trade unions legitimate and legal from the point of view of the law. The speaker emphasised that Kuwait had made great strides in developing labour relations and the trade union movement, as well as the protection of workers' rights and the improvement of conditions of work, in accordance with provisions of the Convention. The Ministry of Labour and Social Affairs no longer had wide powers of supervision. The Ministry was confined to give assistance that trade unions might require from the Government. The Ministry also had the right to control any activity which may be contrary to national law. As to the eligibility of non-Kuwaiti workers to hold trade union office, the text of the Act does not expressly prohibit them from being elected or from holding trade union office in accordance with Chapter 3, section 72. Concerning the system of a single trade union, in order to protect the rights of workers the Government had enabled workers to set up more than one trade union. In relation to workers' grievances, the settlement of labour disputes and the imposition of arbitration, he indicated that Act No. 38 provided that workers' complaints might be settled on a bilateral basis. The trade union is authorised to act on behalf of workers in accordance with this Act, but the Act is not applicable to employers' complaints against workers. The decisions of the arbitration body are final and binding. Since labour disputes are delicate and sensitive issues which require rapid resolution, they are dealt with by a subsidiary body of the court of appeals, referred to in section 88 of the Act, following fair and just procedures, in accordance with the Convention.

The Workers' members stated that this case had been discussed in the Conference Committee in 1981, 1982 and 1983. The Committee of Experts in its report referred to the Government's information to the effect that the Convention had helped to strengthen freedom of association and trade union organisation, develop union activities and orient trade union freedom towards its goals in terms of defending workers' rights; it also referred to a new draft Labour Code. However, since the legislative and practical position had not changed, the Committee of Experts recalled the current divergencies, including provisions on trade union monopoly, restrictions on union activities for foreign workers, supervisory powers of the authorities as to the functioning of union organisation and above all restrictions on the free exercise of the right to strike.The Workers' members also felt it necessary to express their view on the right to strike so as to maintain balance in the report and for the future work of the Committee, since the Employers' members spokesman had continually during the examination of individual cases mentioned this to explicate the Employers' attitude. The Workers' members repeated clearly and unequivocally their support for the Committee of Experts' interpretation of the right to strike, both as regards the right to strike in general, not only as concerned the way in which it was carried out, but also possibly limited. They considered the Experts had correctly applied working methods and principles referred to in paragraph 6 of their general report. The right to strike in principle and as it is practised under the law was an essential means of realising trade union freedom. It was also a basic ingredient of trade union freedom. The Committee of Experts' opinion was not new, and it had been known for many years; the Committee of Experts repeatedly confirmed it in its report. Their view was founded on case law of the tripartite Committee on Freedom of Association and there was no reason to change the established views. Contrary to the Employers' members' spokeman's ideas, universality of standards does not allow selective interpretation of freedom of association and the elements making it up – including the right to strike – according to the political system or the economic or social situation of a given country. The Workers' members reiterated their position in the discussion of problems related to the exercise of the right the stike in Kuwait. Referring to the Government representative's statements that the Government was trying to improve the situation, and that a draft Code had been prepared, the Workers' members thought it necessary for the Government to transmit without delay information for examination by the Committee of Experts on all points mentioned in its report to the Office, so that the Conference Committee could follow developments and examine the case again next year.

The Employers' members recognised the extraordinary circumstances that the Government had faced in the past few months and appreciated the rapidness with which it had come back to this issue and had proceeded to submit a draft Code to the legislature. They considered that the Government should submit a copy of the draft legislation to the ILO in order for the Committee of Experts to have a better appreciation of the degree to which the requirements of the Convention were met. As regards the right to strike, they recalled their position that the finding of a detailed regulatory scheme relating to the right to strike is not appropriate under Convention No. 87 because the words "right to strike" do not appear in the text of the Convention. The Conference Committee, in deciding not to consider the controversial issue of the right to strike, simply did not address it and made clear that the instrument deals with "freedom of association and not the right to strike." The Employers' members recalled the remarks they had made in 1991 that many of the decisions and interpretations of the Committee of Experts were drawn from decisions of the Committee on Freedom of Association, and that the latter Committee was not limited to the words found in Conventions Nos. 87 and 98 and was in a position to espouse general principles. They therefore noted their reservaion with respect to the right to strike and the Experts' findings, in particular that restrictions could not be placed in the case of strikes in the essential services in the strict sense of the term, which they considered going too far in terms of what Convention No. 87 contemplates. With the above-mentioned reservation, the Employers' members associated themselves with the comments of the Workers' members and hoped that the Government would soon be on a position to report that it is conforming with the requirements of the Convention.

A Workers' member of France stated that the case had been discussed for several years and referred to the situation of migrant workers, a large part of the workforce. Since restrictions on freedom of association concerned these workers' might be considered in Kuwait very few people could join a union. The very nature of political power was undemocratic: far from being democratic, the regime was feudal: promised amendments had not been made, migrant workers were subject to restrictions, compulsory service at will, and placed outside legislation. The Government should make it clear whether proposals for amendments would explicitly eliminate discrimination against foreign workers. As regards the right to strike, the speaker stated that it was part of international labour standards and any government which undertakes to observe the Convention must also observe the right to strike for all categories of workers.

A Government member of Germany associated himself completely with the previous speakers as regards the current case. On the other hand, his agreement on the conclusions which the Committee will adopt in this case did not extend to all aspects of the interpretation of the Convention advanced on various sides.

A Workers' member of Italy considered that Kuwait had made insufficient efforts to observe the Convention, although during recent events it promised to democratise and freedom of association was an essential part of this. Failing observance of the Convention, democracy was a long way from being realised. The role of unions was essential for reconstruction of the country on a more just social basis. Prohibition of political activities for unions contradicted their very political participation in liberation of the country. The majority of workers' dependants were migrants and their freedom of association was restricted if such workers could not join unions of their choice. As Kuwait had huge resources, the Government could adopt legislation in conformity with the Convention.

The Government representative emphasised that great progress had been made in his country, which has a legitimate Constitution approved by the people, under a democratic, and not fuedal, Government. General elections are scheduled for October 1992 for the people to choose their representatives in Parliament which will guarantee the legitimacy of the Government. As regards migrant workers, he stated that about half a million foreign workers had come back to Kuwait. Concerning the single trade union system, he indicated that there were several trade unions representing employees not only in banks or industries but also in ministries; foreign workers are also allowed to join these trade unions. He recalled his initial statement that there was no prohibition on affilation to trade unions, and also stated that there were people of 80 different nationalities in the country. Numerous strikes had been organised even in the public sector, and the Government did not intervene to stop these strikes or to arrest representatives of workers for acting in an undisciplined manner. The Government merely called on the two parties to attempt to settle the dispute. Numerous collective agreements had been signed to settle disputes that had been expressed through strikes. As to the role of supervision that the Government undertakes on trade union affairs, the Ministry of Labour and Social Affairs provides subventions to all representative associations, to trade unions and private voluntary organisations. While the Government supervises the use of this assistance, trade unions have every right to undertake any activities they wish. He declared that the Government would make every effort to submit sufficient information concerning the application of the Convention and to include the revision of the Labour Code amone the priorities in the legislative authorities for reorganising the society of the country.

The Workers' members rather had the impression that legislation in general and more particularly the aspects touching directly or indirectly on the rights of migrant workers do not figure in the priorities of the Government.

The Committee noted the information supplied by the Government representative. It acknowledged the difficulties the Government had been meeting recently, but it felt bound to recall that the subject matter had been a point of concern in the reports of the Committee of Experts for many years and it was disappointed on account of the Government arguing its case referring to a Law dating from 1964, although that Law had been taken fully into account by the Committee of Experts. On the other hand, the Committee was under the impression that progress seems to be made in bringing the legislation in the diretion of full conformity with the Convention. In order that the Committee of Experts can make a full assessment of the situation, the Committee expressed its hope that the Government would send the copy of the draft Labour Code to the ILO and suggested the Government might ask the assistance of the Office in this respect.

Myanmar (ratification: 1955). In reply to the Committee's observation, the Government wishes to indicate that the Trade Union Act is the one among the existing labour laws which have now been redrafted to meet the new trends prevailing in this country. With the enactment of these new labour laws, trade union rights will prevail within a new framework.

In addition, a Government representative stated that in July of last year his Government had formed a body composed of nine members named the Central Council for Legislative Studies. This Council will examine laws which need to be repealed or amended, including labour laws. As a result, new labour legislation will be promulgated which reflects the changes occurring in the country, and is in conformity with the Convention. In addition, he stated that in conformity with Declaration No. 11/92 of 24 April 1992, his Government will meet the elected representatives of Parliament to decide on the convocation of a national Convention which will establish the fundamental principles for the drafting of a Constitution that would be the basis for a multi-party democratic system. The new Constitution will incorporate the rights of all workers to form their own independent trade unions in conformity with the democratic system.

The Workers' members stated that they understood that, according to the information provided by the Government representative, Parliament should soon deal with the problems raised by the Committee of Experts and would correct the single trade union monopoly situation. Moreover, they recalled that the Committee had dealt with this problem since 1989. They emphasised that although the Committee of Experts had not received the report, it had taken note of the written information supplied by the Government, as well as the long discussion which had been carried out in the Committee in 1991. At that time the groups were in agreement that the Government needed to take measures to eliminate the trade union monopoly, and to establish the possibility that trade union pluralism could be adopted by granting workers freedom of choice. This did not necessarily mean that the workers must form several trade unions. Neither pluralism nor a single trade union system could be legally imposed, but rather remained a matter of free choice.

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The Employers' members stated that once more they shared the opinion held by the Workers' members. They recalled that the Government had already indicated, during preceding discussions, that the trade union monopoly provided for in the law no longer applied in practice. However, the Workers' members hoped for the official elimination of this legal obligation, as was appropriately requested by the Committee. The Government had indicated that in the light of the political changes that had occurred in the country, the single party system would be eliminated and, as a result, free choice of a trade union system would be introduced. The Workers' members stated that now it was a matter of insisting on the modification of the national legislation. They stated that the written information provided constituted a brief comment on Convention No. 87, which indicated that the text of the relevant Act was being prepared. The implementation of this new legislation would re-establish trade union rights. Nevertheless, in their opinion it was indispensable that the Government provide to the Committee more details on the subject and, above all, the texts of this new Act. Moreover, there remained the question of the date of entry into force of this Act.

A Workers' member of Japan stated that the case of Myanmar was very serious. He recalled long discussions which had taken place on the subject of Myanmar in this Committee last year. Since then, no progress had been made despite the assurance given by the Government representative. In the meantime, the available information on this subject referred to the extreme degree of atrocities and the unprecedented escalation of violations of human rights committed by the military regime. He stated that, according to the statement of the Government representative, the abolition of the single party system had resulted in the end of the single trade union. However, on the basis of available information, he noted that no progress had been made, but rather there had been a change from a State with a single party to a State without any party. In the same manner, there had been a change from a single trade union system to a system characterised by a lack of any trade union. He drew the attention of the Committee to the fact that the Workers' member of Myanmar did not represent any workers' organisation, which in itself clearly illustrated that there was an absence of a trade union in the country, as well as the total and complete absence of trade union freedom. For these reasons, the case of Myanmar deserved to be included in a special paragraph of the report so that it would draw the attention of the entire Conference as well as of the world.

The Workers' member of Greece pointed out to the Committee that the Government representative first had made a statement of denial in respect of Convention No. 29, and then made a statement regarding what it would do in the future in respect of Convention No. 87. However, he reiterated the question already raised by the Employers' members as to when the actions referred to would actually take place.

The Government representative recalled his previous intervention in which he had indicated that the Government was meeting with the elected representatives of all the political parties. He stated that his country was actively committed to a multi-party democracy and market-oriented economy. Measures had been taken to attain this goal, including the guarantee of freedom of association. Democratisation of the country was a long process which required preparation and time. The Government wished to return to a democratic multi-party system because it wanted to have the collaboration of workers and employers who had been granted the right to organise freely. The Government representative recalled that his country was experiencing a period of transition towards democracy, and asked that his Government be given more time to obtain results.

The Workers' members clarified that the availability of the choice of trade union pluralism was an obligation derived from the Convention, that had nothing to do with the political situation. They considered that, taking into account the report of the Committee of Experts and the present discussion, it should demand that the Government take prompt action to correct this situation at the legislative level.

The Committee took due note of the information given by the Government. It understood that the Government was in the process of amending the legislation with a view to lifting the legal restrictions on the freedom of workers to be members of unions of their own choosing. However, it was not clear how far the Government's intentions had materialised in this respect. It therefore strongly urged the Government to bring a Bill to the effect mentioned before Parliament, as soon as possible, and send a copy of the same to the ILO at the same time.

Pakistan (ratification : 1952). A Government representative stated that the Pakistan International Airlines Act had been duly amended and that the right of association of the workers had been restored without any restriction of limitation. As regards the Pakistan Television Corporation, which was referred to as the Telecommunications Corporation, apparently by mistake, in the report of the Committee of Experts, and the Pakistan Broadcasting Corporation, he admitted that the workers did not have the right to form a union, and explained difficulties encountered in the interministerial consultations which involved not only the Ministry of Labour but the Ministry of Interior and the Ministry of Broadcasting and Information. He stated that this issue was being put before the Cabinet and that the Government was doing its best. As regards the export processing zones, where the workers do not have the right to form a trade union, he stressed that it was a temporary departure from the Convention in view of the economic problems, referring to the following factors : economic scenario of the country facing the pressure of population growth; the need for foreign exchange because of the external debt; economic squeeze of the country; the depression caused by recent events in the Gulf area; the decrease of export commodity price. He emphasised the necessity of measures to earn foreign exchange, which had affected the rights of workers, and the action had been taken in the larger interest of the country as a whole, including workers, who would benefit when the ultimate aim was attained. He also indicated that consultations with the workers and the employers had been made in the Standing Labour Committee. He further referred to some examples of the programme of privatisation, where, although the workers did not have the right to dispute about the Government selling its property, the Government noticed the uneasiness of the workers, carried on negotiations with the workers and arrived at an acceptable agreement, including sale of shares in the units to the workers. He repeated that the departure had been made in the larger interest and that the Government was in the process of consultation with the workers and employers, and hoped that it would soon be in a position to take some measures. As for the granting of trade union rights to senior civil servants, the Government representative declared that only servants in grades 16 to 22, that is in the highest posts, were concerned. These servants have the responsibility of the administration of the State and the capacity to supervise and manage, as well as the right to hire and fire people, and could not be considered as workers. These servants have the right to form their own associations as, for example, District Management Group (DMG) which comprises senior civil servants working in different branches of the Government, inside the country as well as abroad. These associations have to respect certain technical requirements, such as to submit their by-laws, but their members have a right to organise meetings, to present proposals and to discus with the Government. However, if they had trade union rights in the traditional sense, this would pose problems because they are the peole who take the decisions and have no counterpart to discuss them with. Further dialogue with the Committee of Experts would be needed on this point because the Government does not know what rights have been denied to the civil servants which, according to the Committee, are supposed to be given to them. Regarding the schedule of eight public utility services in which strikes are banned, the Experts agreed that most of the services concerned are in fact essential services, but they still considered that some other services named in the report do not fall within this definition. Here we enter into a grey zone which can give rise to different interpretations and, in any case, to a debate. This question of exact delimitation of the public utility services presents obviously great problems in respect of the right to strike. As regards the right of the representation of minority unions, the Government representative pointed out that every trade union will be registered if it comprises 20 per cent of the workers concerned, and the possility to represent workers on a given question is not only reserved to bargaining agents. Also, the management of undertakings is receptive to any request from a group which represents 20 per cent of workers, whether or not it is registered as a trade union. In fact, if one person alone presented a request to the management, he will be listened to. Consequently, no legislative provision prevents a registered trade union, even if it is not the bargaining agent, to present a request to the management in the name of the workers whom it represents. False promotions of certain workers so as to remove them from the category of "workmen" and place them in the "employer" category, thus denying their right to belong to the same union as workers, are really an unfair labour practice. The legislation contains provisions imposing very severe sanctions, including imprisonment, if such practice is proven. The trade unions acting in the multinational enterprises are powerful organisations and present complaints in such cases. Regarding the denial of the right to form trade unions in private and public sector hospitals, the Government representative declared that, even if there exist only associations and not trade unions in the proper sense of the word, they go on strike at the smallest pretext. The Committee of Experts declares only that the employees in hospitals should have the right to form trade unions and negotiate collectively, but the Government has to take into account the total interest of the people in the health sector.

The Workers' members stated that while the report contained the same critical observations as in previous years, the Government seems to be a little more cooperative with the Committee of Experts and this Committee. In fact, the ban on trade union membership and activities for employees of the Pakistan International Airlines Corporation (PAIC) was lifted; but, according to the report, it still exists for personnel of the Pakistan Telecommunications Corporation. Apparently there was an error as this ban concerned the employees of the television; the observation of the Committee of Experts need not be changed because the television employees should equally benefit from the rights provided by the Convention. Regarding the denial of the fundamental rights to workers in the export processing zones, the Committee of Experts notes certain evolution, but the situation is still not satisfactory: Convention No. 87 must be applied in a universal manner which does not permit any selective application or any exceptions; the Committee of Experts reminded that the existing restrictions are incompatible with the Convention and should be removed. In what concerns other points mentioned in the report of the Committee, trade union rights of senior civil servants, the rights of representations of minority unions, false promotions to undermine the union membership, the ban of trade union rights for employees in hospitals, the Government has given the same replies as the previous year; it is therefore quite normal that the Committee of Experts repeats that there are points incompatible with convention No. 87. In respect of the right to strike, in particular, the Committee demanded rightfully, in the Workers' opinion, that the Goverment should revise the schedule of services in which strikes are banned. It may be that the Government is facing difficulties in making appropriate modifications in its legislation in order to bring it into conformity with the Convention. It would be useful, perhaps, if it takes recourse to the assistance of the Office, or hosts a direct contacts mission to find a solution to these problems, which have been discussed already for a number of years and forced this Committee to mention Pakistan in a special paragraph in 1987 and 1988.

The Workers' member of Pakistan stated that due to the requests and the pressure of the supervisory bodies the Government had reinstated in their rights the employees of the PIAC. It should do the same in what concerns export processing zones and the radio and television. The workers are conscious of the economic difficulties facing the country but this could not justify, however, the denial of certain fundamental rights. The economic development must be accompanied by social development. Regarding the export processing zones, Convention No. 87 must apply there like in other areas of the country; freedom of association is not a snag to economic development and can even contribute to the social stability through dialogue. Regarding the public utility services, dialogue is necessary on this subject between the Government and the trade unions which recognise the need to take into account the public interest. On the question of false promotious, the speaker stated that even if the workers have the right to engage legal action for unfair labour practice, the State equally carries responsibility in this respect; it should ensure that the enterprises, national as well as multinational, fully respect the law and, for exemple, do not give false promotions to employees on a false pretext in order to impede their union membership. Finally, concerning the situation in hospitals, noting that there should exist a procedure for dispute settlement in this essential service, the speaker stated that workers in this sector should have the right to organise their trade unions under the ordinary legislation on labour relations.

The Employers' members, appreciating the detailed and honest character of the Government representative's declaration, stated that many of these problems might well be solved through the technical assistance of the Office, so that the Government would then fully understand what was required from it. Regarding the export processing zones, the Government representative had referred to the economic difficulties facing the country; none the less, the right to organise was of a fundamental nature and, while understanding the fears of the Government of what might happen once freedom of association was granted, this freedom did not have a direct bearing on the economic difficulties. With respect to the trade union rights of senior civil servants, this was one of the points where ILO technical assistance might well be important. Neither the Committee of Experts nor this Committee had ever drawn a line in terms of the basic rights to freedom of association within the public sector, the only line that had been drawn related to the dispute settlement aspect of collective bargaining situations. It may well be that, even if these rights were provided for senior civil servants, they would not take advantage of them; technical assistance would also be useful in this case. The list of services that the Committee of Experts considered to not be essential contained in paragraph 4 of the report of the Committee of Experts on the right to strike and public utility services perfectly reflected the problems encountered by the employers in view of the narrow definition of essential services adopted by the Committee of Experts to take into account the economic difficulties of the country, its stage of industrial development, as well as other considerations in order to establish the schedule of the essential services. The Government could certainly take advantage of the technical assistance of the ILO on the questions of the rights of minority unions and of bargaining agents. With respect to unfair labour practices in multinational companies, it appeared that there existed in the legislation a recourse procedure, but this Committee did not have any data, for example, the number of the corresponding complaints, of the judgements given, of the delays, etc., to state its opinion in full knowledge of the case. Concerning the right to form trade unions in hospitals, the Employers' members underlined that a distinction should be drawn between the right to organise and the right to strike. It seemed that the Experts agreed with the Government, but also that there were some resemblances to the earlier case of the United Kingdom where the Government feared that the right to organise entails the right to strike. It seemed that in this context a dialogue with the trade unions may result in the kind of stability that the Government was seeking, encouraging it to recognise the right to organise, which was a fundamental aspect of Convention No. 87. The Employers' members, pointing out that this was a complicated case, stated that they saw a lot of good will on the part of the Government and that it should take full advantage of the assistance that may be provided by the ILO.

A Workers' member of Liberia said that the Government representative, admitting that Pakistan was in conflict with the Convention on certain points, invoked as justification the burden of the debt. It was a common problem of a number of countries of the Third World. Workers were never consulted when the money was lent out by the international monetary organisations to their countries but were the first to bear the consequences when the State had to reimburse the debt in question. Workers should not be made to bear the consequences of bad management of international credits provided to a State. Convention No. 87 was unequivocal: workers had a right to form trade unions and, when a government undertook for any reason whatsoever to deny them this right, this was not acceptable.

A Workers' member of Papua New Guinea endorsed comments made previously by the Workers' member of Pakistan. He said that the response given by the Government representative seemed to be influenced by the restrictions imposed on the Third World by the IMF and the World Bank. He was also of the opinion that, independently of their grade in the public administration of any country, senior civil servants should benefit from the right to organise, because they formed part of the total workforce and their efficiency depended to a large extent on the support and cooperation of their subordinates. Also, the workers in public and private hospitals should have the right to form trade unions of their choice. Finally, the economic difficulties should not be invoked by the governments with a view to limiting the rights of workers.

The Government representative indicated that this Government would request the Office for technical assistance concerning the application of the Convention.

The Committee noted the information given by the Government. It felt that the Government's attitude on certain points under consideration seemed to be more positive, moving in the direction of harmonising the legislation with the requirements of the Convention. In view, however, of the long history of the Committee's concern on the points raised by the Committee of Experts, it considered the steps taken so far not to be satisfactory. It welcomed the willingness of the Government to ask the ILO for technical assistance and it therefore hoped that the Government would, within a short time, reconsider its position with a view to changing the legislation to bring it into full conformity with the Convention and report to the ILO on the changes in the near future.

Panama (ratification: 1958). As regards certain points cited in the observation of the Committee of Experts, the Government sends the following documents:

1. Draft Law No. 70 "Providing for the Establishment and regulation of the Civil Service";
2. Resolution No. D.M. 23/92 of 21 May 1992 which reduces the number of documents required for the recognition of social organisations.

In addition, a Government representative, referring to the point in the observation of the Committee of Experts on the application of the Convention with regard to the exclusion of public servants from the scope of the Labour Code, which is found in Chapters 1 and 2 of Title XI of the Constitution of Panama, indicated that a Bill on administrative careers had been tabled in the Legislative Assembly for study and approval. The Government intended to grant civil servants a legal framework in conformity with the principles of the merit systems as well as other rights and obligations ensuing from constitutional provisions and corresponding to the provisions of the Labour Code which were applicable to the private sector. With regard to the requirement of "an excessively high number of members required to establish trade union organisations" and that of "75 per cent of members of trade unions who were required to be Panamanian" raised by the Committee of Experts in its observation, their potential amendment was likely to be considered in a tripartite debate within the framework of cooperation in the social and labour sectors initiated by the Government. This consultation and the subworking groups that had been set up within it formed an appropriate framework to improve the Labour Code in conformity with ratified international labour Conventions. This measure was also intended to improve national production and the general conditions of workers and employers as well as to improve the possibilities to create new sources of employment. The question of "the automatic removal from office of a trade union officer in the event of his dismissal" was also being discussed within the framework of the cooperation process. This removal applies only to the leaders of unions at the enterprise-level, who must be employed at the enterprise. The removal does not apply to the sectoral unions, federations, confederations or trade union centres. As regarded the authorities' wide powers of supervision over the records of accounts of trade unions, it would be appropriate to point out that Resolution No. 23/92 of 21 May 1992, which reduced the number of documents which were necessary for the recognition and functioning of social organisations, restricted and regulated in an appropriate manner section 376, subsection 4, of the Labour Code, to take account of the previous observations of the Committee of Experts.

As concerned the observations on Act No. 13 of 11 October 1990, it was important to emphasise the temporary and exceptional nature of this measure which was justified by a stabilisation policy to bring about economic recovery. This Act had not prevented the negotiation of six collective agreements in 1990 nor the adoption of nine other collective agreements through direct negotiations in 1991. Moreover, it had not prevented strikes but had simply introduced arbitration after consultation with workers to prevent the closure of the enterprise and the loss of employment in the case of prolonged strikes. Act No. 13 had to be re-examined within the framework of the labour management consultation process in order to rapidly re-establish the exercise of collective bargaining in conformity with international labour Conventions. As for the Public Order Act No. 25 of 14 December 1990, its provisions ceased to be in force on 31 December 1991. It had not been established that "an important number" of workers had been dismissed: that Act only affected public employees who had commited acts of violence towards other public employees or consumers of public services and who had damaged the installations and property of the State in non-union activities, as was the case of two public enterprises, and not because they were trade union leaders. However, the number of workers who had been dismissed only represented 2.3 per cent of the employees in each of these two enterprises. Numerous dismissed workers 107, in the Water and Electricity Institute (IRHE) and 37 in the National Telecommunications Institute (INTEL), had appealed before the competent courts which paved the way for full jurisdiction administrative proceedings which had to be settled by the appropriate chamber of the Supreme Court. Detailed information in this respect had been submitted to the Committee on Freedom of Association (Case No. 1569) and in the supplementary reports on Conventions Nos. 87 and 98 presented in January 1992.

The Workers' members stated that the Conference had examined this case in 1981, in 1988 and in 1991. The long examination that had taken place the previous year had led to a conclusion which was put in a special paragraph of its report. Other than the points that were already well known, the Committtee of Experts also noted this year that more recent laws contained restrictions on the right to strike and provided for anti-union measures against public servants. The situation in law and in practice did not seem to have changed from last year. The only new element consisted in the "agreement on cooperation in the social and labour sectors" concluded between employers, workers and the Government in December 1991, which should allow for the beginning of consultations which would lead to an eventual amendment of Act No. 13 of 1990, restricting the right to strike. The content of the texts mentioned in the written communication by the Government appeared to be obscure. However, a slight change in the Government's attitude was noticeable in that it seemed to be more positive this year than during the debates that took place in 1991. The Government – as indeed certain other governments notably in Latin America –

gave the impression of wishing to comply more with the supervisory bodies. This intention of the Government to proceed with certain changes had not resulted in any real progress in practice. It would also be appropriate to insist that the initiatives annouced result in an actual amendement of the legislation on all the points raised by the Committee of Experts for many years, notably on the elimination of state intervention in trade union internal affairs, the elimination of the requirement with regard to nationality, the guarantee of freedom of association of workers in the public sector and the respect of the right to strike. In view of the seriousness of these issues which had been emphasised in the Committee's conclusions of 1991 and having regard to the complexity of the information provided by the Government, a direct contacts mission from the ILO could be envisaged. In the absence of a change in the near future, not only in the intentions of the Government but also in reality, this Committee would be forced to note once again next year the discrepancies between stated intentions and actions.

The Employers' members indicated that their point of view differed from that of the Workers' members on a number of points. Concerning the substantive issues raised in this case, it was first of all clear that the denial of the right of public servants to bargain collectively constituted a flagrant violation of the Convention. The information on their legal situation contained in the report of the Committee of Experts and in the Declaration of the Government representative was however somewhat confusing and it would be appropriate if the Experts examined this question attentively once again. To know if the requirement of a minimum number of 50 workers or of ten employers to establish an organisation was too high, one could wonder what in fact was the right figue: the Committee of Experts found it to be too high, the Government promised to modify it but however the Convention did not say anything on this matter. One should therefore be careful in prescribing specific figures which in any case could only be arbitrary. On the other hand, concerning the requirement that 75 per cent of trade union members should be Panamanian, it was undeniable that there was a clear infringement of the Convention which guarantees right to freedom of association without any considerations of nationality. The Government stated that this issue was going to be examined and one would hope that this examination would have a positive outcome. As to the problem of the extensive supervisory powers of the authorities on trade union activities, it was important to distinguish between those powers that could lead to a real interference in the internal affairs of the union and the simple verification of accounts which according to the Government were intended to prevent or punish abuse. The Committee of Experts itself recognised that there could be an audit if a request was made by a tribunal or by the majority of union members. Union members indeed had to be protected against potential abuse and it would be appropriate if minorities could also benefit from this protection. With regard to restrictions on the right to strike, the agreement concluded in December 1991 between the social partners and the Government constituted a new and important element. Last year the Employers' members had already expressed their views on the way in which the right to strike had been interpreted by the Committee of Experts. The Experts, however, did not take into account the new agreement or the views of the Employers' members who had nevertheless explained in detail the reasons for which the principles relating to the interpretation of the Committee of Experts were not acceptable to them. The Committee of Experts which in paragraph 6 of its General Report said that it followed the "spirit of mutual respect, cooperation and responsibility" in respect of its relations with this Committee had however in the present case reiterated its previous stance without adducing additional arguments. In short the Employers' members were in complete agreement with the Committee of Experts as to the extreme gravity of this case, but were in complete disagreement as to certain elements of its analysis.

The Workers' member from Panama stated that he shared the views expressed by the Committee of Experts in its observation on the application of the Convention. The cooperation process that had taken place had led to the hope that the problems that were identified would be resolved. With regard to the questions examined by the the Committee of Experts, although Act No. 13 had been adopted in exceptional circumstances, its application had been unilateral. A large number of workers had been dismissed pursuant to Act No. 25 and the recommendations formulated in that respect by the Committee on Freedom of Association should be followed. In spite of his support for the consultation process and his optimism as to its outcome, which should overcome the problems in time for the following year's meeting of this Committee, the speaker felt that it would be appropriate to continue to examine this case. The ILO could assist in the revision of the labour legislation in force.

The Government representative indicated that some of the points examined by the Committee of Experts had been suspended for a number of years but that the situation had been aggravated by the provisions introduced in 1990 because of the exceptional events that had taken place in his country. The Government had the firm intention of finding a solution to all the problems raised by the Committee of Experts. The consultation process constituted a particularly appropriate framework to examine these questions through dialogue between the Government and employers' and workers' organisations. This dialogue did not only cover Act No. 13 but had the aim of revising the whole of the Labour Code. Reiterating his previous declarations, the Government representative communicated information related to collective agreements that had been negotiated after the entry into force of Act No. 13.

The Committee took note of the written and oral information provided by the Government from which it understood that a tripartite consultation process had been started with a view to ensuring that the legislation was brought into complete conformity with the requirements of the Convention. At the same time, the Committee had the impression that the progress made so far was still limited. In view of the fact that the political situation in the country had changed dramatically only a few years ago and that the new Government found itself confronted with problems on the subject matter, the Committee suggested to the Government to invite a direct contacts mission from the ILO in order to reach the aforementioned goal in the near future.

Paraguay (ratification: 1962). The Government communicated the following information:

The situation resulting from the application of Act No. 200/70 which does not allow public servants to organise and denies them the right to strike will be rectified. The regulation made under Act No. 200/70 is going to disappear. In this regard, the Government adopted Decree No. 3210/89 of 17 October 1989 signed by the President of the Republic which names the director-general of the public service workers and under section 2 provides: "The general directorate of public service workers, besides the special duties attributed to it under the law, will elaborate a revised, updated draft of Act No. 200/70 to be presented to the National Parliament."

At present, for procedural reasons based on the principle of legal supremacy, the Government hopes that once the new Constitution is adopted and promulgated in the near future, the new Act on the public service will be submitted to Parliament and that it will be in conformity with the contents of the new Charter.

Furthermore, it should be pointed out that the draft Constitution has overcome these inconveniences. Chapter 8 concerning labour (first section), in respect of labour rights provides, in section 96: "All workers, whether in the public service of in the private sector, have the right to organise trade unions without prior authorisation." Only the members of the armed forces and the police are excluded from this right. The employers also benefit from the right to organise. No one can be required to join a trade union. A trade union will be recognised and will be able to function as long as it has registered with the relevant administrative body. The democratic practice established in the Act will determine the election of the leaders and the functioning of the unions. The Act will also guarantee immunity to trade union leaders.

The Government adds that all workers in the public service and in the private sector have the right to strike in cases of conflict of interest.

The employers have the right to lockout in the same conditions. The Act regulates the exercises of this right so that the essential public services are not affected.

Article 288 of the draft Labour Code provides, in its last paragraph, that the right to organise extends to civil servants and workers in the public sector, in conformity with section 2 of the draft which provides that civil servants of the central administration, with respect to this right, will be regulated by a special Act, from which it can be deduced that they will be submitted to the provisions of the Code and that only members of the armed forces and the polices will be excluded.

With respect to the other comments made by the Committee of Experts, the Government assures that the draft Labour Code provides for the adaptation of national law to international Conventions and the abrogation of all laws which restrict, suppress, or attack the victories obtained at the international level concerning labour issues.

Thus, with respect to standards concerning strikes, those which are contained in the present Labour Code, such as sections 285, 353 and 360, as well as section 284 *et suite* of the Code of Labour Procedure, which have been criticised by the ILO, have been eliminated.

The Government has attached copies of the draft national consitution, the articles of which have been approved until 20 April 1992, as well as Decree No. 3210 of 17 October 1989.

In addition, a Government representative, the Vice-Minister of Labour, pointed out that, with respect to Act No. 200 and the recognition of the right to organise and collective bargaining of workers in public enterprises and public services, the new Decree No. 3210 stipulated that the General Direction of Public Servants was to elaborate a draft updating the above-mentioned Act. This demonstrated the will of the Government to amend national legislation. The new Constitution included fundamental changes concerning labour rights; in particular, the following: the right to work; the promotion by the State of policies to ensure full employment; the prohibition of discrimination on the basis of age, social conditions, sex, religion, political preference; equality in employment for men and women; regulation of the work of young persons; maternity leave; and hours of work per day and per week. Furthermore, he noted that there were provisions concerning wages and the creation of an incentive scheme for companies which provided additional benefits to workers. The new Consititution provided also for the resolution of collective disputes, social security benefits and provisions concerning freedom of association. In particular, workers in both the private and public sector had the right to organise trade unions without prior authorisation with the exception of members of the police and the armed forces. Furthermore, the new Constitution would provide trade unions with the right to bargain collectively, to have voluntary recourse to arbitration and, for workers in both the private and public sector, the right to strike in the case of a collective dispute. Finally , a section of the new Constitution concerning the public service provided for the following: all Paraguayans have the right to employment in the public service and shall benefit from the guarantees provided for by this Constitution on equal terms with workers in the private sector. With the promulgation of this new Constitution on 12 June 1992, the provisions which were in contradiction with ratified Conventions would be considerably amended.

The Workers' members noted that this was the first time this Committee had had the opportunity to discuss this case due to the absence of the Government of Paraguay in previous years. They noted that trade unions and their activities had been so regulated that the trade union movement had been truly suffocated. Trade union activity was completely prohibited in the public sector. They noted that the information provided by the Government both orally and in writting indicated that the national legislation would be amended in order to bring it into line with international standards and, in particular, with this Convention. The Government had requested ILO technical assistance for the elaboration of a draft Bill on freedom of association. There was, therefore, insufficient information available at present to permit a close examination of the application of this Convention. They stressed, however, that real progress could be noted, however, if the Government were to adopt in the near future, and implement, the draft legislation. They urged the Government to take this action soon and to communicate all relevant information, including any texts adopted and to indicate the measures envisaged for the practical application of the legislation.

The Employers' members noted that the information available was not sufficient to permit in-depth examination of this case. They welcomed, however, the indication that the new Constitution addressing several questions raised by the Committee of Experts would be adopted on 12 June 1992. Still they noted that specific details concerning the draft legislation had not been provided and urged the Government to send a copy of the draft to the Office to permit an evaluation of its conformity with the Convention. In particular, they pointed out that the legislation presently in force required approval by three-quarters of trade union membership to call a strike. This requirement was probably too high but since strikes affect the society the Government had a right to set a requirement at a lower level. Furthermore, the Committee of Experts had identified a number of services which were not granted the right to strike and which it did not consider to be essential services. As the Convention did not specifically mention the right to strike, they felt that the definition of an essential service may depend on the size of the country, the state of its economy, etc., and accordingly may differ as between countries. The Government's statement was encouraging but, once again, words must be followed by deeds.

The Workers' member of Paraguay noted that the statement made by the Government representative with respect to the new provisions concerning social questions introduced in the new Constitution was accurate both in respect of freedom of association in the public and private sector and with respect to the right to strike. He stated that these new provisions met with the satisfaction of the workers and he expressed the hope that they would soon be adopted. Nevertheless, he explained that three major trade union organisations had requested that the draft Labour Code be held in suspense until the new Constitution was adopted, thus ensuring a number of fundamental rights. He expressed concern, however, that some sectors might try to change some of the essential elements of the new Constitution. He indicated the need for the Government to keep the ILO well informed in this regard. Concern was also expressed for the approach taken by the employers of the country with respect to freedom of association, collective bargaining and other workers' rights. He was concerned that the Minister of Justice and Labour might not possess the authority necessary to defend the rights of the workers when they were faced with an employers' sector which still did not understand that Paraguay could only find peace based upon respect for all the sectors of the economy, including the working classes. Finally, he expressed the hope that the new Goverment would be able to comply with international labour standards.

The Government representative, in reply to the questions raised by the Workers' member, recalled that these were times of change in Paraguay, both of an institutional and a legal nature, and that this change affected all groups of society. As concerns the alleged weakness and absence of authority of the Ministry of Labour, he stated his belief that the strength of an institution did not depend on power relative to the institution but rather on the standards which were laid down to enable the institution to ensure the respect of the rights of both workers and employers. The speaker requested ILO technical assistance to verify that the new standards adopted were in conformity with the Conventions and to assist in finding solutions to the problems remaining in the legislation.

The Workers' members associated themselves with the concerns raised and the statement made by the Workers' member of Paraguay concerning the guarantees necessary for true freedom of association. These elements were clearly essential to the democratisation process.

The representative of the Secretary-General indicated that the regional adviser on standards would undertake a mission to his country to provide the necessary technical assistance to complete the legislative process being undertaken there and would take into account, in particular, ILO standards relating to freedom of association.

The Committee noted the information supplied by the Government that the legislation was being changed. It stressed the importance of freedom of association and strongly expressed its hope that the Government would be able to report in the very near future that the necessary changes had been made. It therefore requested the Government to send all relevant documents to the ILO as soon as possible.

Syrian Arab Republic (ratification: 1960). A Government representative first referred to Legislative Decree No. 84 of 1968 on trade unions, which should have been in conformity with the Convention. In consultation with the General Federation of Workers' Unions a draft Legislative Decree had been prepared to amend Legislative Decree No. 84 taking into account the observations of the Committee of Experts. This draft was sent to the Council of Ministers on 28 May 1992. The amendments proposed in the draft provided that: (1) each trade union shall be governed by its own statutes without any requirement that they correspond to the model established by the Federation, to attain its objectives in accordance with its own financial resources; (2) the prior agreement of the Federation and the Ministry of Labour in order to accept donations shall not be necessary (section 32 of Legislative Decree No 84); (3) the provision which restricted the independence of management and the free administration of trade unions shall be repealed (section 35 of Legislative Decree No. 84); (4) the provision which permitted the dissolution of any trade union which did not observe the provisions of Legislative Decree No. 84 shall be repealed. Paragraph 4 of section 44 of Legislative Decree No. 84, which required a member to be engaged in a related occupation for six months before being eligible trade union office, was repealed. In respect of section 25 of Legislative Decree No. 84 which required that, in order to become a trade union member, non-Arab foreign workers must have been resident for one year in Syria and be from a country that had reciprocal provisions, he stated that the condition of reciprocity was repealed as Legislative Decree No. 30 of 1980 had already eliminated the residency condition. Decree No. 30 was sent in due time to the ILO. In reference to Legislative Decree No. 250 of 1969 on associations of craftsmen, the Government representative stated that it had indicated to these associations that it was necessary for them to amend their statutes, and that it had requested information about the application of the Convention . The Government will supply to the Office any information that it receives. In referring to the single trade union system, he indicated that in his country trade union pluralism existed, which was evident from the reference in Legislative Decree No. 84 to different trade unions, which was also the case in Act No. 21 regarding peasants' associations. In these texts, reference was made to different types of associations (teachers, automobile salesmen, retailers) which dealt directly with employers. Each organisation had its own statutes, and for this reason he did not understand how one could speak about a single trade union system. The law authorised the creation of associations in each sector and occupational field, which participated fully in the decision-making process through their representations at the highest levels of the State. The percentage of workers and agricultural workers represented in Parliament was very high. Due to the divergence in interpretation between the Government and the Committee of Experts, the Government would contemplate appeal to the tribunal mentioned in its statement during the general discussion. Finally, he indicated that the draft contemplated the repeal of section 160 of the Labour Code of 1958, which prohibited strikes in the agricultural sector.

The Workers' members noted that the Committee of Experts had made comments for several years about the application of the Convention and that, even if the present case had not been dealt with in the recent past, it concerned a very serious problem. In the report supplied to the Committee of Experts a tripartite committee was referred to, responsible for giving advice on certain legislative matters in order to place it in conformity with international labour standards. However, it was the sole trade union, the General Federation of Workers' Unions, that provided such opinions, which concerned a limited number of questions. In effect, they did not involve the elimination of the single trade union system that was expressly provided for in the law, the extensive powers of the authorities to intervene in trade union finances, nor the restrictions on trade union rights of non-Arab foreign workers. In respect of the draft Legislative Decree seeking to remove the total prohibition of strikes in the agricultural sector, the information supplied in the Government report was very limited and of a general nature. The Workers' members emphasised the importance of freedom of association as an essential condition for the development of a dynamic and responsible trade union movement. Regarding the restrictions on the freedom of association of non-Arab foreign workers, they referred to the position that they had held during the general debate concerning Convention No. 111. In effect, it involved an open and express discrimination which might have negative repercussions on the fundamental rights of migrant workers, particularly in respect of Conventions Nos. 95 and 96. They considered that one of the principal problems concerned the lack of complete information on questions raised by the Committee of Experts. They drew the attention of the Committee to the fact that the Syrian Arab Republic was among those countries which had for at least three years not responded, or had responded in an insufficient manner, to the requests of the Experts. As a result the information concerning the work of the tripartite committee as a consultative body, to which the Government representative alluded, was very vague. Finally, the Workers' members stressed that the Government should strengthen its collaboration with the ILO and the supervisory bodies. In effect, specific details concerning the new draft Legislative Decree were necessary. They stated that they would continue to follow closely the evolution of the situation in order to be able to verify whether the legislation and national practice had been changed to conform with the Convention.

The Employers' members noted that the Government representative had raised three matters. Firstly, the changes that the Government wished to initiate gave the impression that the Government wanted to meet all the comments made by the Experts. Secondly, the representative not understand the discrepancies raised by the Committee of Experts. Thirdly, in response to the comment that trade union pluralism was lacking, the Government representative insisted that there was no need for any change in this regard because there already was pluralism in the trade union movement. The Employers' members had difficulty reconciling the statements of the Government representative. In response to the Government representative's suggestion that the Experts had not referred to positive changes brought about by the Government, they noted that in 1990 there was no report available and therefore they were unable to discuss the matter. When the Government was invited to provide information as to why it was not fulfilling its reporting obligations, the Government representative had responded that a new draft Legislative Decree was before Parliament and that a number of changes to labour legislation were being made. However, it was clear that no progress had been made since then. This case had been the subject of comment by the Committee of Experts' for more than ten years, and the Committee during the past ten years had dealt with the case at least six times. As mentioned by the Workers' members, there was a clear discrepancy between the national legislation and practice and the requirements of the Convention, in particular with regard to the question of the single trade union system. The Convention did not specify that there must be pluralism or that there must be a single trade union system; it only provided that pluralism must be possible. However, a decree of the Syrian Arab Republic referred in name to the central trade union organisation, and this amounted to a clear violation of the Convention. They stated that the issues concerning restrictions on trade union rights and governmental interference in trade union finances seemed to be clear, but they had serious reservations in respect of the right to strike in the agricultural sector. They noted that according to the criteria of the Committee of Experts, the feeding of the population could be an essential service, particularly during certain periods of the year, and strikes therefore could have catastrophic effects, particularly in developing countries. They did not pursue this point further, because of their belief that the details of the right to strike or to carry out trade union activities were a matter for national legislation. It was stressed that it was essential and urgent for the Government to submit a complete report covering all the points raised by the Committee of Experts, and most importantly, to indicate what would and what would not be changed. They expressed regret that there continued to exist a discrepancy between the requirements of the Convention and the law and practice in Syria, and requested that changes be undertaken as soon as possible.

The Workers' member of the Syrian Arab Republic recalled that the report of the Committee of Experts requested that the Government indicate whether the opinion of the General Federation of Workers' Unions was for or against the repeal of certain legislative texts. He noted that the situation in respect of the protection of the right to freedom of association was sound and that trade unions enjoyed the full right to this freedom, as well as other recognised rights. In addition, they participated in social and political decision-making and contributed in this way to guaranteeing and ensuring social peace. He indicated that 50 per cent of the Members of Parliament were representatives of workers and peasant farmers. Moreover, trade unions were represented in the production councils of enterprises and workers, and agricultural workers and craftsmen were represented on the Justice Committee. In addition, Legisative Decree No. 157 provided that workers were represented on the Social Security Council and the Economic, Health and Environment Committee. He also stressed that every worker was entirely free, pursuant to sections 48 and 49 of the Constitution of the Syrian Arab Republic, to form and to join associations and trade unions as well as to administer their own affairs. Trade union organisations in the Syrian Arab Republic are proud of the fact that they have been freely constituted; their leaders freely elected, and their rules, methods of functioning and commitment to freedom of association plurality self-established.

A Workers' member of the United Kingdom raised two points. Firstly, in addressing the question of pluralism, he stated that he did not object to a trade union movement choosing to form a single trade union or trade union struture, as is the case in many countries. However, it was unacceptable that such a situation be enshrined in legislation, even if this is asked for or agreed to by the trade unions. He asked whether the Government had removed from its legislation all references to a single trade union as requested, as an answer to this question would assist further examination of the matter. Secondly, he raised the issue of restrictions on strikes in the agricultural sector. While acknowledging that there were reservations by some employers about this matter, he stressed that as a rule a piece of legislation that denies a whole sector of the population the right to strike must be contrary to the Convention. He noted that arising from alleged human rights abuses in 1980 a strike was organised by the Doctors and Engineers' Association following which 100 medical professionals, dentists and veterinarians were arrested and imprisoned without trial; some of these persons were still in prison. As an example, he referred to a case brought to his attention by the Trade Union Section of Amnesty International, that of Dr. Tawfig Drag al-Siba'i who had been arrested at that time and remained in a military prison in Damascus without trial. It may be argued that such a strike at that time was illegal; but whether such strikes were illegal or not under the terms of Convention No. 87 was a matter for the Committee of Experts to decide having had their attention brought to them.

The Government representative stated that the last point raised by the Workers' member of the United Kingdom was not a matter for discussion. The discussion should be confined to the subject of the repeal of the ban on strikes, section 160 of the Labour Code of 1958, concerning which the Government informed the ILO that there was a new draft legislation to repeal this section, which implies that the Committee cannot examine section 160 itself.

The Workers' member of the United Kingdom reminded the Committee of the statement he had made during the General Discussion during which he had indicated that that the best contribution which the ILO and the Committee could make to the UN Conference on Human Rights in 1993 was to ensure that no abuse of the human rights of trade unions would go unnoticed or uncondemned. Another Workers' member of the Syrian Arab Republic indicated that he shared the same opinion as the Government representative in respect of the compatibility of Decree No. 84 with Convention No. 87, particularly concerning consultation with the General Federation of Workers' Unions. He stated that he had personally participated in some of these consultations where numerous matters had been addressed. For the purpose of these consultations it had been agreed that he would send a draft of the legislative decree to the Council of Ministers. He pointed out that the assertions of the speaker for the Workers' members and of the Worker member of the United Kingdom had no basis. He noted the history of the trade union movement in his country, where there were 2,500 trade union committees in all the provinces, and emphasised the importance of their activities.

A Workers' member of the Netherlands stated that Conventions Nos. 87 and 98 established universal values, the right to organise and bargain collectively. However, these universal values would be meaningless if interpreted differently by different countries. If there was to be flexibility in ILO labour standards, this flexibility must be found within the four corners of the instrument in question.

The Government representative stated that he wished that the debate had concentrated on the single area of disagreement, which was the single trade union system, as all the other points had been responded to, as the draft Legislative Decree that he had referred to – which had been communicated to the Office – had met all the observations of the Committee of Experts. He reiterated that in his country a single trade union did not exist. He had hoped that the statement of the Workers' member of the United Kingdom would be confined to examination of the observation concerning the single trade union system; instead, the matter of section 160 concerning strikes in the agricultural sector was raised – despite the fact that the Government has stated several times that there is a new draft amendment to repeal section 160. This amendment could not be instantly promulgated as if by magic; established channels needed to be followed. The Workers' member of the United Kingdom used section 160 to address old alleged strikes and to criticise his Government, deviating from the established practice and the comments to which he should have confined himself. the Employers' members said that the Government criticised the Committee of Experts; is it criticism to call attention to the fact that ten years after the repeal of the condition of one year residence for non-Arabic foreign workers for the right to join a trade union (repealed by Legislative Decree No. 30 of 1982), the Committee of Experts continues to call for its repeal? The Government representative stated that his Government wished to cooperate with the ILO and was, in fact, doing so. The Government wished to discuss and dialogue with the workers and employers.

The Workers' members stated that they had taken note of the intention of the Government to fully cooperate with the ILO and the present Committee. Nevertheless, they stressed that problems concerning the application of the Convention persisted, but that, in order to be able to continue the debates, it was absolutely indispensable that the reports containing the requested replies to the observations of the Committee of Experts be supplied on time. They considered the statements of the Government to be at first glance encouraging, but they could not satisfy themselves solely with oral statements. They were obliged to base their examination of the matter on the reports of the Committee of Experts, which were usually based on data and information that had been supplied on time.

The Employers' members reiterated their request that the Government provide a comprehensive written report. They also wished to know when the legislation referred to by the Government representative would be implemented and enter into force. Although they had stated that there could be differences of opinion regarding the scope of the right to strike, they stressed that there were no differences in respect of the freedom of association. The right to form and join a trade union of one's own choice must be ongoing and guaranteed. They wondered why the Government had not removed reference in its legislation to a single trade union organisation, if there really were different trade unions within the country.

The Committee took note of the information given by the Government. It understood that a Bill which intends to change the labour legislation under discussion has very recently been drafted and presented to the Council of Ministers. Recalling that it has been discussing these points for some years, it felt that it was necessary that the Bill which the Government referred to be studied carefully by the Committee of Experts at its next session. It understood that the Government will cooperate fully with the competent bodies of the ILO, and send therefore all the relevant documents. It hoped to be able to conclude at one of its next sessions that the situation is in complete conformity with the Convention.

United Kingdom (ratification : 1949). A Government representative addressed the comments raised in the Committee of Experts' report concerning the complexity of the legislation. He indicated that he would address the general concerns raised and that his Government would provide more detailed information on specific points in its next report on this Convention. He stated that the aim of the legislative changes taking place in his country over recent years was to establish a proper balance between the rights of trade unions and employers and between trade unions and their members. These changes had been extensively debated and therefore had come about as the result of the democratic process. He affirmed his Government's position that the legislation in question was in full compliance with the provisions of the Convention and that there has been no regulation of the freedom of workers to organise their own trade unions or to adopt their own rules and determine the manner in which their union affairs would be conducted. The legislation, furthermore, provided special protection against legal proceedings which might otherwise be brought against trade unions calling on workers to break contracts in contemplation or furtherance of a trade dispute and in no way infringed upon the worker's right to take part in industrial action. The widely supported amended legislation was intended to protect the rights of individual trade union members by ensuring that they were properly consulted prior to a call for industrial action. As concerns the complexity of its legislation, the Government had made efforts to ensure that clear guidance was available by publishing a series of free up-to-date booklets explaining the legislation as it applied to employers, workers and trade unions. Furthermore, the Government intended to bring all the legislation together into a single consolidated Act. New measures had been introduced in this regard since the recent elections. He concluded by assuring the Conference Committee that the Government would supply full information concerning the progress of this legislation.

The Workers' members welcomed the statement made by the Government representative that a consolidation of legislative texts concerning labour issues would be made shortly. Nevertheless, they stressed that information from the British Trades Union Congress indicated that the overall legislation had become not only too complex but also oppressive. Even if the trade unions of some countries felt that they could not function without detailed legislation regulating their rights, British trade unions were of a contrary opinion. In fact, simply considering the number of legislative texts and their complexity, the legislation was oppressive. Furthermore, some of this legislation considerably impeded the activities of the trade union movement. The situation had come to a point where the ordinary trade union delegate no longer understood the legislation and was therefore tempted to curtail participation in trade union activities to the detriment of the movement. Whilst there would always be men and women willing to dedicate all their time, indeed their whole lives to the trade union movement, many in some parts of the world had died for the movement. It ordinary members were detered from taking an active role at a local level fear of contravening the law this would be a great loss to responsible trade unionism. As concerns the consolidation of the legislative texts into one Act, they stated that, according to the information they had, the Government was also going to adopt other laws concerning trade unionism. Given that trade unions could not request the Government to introduce legislative amendments at the same time that the consolidation was being considered, they requested the Government to pause for a moment and to consult with the trade unions in order to review the provisions which could be eliminated not only from the new Acts but also from those which had already been adopted so that all of the legislation would be in conformity with the Convention. This would permit a more in-depth examination of the entire legislation later on.

The Employers' members expressed a certain discomfort with respect to the comments made by the Committee of Experts concerning the volume and the complexity of the legislation. The Committee of Experts had perhaps condemned the Government too rapidly by, for example, noting an incompatibility with the Convention and then requesting full information in order to determine if there was a violation. As concerns more specifically the volume and the complexity of the legislation, the Employers' members, stressing that there was no Convention providing that national law had to be simple, feared that the Committee of Experts used subjective criteria. In an ideal world laws would always be simple and everyone would subscribe to them. Unfortunately, this situation was much more complicated, particularly for historical reasons and laws naturally had a tendency to become more complex. It appeared that the Committee of Experts had concluded that one or two provisions could be interpreted in such a way that there could be a violation of the Convention. Nevertheless, practically all provisions of national law everywhere could be interpreted in this manner, as the criteria was so large that it opened the door to abusive interpretations. If provisions were to be criticised, it should be done in a concrete fashion. The criticism made by the Committee of Experts concerning the complexity of legislation was not a valid reproach to be made against a country. It would be better to cite a specific provision which was in violation of a certain Convention. This was the only rational approach. As concerns the measures taken by the Government to consolidate legislative texts, the Conference Committee would have to wait for the texts in order to undertake a detailed examination.

The Government representative assured the Committee that it would convey these comments to his Government. He had noted that this issue of complexity of legislation had to be seen taking into account the needs of the ordinary workers and their trade union representatives and he stressed that most of the laws on this subject dated back 20 years. The Government would supply in its next report on this Convention the supplementary information requested by the Committee of Experts which permit further review of this question next year.

The Government representative, with respect to the situation at the Government Communications Headquarters (GCHQ), recalled that his Government had explained in some detail in previous discussions in this Committee its reasons for maintaining that there was no substantive case to be answered. He reiterated three main points maintained by his Government concerning this case: (1) GCHQ staff were engaged in vital intelligence gathering and communications activities which formed part of the United Kingdom's national security and were therefore covered by the provisions of Convention No. 151 which allowed exemption from the right of association for public servants who were engaged in work of a confidential nature. (2) This case related solely to one establishment. Furthermore, similar establishments in other ILO member States were generally staffed by military personnel and thus excluded from the provisions of Convention No. 87. (3) While GCHQ employees may not belong to national trade unions, they are free to organise in a trade union based on the workplace called the Government Communications Staff Federation. This Federation, which is registered as a trade union under the appropriate legal provisions of the United Kingdom, had in its membership more than half the present employees at GCHQ and represented them both individually and collectively in negotiations over pay, conditions of service and a wide range of other issues. It is clear, therefore, that employees at GCHQ did retain the right to trade union membership and representation.

Last year, the Conference Committee concluded that, despite the substantial difference between the views of the Government and those of the unions on trade union representation at GCHQ, the Government should reopen dialogue with the unions with a view to finding a solution in full conformity with the Convention. Prior to last year's Conference there had been no discussions on this issue between the Government and the trade unions for over six years. The Government representative informed the Committee, however, that as a result of its conclusions last year, a dialogue had begun. The Prime Minister wrote to the General Secretary of the Trades Union Congress on 25 June 1991, setting out the Government's views on the matter, but at the same time offering the unions the opportunity to discuss union representation at GCHQ with the Head of the Home Civil Service during one of their regular meetings with him. The Prime Minister wrote again on 20 December 1991 reiterating this offer. This information was provided to the Committee of Experts at the end of 1991. These letters led to a resumption of dialogue. On 18 February 1992, a special meeting was held to discuss the GCHQ issues between the Head of the Home Civil Service and the general secretaries of all the civil service trade unions. This meeting did not result in an agreement on how the substantial differences remaining between the parties might be resolved. The issues were indeed difficult and highly sensitive, affecting national security. The Government had made clear, however, at that meeting and subsequently in a letter to the Secretary of the Council of Civil Service Unions, dated 24 February 1992, that despite these differences, the Government remained willing to consider any new proposals the unions might wish to put forward. The Government concluded its letter by noting that there was still a fundamental incomptability between the propositions of the two sides which could not be easily resolved. It indicated, however, its willingness to consider any new proposals the unions may wish to make which would guarantee the Government the absence of any disruption to essential security operations. The Government had, therefore, responded at the most senior level to the conclusions concerning GCHQ reached by this Committee in 1991 and the dialogue remained open. While he noted that the Workers' members might maintain that this meeting merely demonstrated that there was no room to propose arrangements which would be acceptable to the Government, the Government representative recalled that it was acknowledged in this Committee's debate in 1991 that the differences between the two sides would not be easy to resolve and neither the Government nor the unions could be excepted to find a complete solution easily or quickly. The activities at GCHQ involved essential operations of national security and the Government had to be fully satisfied that these would be safeguarded from any form of disruption. It might not be possible to bridge the substantial gap between the Government and the civil service trade unions, nevertheless, the Government was ready to discuss any proposals that could offer the necessary guarantees. Such proposals would be considered fully and fairly on their merits. The criticisms made of the United Kingdom at the 1991 Conference and contained within the Committee of Experts' latest comments had produced a response from the Government. Careful note had been taken of the supervisory bodies' comments. The Government was willing to continue this dialogue in an attempt to reconcile the differences between the two parties and would consider any constructive suggestions to this end. He urged the Conference Committee to accept the action taken to reopen dialogue with the unions as a step forward and to support its continuation.

The Workers' member of the United States spoke on behalf of the Workers' members. They expressed their dismay at the inaction on the part of the Government following the lengthy discussions on this case last year in this Committee and the unanimous conclusion it reached urging the Government to undertake remedial action in the shortest possible time. The substantive points of the case had already been settled last year and did not need to be repeated. In 1991, the Conference Committee had expressed its deep concern at the lack of dialogue between the Government and the trade unions at GCHQ concerning the ban of their right to join unions of their choice. This Committee urged the Government to reconsider its position by promptly resuming the dialogue with a view to finding a solution in full conformity with the Convention and requested the Government to report in 1992 to the Office on the real and substantial progress made. Unfortunately, no progress could be noted. The Committee of Experts' report indicated that the Government had reaffirmed its belief that its actions in respect of GCHQ were in line with its obligations under ILO Conventions. The Committee of Experts further noted that they had not been provided with any new element to lead them to modify their previous observations on the merits of the case and urged the Government to resume in the every near future constructive discussions calculated to lead, through genuine dialogue, to compromise acceptable to both sides. They considered that the meeting held between the Government and trade union representatives was merely a facade and did not constitute a genuine constructive dialogue which would lead to reconsideration of the Government's position or a compromise acceptable to both sides as intended by the Committee of Experts and by this Committee. They believed that it was clear that the Government had no intention to consider any arrangements or proposals involving representation by free trade unions. It, therefore, appeared that the Government wished to be ruled by a different standard than those governing other member States which had ratified the Convention. They hoped that the Government representative would convey to his Government the Workers' members' desire for real movement in this case. The attitude taken by the Government, in sharp contradiction with its long history of enlightenment and dedication to ILO affairs, unfairly and unnecessarily flaunted the ILO supervisory system, setting a bad example for the faithful observance by developing countries having ratified the Convention.

The Workers' member of the United Kingdom also spoke on behalf of the Workers' members. The Workers' members stated that it was difficult to determine from the statement made by the Government representative whether the Government had changed its position. They recalled that in 1991 there was unanimity on this case that a continued dialogue was necessary. The Government had been requested to take action to this end because this Committee was tired of dealing with a case of no progress and wanted to get on with its work in many other parts of the world. They noted that the Minister had not addressed this Committee on behalf of his Government and whilst they were sure that the Government representative who had spoken did so with the full authority of his Minister they considered that this could be considered to be partially a political issue since all parties at the recent General Election except the one elected promised to restore freedom of association at GCHQ. The politics of the United Kingdom did not concern this Committee but the issue had been raised to establish that this case did not concern a constitutional issue, since it could be argued that the other political parties which were willing to restore the rights of GCHQ workers were not concerned about national security. They noted that this was an old case which had been the subject of great speculation and discussion in the corridors. This case raised very serious questions about the authority of the standard-setting and supervisory functions of the ILO. If the Government of a well-known and formerly powerful country appeared to hamper, to equivocate or even to ignore the views of the Committee of Experts and of this Committee, then the whole process would be undermined. On the surface this case appeared to deal with a relatively small issue but if this Committee could not tackle a small case, a case which nevertheless concerned a vital principle, how could it deal with the horrors of some of the cases brought before it involving death squads and disappearances. The Government representative had not attempted to argue as they had done on previous occasions in detail that the situation of the GCHQ workers was not in contravention with the Convention. He had argued, however, that these workers did have a union. This "union", however, had no certificate of independence and was not accepted as a trade union. The High Court would shortly judge whether or not this union actually was independent. If the High Court determined that this union was not independent, then the Government would have to stop saying it was. Paradoxically, if the Court decided the union was independent, the Government would have to ban it. In any event, the question of whether the present situation at GCHQ was in contravention with the Convention had already been determined by the Committee of Experts and by this Committee last year and in previous years as a study of the conclusions on this case would show. In 1991, therefore, this Committee focused on the need for the Government to resume dialogue with the trade union on this case. They recognised the need for guaranteed, uninterrupted service at GCHQ and agreed that the Conference Committee could not indicate the manner in which this should be assured, but insisted that this be negotiated with the union. It was necessary to examine in detail the statement made by the Government representative that dialogue had taken place. The dialogue referred to by the Government representative consisted of the following:

- A letter from the Prime Minister to the TUC, immediately after the 1991 Conference, indicating its Government's continuing firm commitment to its present policy on union representation at GCHQ.
- A letter from the Head of the Home Civil Service to the civil service trade unions indicating the Government's intention that the ban on national trade unions at GCHQ would continue – and this was from the person appointed to have any discussions with the trade unions.
- A new letter from the Prime Minister in December 1991 reiterating his previous position.
- A meeting in which the Head of the Home Civil Service affirmed the Government's belief that it was not in contravention with the Convention and had not changed it position that the arrangements in GCHQ were fully satisfactory. The Head of the Home Civil Service further indicated that the Government knew of no arrangement which it might consider to resolve the situation in a satisfactory manner for both parties.

The Workers' members queried whether there was any point in discussing this case if the Government had no intention to change its position. They therefore requested the Government representative to indicate whether the Government might actually be willing to reach a conclusion which would be acceptable to both sides and thus reassure this Committee of a genuine dialogue so that real negotiations with the trade unions could take place.

The Employers' members recalled that this case concerned the Government Information Centre and that the work carried on there could not be interrupted for security reasons. In the beginning of the 1980s there had, however, been strikes there which led to the alternative offered to employees with the result that GCHQ workers no longer had the right to join the organisations of their own choosing. Over several years, there had practically been no contact between the Government and the trade union. Recently, however, there had been high-level conversations and even an initiative by the Prime Minister. The conclusions of this Committee in 1991 had been followed to little effect but there had, nevertheless, been a first contact had that consituted progress. The solution could only be found at the national level, but the Conference Committee could play a role as a catalyst and be a positive influence. Some new elements could be taken into account: new elections had been held and a new Labour Minister had been named and this might create a new atmosphere in the country; furthermore, a stronger Government could make more concessions. In any event, as had already been stated last year unanimously, discussions should resume and continue in a substantive manner and not only in form. Two elements were therefore essential: first, the Government had to be assured that the work at GCHQ would be carried out without interruption. Secondly, the workers had to be free to join the organisation of their choosing. The Employers' members appealed to the two parties to take up a constructive dialogue in order to attempt to find a solution.

A Government member of Switzerland noted the Government representative's indication that it was ready to continue a constructive dialogue and that indeed it appeared that a certain dialogue had been re-established. Even if some considered this dialogue to be sufficient and others felt that the Government only turned a deaf ear, progress could be noted as compared with previous years. As had been noted by the Workers' members and the Employers' members this was a case typically concerning internal politics, magnified by the circumstances. This situation came out of the circumstances prevailing in the beginning of the 1980s when the Government of the United Kingdom was involved in a conflict which directly threatened its security. The tense climate of international relations had changed and this *détente* could be found in the ILO. The Committee had therefore to show its wisdom and also its determination. Democracy was a valid concept for all countries; the universality of standards and the efficiency of the supervisory mechanism ensured that the Convention must be applied equally. This Committee must therefore make conclusions, very strict if necessary, inviting the Government, which had an important role in the ILO, to make a special effort to ensure dialogue. The Experts had emphasised in their report that workers had the right to establish organisations of their own choosing and that the right to organise did not prejudge the right to strike. The Committee of Experts had urged the Government to resume in the very near future constructive discussions calculated to lead, through genuine dialogue, to a compromise acceptable to both sides. The speaker urged the Government to respect the conclusions of the Committee of Experts in the same spirit.

A Workers' member of Pakistan stated that the member States of the ILO, whether developed or developing, must all respect the fundamental principles of the ILO Constitution and the Declaration of Philadelphia. One of the essential principles in this context was Convention No. 87. Universal principles applied in all countries and there should be no discrimination on this regard. Western countries which boasted to be the champions of democracy had responsibility and special obligations towards the ILO because they were among the countries which founded the Organisation. The United Kingdom had ratified the Convention in 1949 and when member States ratified a Convention they undertook to respect the relevant international obligations and to bring their legislation into conformity with the Convention. The Committee of Experts had clearly indicated that a change was necessary as concerned the situation at GCHQ and the speaker appealed to the Government to resume and intensify a real dialogue with the trade union so that the Convention would be respected.

A Government member of Canada recalled that the Convention established one explicit right and two implicit rights. The first was the right for workers' organisations to freely establish the organisation of their choosing. The two other rights concerned collective bargaining and the right to strike which were not explicity mentioned in the Convention but developed from the jurisprudence of the ILO's supervisory bodies. GCHQ workers were now members of a trade union which had the right to bargain collectively. They did not have the right to strike, but that fell under one of the exclusions accepted because of the nature of their activities. Still, they could not join a national trade union and this seemed to be due to the fact that, given the British system of industrial relations and legislation, the Government could not obtain any real guarantee that there would not be a strike at GCHQ if the workers in question were members of a national trade union, even if they gave a verbal guarantee. This Committee did not have ready-made answers but it was encouraging to note that the dialogue had been resumed when it had not existed for several years. It was perhaps not a very constructive dialogue up to now and there had not been concrete results, but the dialogue had been opened which, in itself, was encouraging. The speaker associated herself with the Employers' members in urging the Government to pursue the dialogue in a constructive spirit so that the parties themselves could come to a satisfactory agreement.

A Workers' member of Norway speaking also on behalf of the Workers' members of Denmark, Finland, Iceland and Sweden stated that the United Kingdom Government had not undertaken a real dialogue with the trade unions which would permit resolution of thes case. The trade unions had indicated that they were ready to conclude an agreement with the Government as concerns the right to strike. This case therefore could be resolved if the Government respected the right of workers to establish an independent trade union of their choosing. If the Government did not accept this compromise, that would constitute reason for mentioning this case in a special paragraph. Furthermore, they hoped that the Government in consultation with the International Labour Standards Department would submit this dispute as soon as possible to the International Court of Justice, as had been requested by the trade union. The Workers' members of the Nordic countries were bound to make a further appeal to discuss the question of mentioning this case in a special paragraph.

A Government member of Australia recalled that his Government had already spoken in 1991 to express its concern over the lack of progress in this case, which even if it largely concerned questions of a technical nature, also raised a problem of fundamental principles: the right of workers to freely organise. Still, this problem could never be resolved in a satisfactory fashion if the specific circumstances prevailing at GCHQ were not taken into account. The fact that there were discussions which were still open between the Government and the trade unions was encouraging, but it seemed that the dialogue had not been particularly positive or constructive up to now. Furthermore, the discussions had not given rise to concrete and specific proposals even though certain proposals had been made by the trade unions in 1984 to the House of Commons Select Committee on Employment. This case would never be resolved without a willingness on both sides and the speaker therefore firmly appealed to the Government to commit itself without reservation to a constructive dialogue in order to finally resolve this case.

A Workers' member of Spain stressed that the Government, in a letter sent to the trade union, had stated that it saw no use in the discussions. There had therefore been no progress but rather a step backwards since 1991. Concerning the substance of the issue, the problem was that the workers did not have the right to join organisations of their own choosing. The Government attempted to justify this prohibition because of the strategic importance of GCHQ, but if this were true, only workers in centres without any importance would then be able to have the right to join the organisation of their choosing. Freedom of association could not be subordinated to the importance of the establishment in which workers were employed. This approach would indirectly raise the question of who would decide on the strategic importance of an establishment. If it were the Government, then it would also have the right to determine which workers could or could not join the organisation of their choosing.

A Government member of the United States recalled that her Government had joined the consensus prevailing in this Committee in 1991 to appeal to the Government of the United Kingdom to resume a dialogue with the trade unions on the question of the GCHQ. Welcoming the interest and intent expressed by the Government to continue the dialogue, the speaker nevertheless expressed her regret that there had not been more progress more rapidly. She hoped that the Government would not only continue but intensify the dialogue with the trade unions with a view to determining whether it was possible to reach a mutually satisfactory solution taking into account the special needs at GCHQ. The effectiveness of the supervisory machinery depended on dialogue. This did not necessarily imply agreement, but rather a willingness to listen to the other party and efforts of good faith by both sides to create an atmosphere of real and constructive dialogue. This Committee could not solve this issue in the place of the Government and the United Kingdom trade unions, but it should be hoped that its efforts would help the parties to find a solution.

A Workers' member of Greece stated that if the dialogue begun in this Committee did not continue in the country in question, then it was a dialogue among the deaf. The United Kingdom was one of the most industrialised countries with a long democratic tradition, and which affirmed the respect of trade union rights and liberties. It did not respect this cConvention, one of the essential ILO Conventions, if not the most fundamental. It this developed, democratic country adopted such an attitude, what could be hoped for from developing countries which were confronted with serious economic difficulties? The attention of the United Kingdom Government should be drawn to this aspect because its attitude put the ILO in danger.

A Government member of Germany expressed his disagreement with respect to certain comments made by the Committee of Experts. First, as concerned the relationship between Conventions Nos. 87 and 151, there was no doubt that the latter established a specific standard which took precedence over the former or complemented it. The attitude of the United Kingdom Government in this case, however, was clearly not in violation with Convention No. 151. If the Experts felt that there was a violation of Convention No. 87, that would mean that the Conference, 14 years ago, had intentionally accepted the possibility that there were situations compatible with the new Convention No. 151, but not with Convention No. 87, adopted almost 30 years earlier and already ratified by a large number of countries. Secondly, the speaker expressed his reservations with respect to the rigidity of the Committee of Experts which had not taken into account the fact that the Secret Services in the United Kingdom were subordinated to the Home Office and not to the Ministry of Defence. The speaker recalled that he had entirely subscribed to the opinion of the Conference Committee in 1991 to urge the United Kingdom Government to enter into dialogue. The Government representative had indicated that there had been dialogue both written and oral, but the speaker stressed that this must be more than a mere formal contact. There must be in reality a resumption of true dialogue on the substance. The Committee should perhaps also give some indication in these discussion so that the Committee of Experts, when it meets again in March 1993, could proceed with an examination of the correspondance exchanged and the contents of the discussions. Without going as far as to suggest to this Committee that it should give indications on the contents of this dialogue, as had been done by the Workers' member of Norway, the speakert stated that the dialogue must be pursued and improved.

A Workers' member of the United States, in the name of the Workers' members, requested the Government representative to indicate whether, in resuming the dialogue, the Government was prepared to reconsider the prohibition made for workers at GCHO to freely join the organisation of their own choosing. Only if the reply to this question was affirmative would this be a constructive and real dialogue which would permit movement towards a satisfactory solution.

The Government representative thanked all the speakers for their contributions and assured the Conference Committee that he had taken careful note of all the points made. He recalled, as had already been indicated by a number of speakers, that prior to this Committee's meeting in 1991 no discussion had taken place between the Government and the national trade unions for over six years. The core of the Committee's 1991 request, therefore, was that this situation would change. The dialogue now has been reopened. It must be recalled, however, that the issue was an extremely sensitive one and that it would be extremely difficult to find a solution which would sufficiently protect and maintain the interests of all the parties concerned. Nevertheless his Government wished to maintain and develop a constructive dialogue with the trade unions. He considered that the best chance for progress would be through the continuation of the dialogue rather than calling up past differences. He assured this Committee that: (1) he would personally and immediatly report to the Ministers on the views expressed and conclusions reached in this Committee; (2) the dialogue which had been resumed with the trade unions remained open; (3) his Government would continue the dialogue to look for a solution which both fully safeguarded the national security interests and was acceptable to the parties involved.

The Workers' members noted that this Committee was entitled to have some expectation that there would be a solution to this case. As concerns the Employers' members' comment concerning the fact that a new Government was in power, they expressed the hope that the Government's new position of strength would enable it to be generous and to enter into a constructive dialogue. They agreed that there must be an assurance that there would be no interruption in the work carried out at GCHQ, but the workers must also be guaranteed the right to join the trade union of their own choosing. With reference to the comment made by the Government member of Canada concerning the difficulty in ensuring that there would be no strikes at GCHQ if the workers were permitted to join national trade unions, they recalled that it was possible for governments to introduce restrictions on strikes which were perfectly in conformity with the Convention. It therefore was possible to reach a conclusion satisfactory to the concerns of both parties which would be conformity with the Convention. The Federation which GCHQ employees could presently join was not a true trade union and had not been accepted for registration as an independent trade union. They stressed that they were not promoting the interests of individual trade unions but rather the issue of the freedom to join the trade union of one's own choosing. No practical proposals had been put forward by the Government before this Committee to resolve this case. Clearly a dialogue was not merely a succession of monologues. As had been indicated by the Government member of Germany, a serious will to produce results had to be demonstrated by the Government. A special paragraph had been proposed for this case and this question seemed to dominate the concerns of this Committee's members. The more important issue, however, was not whether to have a special paragraph, but rather how to ensure free trade unionism at GCHQ. A special paragraph was not only to be used for serious violations against human rights but also as a special note to express regret at the refusal of a government to cooperate with the Committee of Experts and this Committee, which had in fact happened in this case. They could forgo the special paragraph if they could be reassured that the Government intended to make all efforts to ensure genuine dialogue on this question with a view towards a solution acceptable to both parties. They urged that the conclusions be drawn up very firmly in that light and in a manner which made it clear that substantial progress had to be made. The Government representative appeared in his final statement when he referred to a solution "which was acceptable to the parties involved" to be attempting to fulfill the commitment requested by this Committee. It appears that the Government representative felt this to be so and if this now was shared by the whole committee a special paragraph would not be appropriate.

The Employers' members stressed the large consensus in this Committee concerning the evaluation of the situation at GCHQ. All the speakers had expressed the hope that the discussions begun would continue in a more intensive and constructive fashion and that they be more targeted. Nevertheless, two essential elements had to be present in order to find a satisfactory solution for both sides: the Government must be assured that the work would not be interrupted, and the workers must be free to join the organisation of their choosing. It was not for this Committee to indicate in detail to the parties the manner in which to arrive at such a solution, but the fact that the Minister himself would intervene now in the dialogue should be welcomed as it constituted an additional guarantee of success.

The Committee took note of the general discussion on the question of the nature and complexity of the legislation, and of the information supplied by the Government in this connection. It understood the Government's undertaking to suplly full particulars to the Committee of Experts on the different points raised by that Committee. It hoped to be in the position to make a full assessment of the situation at its next session. Concerning the GCHQ question, the Committee took note of the information supplied by the Government representative as well as of the discussions which had taken place. The Committee once again had to express its deep concern at the continued refusal of the Government to implement the Convention as regards the situation of workers at GCHQ who still did not enjoy the right to join a union of their own choosing. The Committee noted the correspondence exchanged and the recent meeting at a high level which took place with the unions. Nevertheless it deplored that these initiatives did not result yet in a genuine dialogue and did not meet so far the wishes expressed by the Committee last year. Taking due note of the Government's declared intention to reach a solution on this question, satisfactory to all parties concerned, it strongly hoped that this statement would be rapidly followed by a substantive, frank and constructive dialogue, carried out in good faith, so that a solution in full conformity with the Convention could be found to this problem which had been raised by the Committee of Experts and discussed by the Conference Committee for many years. The Committee expressed the very firm hope that, as from next year, it would be able to take note of substantial progress in this matter. The Committee intended to examine this case again at its next session of the Conference.

Convention No. 95: Protection of Wages, 1949

Iraq (ratification: 1960). A Government representative stated that his Government respected the provisions of the Convention. Wages were paid in conformity with Chapter 4 of the Labour Code No. 71 of 1987, which contained detailed provisions concerning the protection and the payment of wages. In reference to the problem of payment of wages to Egyptian workers, he indicated that those workers who had left Iraq prior to the embargo had received any wages that were owed to them as well as the percentage which should have been transferred in foreign currency within the appropriate deadlines. The workers who had left Iraq since the imposition of the embargo had received their wages in the national currency, in conformity with the law, with the exception of the percentage which was to be transferred in foreign currency. The Government representative clarified that the payment of this percentage was linked to the economic conditions that existed in Iraq since the imposition of the economic embargo; the latter had resulted in the freezing of its assets in foreign banks, and had not yet been lifted. His Government wished to fulfil the obligations that it had towards Egyptian workers and other foreign workers, and would do so as soon as the embargo was lifted and it was able to recover the assets frozen in foreign countries. He requested the ILO and other international organisations to intervene so that the embargo would be lifted, as it was having disastrous effects on the people of Iraq as well as on migrant workers. In respect of the protection of wages of foreign workers in Iraq, he stated that the law provided the protection that was necessary for this purpose. The wages of foreign workers were paid in conformity with the law previously referred to, and in conformity with the agreements concluded between workers and employers. The wages of Filipino workers were paid in compliance with the law and with the agreement concluded between the two countries. This agreement included provisions contained in Convention No. 95. Transfers of funds of migrant workers to foreign countries had been made in compliance with the appropriate directions.

The Workers' members recalled that the problem concerning the application the Convention had been the subject of observations of the Committee of Experts for many years, and had been discussed in 1989 and 1990, in particular, by the Conference Committee. Two matters were pointed out by the Committee of Experts. The first arose from the report of the Governing Body committee that was responsible for the examination of the complaint submitted by the Federation of Egyptian Trade Unions pursuant to article 24 of the Constitution. The Governing Body invited the Government to take all appropriate measures to ensure that Egyptian workers obtained full payment of amounts owing to them in respect of wages. On the basis of the information provided by the Federation of Egyptian Trade Unions concerning the number of workers and the amounts to be paid, and the information supplied by the Government concerning the payment of these amounts, it was noted that only part of the payments had been made. They therefore stressed that all amounts owing in respect of wages be paid and transferred to the Egyptian workers as soon as possible. The Government was also asked, as previously agreed, to provide detailed responses to all the questions raised by the Committee of Experts on these matters. The second question concerned the very important problem, which had already been dealt with by this Committee, regarding the payment of wages in the form of promissory notes or any other form alleged to represent legal tender. Such payments had been prohibited by Article 3 of the Convention. In their opinion, this Convention was of great practical importance for migrant workers. For this reason, any derogations in this area that were made at the level of the enterprise, at the national level or through bilateral agreements between States were unacceptable. During discussion of this year's General Survey on Minimum Wage Fixing Machinery, the Workers' members emphasised the importance of respect for Convention No. 95. They also urged the Government to fully respect Convention No. 95 in all its bilateral agreements and to review, if necessary, the content of these agreements to the extent that they contravened the principles of this Convention. They also stressed that the Government should supply all the information requested by the Committee of Experts concerning the situation in practice, and inform it of any intervening new developments in bilateral agreements concluded with the Philippines and other countries.

The Employers' members noted that this case involved an entire range of complex questions. A considerable part of the wages owing to the numerous Egyptian workers emplyed in Iraq had been frozen and not paid to them; this problem was not linked exclusively to the political and military events which had taken place. Although part of these wages had since been released, the situation was unclear in respect of large amounts of these wages, and they therefore supported the questions and demands of the Experts concerning this matter. They stated that they wished information from the Government regarding the number of workers affected, and the amounts in question; the amounts that had been paid until now; and when and what specific measures had been taken in order to deal with cases that had not yet been settled. In respect of the Government's statement that it was not in a position or ready to deal with such matters because of the embargo, they stressed that this situation must not affect workers who were not responsible for the political events that had occurred. The unpaid workers had a contractual right to the money owed, the Convention protected their wages, and the Government must guarantee this protection. The second area of concern of the Employers' members was the payment of wages to foreign workers. Originally the Committee had dealt with a situation involving Philippino workers in Iraq. It was originally unclear whether there was any agreement between Iraq and the Phillipines in respect of these workers, and the nature of the contents of any such agreement were also unknown. It now seemed clear that this and other agreements did exist between Iraq and countries whose workers were or had been employed in Iraq. However, they stressed that there should be agreements with all such countries, in order to protect the wages of all workers as required by the Convention. They indicated their support for the request from the Committee of Experts for precise written detailed information concerning existing and draft wage protection laws which were or were to be applied to all foreign workers employed in Iraq, and whether the same protection of wages was provided to all workers, as established in the Convention.

A Workers' member from Italy, after having recalled the relationship between the embargo and the freeze of Iraqi assets in countries other than Iraq with the payment of wages to foreign workers, emphasised the importance of establishing agreements between countries which employed migrant workers and countries from which such workers originated, in order to regulate these matters. He stated that there should be as much clarity as possible in this area not only for institutions but also for migrant workers.

A Workers' member from Greece stated that he was not able to accept the information given by the Government representative to the effect that the wages of the migrant workers would be paid when the embargo was lifted, and the Iraqi assets in foreign banks unfrozen. He stressed that the migrant workers, who were in no way responsible for the troubles that had occurred in Iraq, should not bear the consequences.

The Government representative stated that all workers deserved protection, including Iraqi workers who were subject to very difficult conditions. Thousands of persons were dying because of a lack of food and medicine, including children and even foreign workers. He hoped that this situation would be taken into consideration when the Government refers to the payment of wages. In reference to the explanations that had been requested regarding the number of Egyptian workers affected and the amounts owing, he indicated that he had not been able to contact the competent authorities in order to obtain this information, as the report of the Committee of Experts arrived one week prior to the Conference. The Government will send this information in a detailed report. With regard to the agreement with the Philippines, he explained that this bilateral agreement was renewed without either of the parties objecting to its contents. His Government had taken into consideration all the international standards when signing bilateral agreements. It will send the ILO a detailed report on this matter in the near future.

A Worker member of Iraq stated that the Confederation of Iraqi Workers considered itself responsible for the protection of all Arab and foreign workers. In the past, prior to the unfortunate and known events, the problems of Egyptian workers had been resolved jointly with the Egyptian workers and his Confederation. The Confederation was paying Iraqi and foreign workers who had lost their job monthly salaries which were financed by the contributions of Iraqi workers to the Confederation. He admitted that a debt was owing to the Egyptian workers and hoped that it would be settled soon, in spite of the serious difficulties which his country was daily encountering.

The Committee took note of the information supplied by the Government. It understood that considerable sums of money due to foreign workers as wages had not been transferred to them because of the freeze of Iraqi assets. The Committee pointed out that under the provisions of the Convention, foreign workers should not be the victim of political difficulties in the region between the Government and other countries. It therefore urged the Government to revise its position on this point. The Committee furthermore asked the Government to supply in the near future written information containing full particulars concerning the agreements the Government had entered into with governments of countries whose nationals worked or had worked in Iraq, as well as information concerning the other points raised in the report of the Committee of Experts.

The Government representative expressed reservations about the text of the conclusions concerning the freeze of government assets, and reiterated that the Government was not responsible for the freeze nor for the embargo.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Colombia (ratification: 1976). A Government representative, the Minister of Labour and Social Security, referred to the request contained in the report of the Committee of Experts in respect of this Convention. The Committee had requested that the necessary measures be taken in order to grant to those "public employees", who were not engaged in the administration of the State, with the guarantees set out in the Convention in respect of the negotiation of collective agreements. In Colombia there was a distinction made between public employees and official workers which had involved a number of petitions. He indicated that written information had been provided by the Government on the different points raised by the Committee of Experts.

The Workers' members noted that in providing the right to collective bargaining for public workers, the Convention referred to those engaged in the administration of the State as a possible exception to this right. However, they stressed that the Committee of Experts did not consider that there should be a very broad distinction made to the effect that all civil servants could be considered to be involved in administering the State. Although the Minister himself and his immediate, top-level staff, could be included in this category, this exception did not extend to include all public servants. They noted that that an ILO mission had reported that Presidential Directive No. 38 of 1990 confirmed the prohibition placed on unions of public employees and related collective agreements. They believed that if ILO technical assistance were given to the Government, it would be informed conclusively by the ILO that the administration of the State could not be given as wide a definition as the Government wished to maintain.

The Employers' members considered that the only question to be answered concerned the kinds of public service employees that should be included in the category of state administration. In their view, this category should include all the personnel needed to operate a secretariat, and not just the minister and his secretaries. They did not think that this should be a fixed boundary or limit, but only one of the factors to be considered when asking for ILO assistance in order to arrive at a sensible regulation of the distinction between those who may engage in collective bargaining and those may strike.

The Workers' member of Colombia stated that in Colombia the right to bargain collectively was being infringed upon and that there were directives of the Government that result in such infringements. Decree No. 2914 of 30 December 1991, approving the budget for incomes and expenditures of state industrial and commercial enterprises and joint economy companies, states in article 18 the necessity for prior authorisation of the Superior Council of Fiscal Policy (CONFIS) in order to exceed the percentage of salary adjustment set by the national Government. Article 10 of Act No. 4 of 1992 established that all salary or benefit structures that were found to have contravened the provisions contained in this law, or in the Decrees made by the national Government, would lack all effect and as a consequence no rights would be acquired under such structures.

A Workers' member of Italy indicated that on 27 June 1992 the three Italian trade unions would hold a demonstration against the Mafia and the murder of the Italian judge Mr. Falcone. He requested the Government to provide information concerning the dozens of trade unionists and activists in the area of human rights and social justice who had been killed.

The Committee noted the information supplied by the Government from which it gathered that the Government's concept of public employees engaged in the administration of the State remained too wide. It therefore expressed the hope that the Government would comply with the suggestions of the Committee of Experts and send a full report about the amendments envisaged to change the law.

Malaysia (ratification: 1961). A Government representative noted section 13(3) of the Industrial Relations Act and its non-conformity with Article 4 of the Convention and that more detailed clarification of the explanations supplied to the Committee of Experts was necessary. Under section 13(3) of the Industrial Relations Act, 1967, the following matters, which the Government representative referred to as management functions, were excluded as subjects for collective bargaining: promotion; transfer; employment; terminations; dismissal and reinstatement; and assignment or allocation of duties or specific tasks to a worker. However, such matters could be raised by trade unions in discussions with an employer or employers' organisations, within or outside the course of collective bargaining, if these matters affected the individual worker. In his view, the trade union was therefore free to fully utilise its collective bargaining machinery to settle issues relating to terms and conditions of employment. The six matters excluded from collective bargaining had been the subject of negotiation, conciliation and arbitration, as well as decisions of the Industrial Court, High Court and Supreme Court, and amounted to 54.2 per cent of all disputes dealt with by the Department of Industrial Relations during the past five years. He considered that these six areas were internal management functions or prerogatives, and that the provision in question was merely a restatement of the rights of employers under contract law. These prerogatives were subject to limitations, for example, transfers could not be made *mala fide*, as a means of victimisation, as an unfair labour practice or for any other ulterior motive. He emphasised that the Industrial Relations Act provided sufficient protection for workers' rights. In his view, section 13(3) concerned matters leading to individual disputes, but had little relation to collective agreements. A further restriction on the exercise of the employers' rights was provided in section 5(2), which provided that such rights could only be exercised for proper cause. As regards the position of companies granted pioneer status under section 6 of the Promotion of Investments Act, 1966, the Government representative stated that trade unions in companies granted pioneer status were not allowed to conclude collective agreements granting benefits relating to rest days, hours of work, holidays, annual leave, sick leave and payment for extra work (referred to as non-monetary items) that were more favourable than those contained under Part XII of the Employment Act, 1955, unless the provisions were approved by the Minister of Human Resources. However, such trade unions and companies could without restriction conclude collective agreements regarding such matters as wages, bonuses, allowances, compassionate leave, paternity leave, unpaid leave, study leave, trade union leave, maternity leave, retirement benefit, and other terms and conditions of employment. The Government representative emphasised that although the repeal of section 15 of the Industrial Relations Act, 1967, was currently being discussed with the employers' organisation and workers, job creation was a priority because of the present circumstances of the country, and for this reason such a repeal would not be made until the appropriate circumstances existed. The restriction on the right to bargain collectively of employees in public administration (850,000 employees), pursuant to section 52 of the Industrial Relations Act, 1969, was primarily because of the differing objectives of the public and private sectors. The public sector was service rather than profit-oriented and therefore wages paid to public sector employees were not based on the same principles that applied to the private sector. All civil servants were governed by the same General Orders, and their duties were classified as "supporting elements" so that they were among those engaged in the "administration of the State". The Government representative stated that in the public sector negotiations and discussions took place at the national level; since the late 1970s five National Joint Councils for the public service had negotiated wage increases and working conditions and had engaged in consultation on behalf of public employees. Such negotiations resulted in a significant pay increase in 1989 and the offer of a New Remuneration System in 1991. In addition, a Joint Committee was formed on 30 October 1985. The Joint Committee signed a Joint Declaration on 6 June 1986 agreeing to meet regularly for the settlement of disputes arising from claims in respect of salary and other terms and conditions of employment of public administration employees. He emphasised that this was evidence that the Government did, in practice, negotiate with its employees on such matters.

The Workers' members recalled that these questions concerning the Convention had been raised by the Committee of Experts for a long time and that they were discussed in the Conference Committee in 1981, 1983 and 1985. They noted that the report and the replies of the Government had not shown any progress since 1985. Information should be communicated by the Government to the Office so that the extent to which new developments might have taken place could be examined by the Committee of Experts. The two major problems concern firstly the contents of the legislation under discussion, and secondly the attitude of the Government towards the supervisory system and the universality of standards. As regards the content of the legislation, it essentially concerns the Government's control over collective bargaining illustrated by three divergences between the national legislation and Article 4 of the Convention as mentioned by the Committee of Experts. The Government not only restricts the scope of collective bargaining but made the legislation in such a way that the workers could not be treated on equal footing with the employers, as is shown in section 13(3) of the Industrial Relations Act. The spirit of this legislation was confirmed by the Government, namely that questions enumerated in section 13(3) such as promotions, transfers, dismissals should not be the subject of negotiations because this could lead to prolonged strife since the managers are unlikely to agree to any erosion of their rights during the process of negotiating a collective agreement. This explanation demonstrates an imbalanced attitude of the Government to collective bargaining and also its paternalistic spirit. Besides, the legislation excludes the workers of pioneering enterprises from the possibility of concluding agreements during five years on such fundamental aspects of their working conditions as working hours, paid leave, annual or sick leave, which causes a problem, especially for the enterprises in the export processing zones. The Workers' members would never accept a selective or partial application of international labour standards. The possibility provided by the Act for the Minister to validate negotiations affecting these working conditions underlined further interventionism of the State and its attitude towards the parties. As to the attitude of the Government concerning the application of standards, particularly the universality of standards, the Workers' members observed that the Committee of Experts noted the Government's opinion that "there should not be a too legalistic or technical approach taken over the application of ratified Conventions in this era of increasing protectionism adopted by certain trading blocs and that the attempt of developing countries to develop their economies and eradicate poverty should be looked at in a positive light". The Workers' members stated that such objectives of socioeconomic development were normal but should not be put in opposition with the standards and fundamental rights enshrined in the Convention. They could not accept such an attitude of the Government and referred to the resolution concerning freedom of association and freedom of collective bargaining adopted by the 11th Asian Regional Conference, as well as to their own statement during the general discussion and to the conclusions of the Committee on Freedom of Association in the Case No. 1552 concerning Malaysia in which that Committee recalled that fundamental human rights such as those guaranteed by the Convention should be respected whatever the level of development of the country. The Workers' members urged the Government to eliminate the restrictions contained in the legislation so as to bring it into conformity with the Convention and stated that a visit on the spot by the ILO would perhaps help to overcome the difficulties. They expressed their great concern of the situation of the application of the Convention in Malaysia because the trade union movement as a whole was concerned. It concerns a conflict between long standing values, methods and principles of the ILO on the one hand and the Government's unacceptable interpretion of the obligations arising under the Convention on the other.

The Employers' members stated that the ideal of the Convention was free collective bargaining, but that the reality in many countries was far from this ideal. In Malaysia certain aspects regarding the functions of management could not be the subject of collective bargaining, although they were not outside of all regulatory measures because an appeal was possible to a tribunal. Such aspects as wages could be negotiated collectively, while other aspects were regulated in a different manner. Such situations were common in many countries and demonstrated that there was no absolute freedom of collective bargining. In Malaysia, therefore, there was no total restriction, but important exclusions remained, and the Government should reconsider the possibility of widening the scope of collective bargaining. As regards pioneer enterprises, especially those in export processing zones, although wages could be the object of collective bargaining, restrictions remained as regards some other working conditions; these could be the subject of collective bargaining but needed to be submitted for ministerial approval (which had never been refused). Such measures are usual and widespread so as to promote a new economy in a developing country, but they were not in conformity with the provisions of the Convention. The Government representative stated that it contemplated removing this prohibition because it considered that industry in protected zones was prosperous enough to be covered by normal legislation and treated on an equal footing with other branches; legislation could thus be brought into conformity with the Convention on this point. The Government should intensify its efforts in this regard. As concerns the restrictions of right to bargain for certain employees of the public service, the Government contemplated privatisation in this field. This was a positive move which would resolve the problem because private sector employees can bargain collectively. Nevertheless, concerning the public service, there remained a gap with the objectives of the Convention. The Employers' members wished that the Government would conform with the requirements of the Convention.

An Employers' member of Malaysia considered that the provisions under section 13(3) of the Act were "measures appropriate to national conditions" and were not incompatible with Article 4 of the Convention. Somebody's right is always subject to the right of others. The right of workers to collective bargain must be viewed against certain rights of employers relating, for example, to promotion, transfer and assignment of duties. Employers are responsible for managing the enterprise, although they cannot exercise their right unfairly. There are court cases against employers acting without just cause. Section 13(3) must be seen within the context of other legislative provisions and practices in Malaysia. Could one ever bargain in an unlimited way with regard to appointment, promotion, transfer or assignment of duties? The speaker hoped that the Committee would review the conclusion of the Committee of Experts relating to section 13(3) accordingly.

A Workers' member of Japan remarked that this case had been before the Committee for many years without progress. There were three questions: (i) limitation on the scope of negotiable matters; (ii) prohibition with regard to pioneer industries; and (iii) restriction on the right to bargain collectively for employees in public services. Although such restrictions exist in many countries in Asia, the Malaysian case was a serious one. The speaker expressed concern at the attitude of the Government and the impression given by the report that the situation appeared to have deteriorated. He pointed out that the Government's intention to take measures only when political, economic and social conditions of the country warranted it, was no assurance at all and would mean that the Government had the right to interpret the Convention as it liked. He also remarked that Malaysia, which used to have relatively liberal labour legislation, had gradually tightened its grip over trade union rights, while its economy developed at a high speed. He requested the Government represantative to respond to the suggestion by the Committee of Experts that technical assistance from the Office could be requested for the purpose of bringing the law and practice into conformity with the Convention.

A Workers' member of the United States strongly supported the statement made by the Workers' spokesman. Noting the Government's statement of intention to improve the situation in each of the three areas discussed, he pointed out some contradictions in the first statement that the provision would not be repealed until the political, economic and social conditons of the country warranted it, and the subsequent statement that active steps were now being taken to repeal this provision. The speaker emphasised a need for the Government to submit these new undertakings for evaluation by the Committee of Experts.

A Workers' member of Malaysia indicated the improvement in political, economic and social conditions in Malaysia, with economic growth of 8.8 per cent, and an unemployment rate of about 4.4 per cent. As regards section 13(3), unionised workers may be able to talk with employers and apply pressure regarding these matters, but non-unionised workers would be helpless when section 13(3) protects rights of employers to hire and fire. The speaker hoped, regarding pioneer enterprises, that the matter would be dealt with in the country within a tripartite discussion. As to the public sector, the speaker pointed out that there was no collective bargaining right for the public serivce except for the matters regarding which the public sevice union submitted a claim to the Government. The Government considered, the Cabinet decided and the matter was referred to the union for acceptance, which is not real collective bargaining.

A Workers' member of the Netherlands requested the Office to explain the reason why this case had not been discussed since 1985. The speaker pointed out that the Convention not only granted the right to bargain collectively but also had a definite promotional character. As regards section 13(3), noting the Government's statement that workers could negotiate if they really wanted, he wondered why the Government put in the legislation that these elements should be excluded from collective bargaining.

A Workers' member of Romania stated that the workers of his country were worried by the attitude of the Malaysian Government regarding international labour standards, in particular this Convention, because such an attitude would be against the freedom of collective bargaining and values of the Constitution of the ILO. The universality of standards, in particular of free collective bargaining between two parties on equal footing was an essential value. Coming out of a totalitarian system which always refused the universality of standards, Romanian workers did not want such ideology to continue any longer.

A Workers' member of Uganda, noting that Malaysia was economically relatively well-place, expressed surprise and disappointment as the Government stated that the prohibition of workers' rights was intended to promote investment, stimulate growth and generate employment opportunity and that the Government considered such matters as hours of work, holidays, annual and sick leave as not fundamental. The speaker expressed a worry that, if the suppression of workers' rights could not be stopped, it would threaten the good work done by the ILO and would also threaten other countries which grant such rights, because any country, needing to promote investment and to stimulate industrial growth, might follow the example of Malaysia. The speaker, referring to the Government's intention for privatisation, stated that there was no guarantee that the Government would not protect the investor after privatisation. He disagreed with the Employers' member of Malaysia in relating the rights of workers with the rights of employers.

A Workers' member of Pakistan referred to the General Survey on Freedom of Association and Collective Bargaining and noted that, according to the Government, privatisation would open the way to bargaining. As regards section 13(3), such issues as lay-off, retrenchment and promotion should not be excluded from bargaining and he looked forward to positive legislative developments in this area.

A Workers' member of Ecuador was particularly concerned by the case of Malaysia: there was no doubt about the importance attached to the Convention by both Workers' and Employers' members. As one of the objectives of collective bargaining was to contribute and to promote progress and economic development and to eliminate poverty, he was surprised that the Government felt that the Convention should be applied on the basis of political, economic and social conditions in a country. The economic situation was also of concern in Latin American countries: if the Government's criteria was followed, the application of this Convention would be a privilege of rich countries which less favoured countries could not realise. This would be contrary to the principle of universality of standards. The idea that collective bargaining could hinder development and contribute to increased misery was, to say the least, inappropriate. Referring to the restrictions on collective bargaining rights of public service employees, the speaker believed that the activities of the National Joint Council – which the Government felt would allow partial application of the Convention – were totally insufficient. Concerning the privatisation of various state enterprises and its impact – anticipated by the Employers' spokesman – on the right of workers to collectively bargain, the speaker considered this not to be the issue: the question was whether there existed the right to collectively bargain as provided for in the Convention. As this case had been discussed for many years, he hoped that the Government would in the future make substantial progress.

A Workers' member of Germany supported the statement of the Workers' spokesman regarding, in particular, the right of public servants to bargain collectively; in this regard the Convention laid down the minimum standard. Under the Convention each State had to guarantee the right to organise and to bargain collectively and it is indispensible that enterprise management recognise the importance of collective bargaining at the enterprise level. It should be possible to fix wages and other conditions of work through collective bargaining with management. Both workers' and employers' organisations participate in this process; the setting of conditions of work is neither a privilege for workers nor a prerogative of management, but a right which belongs to both parties. In order to promote the development of one region or a part of the country, recourse could be had to financial incentives, protective measures, or other governmental policies; such development should not be promoted by limiting collective bargaining rights. When a State ratifies this Convention it undertakes to guarantee free collective bargaining. The authorities had to guarantee collective bargaining rights even in multinational enterprises and had to resist contrary pressures from such enterprises.

Another Workers' member of Malaysia stated that, although section 13(3) forbids collective bargaining on promotions and transfers, clauses on these subjects were in actual practice signed and agreed to in collective bargaining. Many transfers and promotions have even been successfully challenged. It was a wrong impression that the law prevented workers or unions from acting in these areas.

A Government member of the Congo stated that the problem under discussion contained aspects of both principle and practice; it was the practical aspect which interested him since a similar situation existed in his country. A balance should be found between the right of different categories of workers to negotiate collectively all the aspects of their working conditions and legitimate management prerogatives. In some developing countries workers had become practically like the employers during collective bargaining; this undoubtedly explained part of the situation in Malaysia. The protection of investors could be realised by, for example, prescribing in internal regulations the role of each institution, in particular that of trade unions. The systematic prohibition by public authorities of collective bargaining should be avoided; legislation making such provision should be modified. One should find a way in which, in practice, all concerned maintain their powers.

The representative of the Secretary-General replied to the question put by a Workers' member concerning the reasons why the Office did not include this case on the list of individual cases since 1985. The Office does not draw up this list. In fact the draft list of individual cases is elaborated in the Employers' and Workers' groups, and then is examined by the Officers of the Committee who then submit this list to the Committee for approval. The Secretariat does not play any role in this process, except for readily responding to any requests for information. Besides, the Committee of Experts made observations on this case in 1987, 1989, 1991 and 1992, that is to say, every year in which this Convention had to be examined.

The Government representative explained that the question of "attitude" as raised by many Workers' members was solely based on one's perception and pre-determined values. Stressing that Malaysia certainly had better track records in the area of workers' rights compared to many other countries, he stated that he would not wish to be drawn into unnecessary debate on that subject-matter.

The Government representative stated that the rights of workers should be weighed against the rights of the employers, and that the denial of the latter would only be detrimental to workers' interests by leading to such things as bankruptcies. The right of the employers to manage did not restrict the workers' right to collective bargaining. He stressed that discussions had been taking place with the social partners on the possible deletion of section 15 relating to the restrictions on collective agreements in certain new undertakings, and as such Malaysia could not accept the assertion that there had been no progress made since the last report. It was also explained that the six issues stipulated in section 13(3) were not absolute and were increasingly being negotiated. As to the question of universality, he emphasised that one has to look and diagnose the situation in a particular country by looking into the context of the situation and the level of economic development. He further stressed that everyone including those in the Committee were duty bound to help workers find employment, share their incomes and improve their standard of living. He reiterated that in the public service there was negotiation and conciliation on matters pertaining to wages and conditions of service. The Government representative stated, regarding the possibility of technical assistance by the ILO, that if the ILO considers it necessary to send a mission, the Government would be glad to receive it.

The Workers' members stated that it was indispensable for the Government to communicate shortly a report for examination by the Committee of Experts. They were surprised to see the Government representative repeat the logic of the Employers' member of Malaysia that the rights of some limit the rights of others. They did not understand, regarding the Convention concerning collective bargaining and the possibility to reach agreement, how one could speak of limiting the right to negotiate and therefore to reach agreement. It concerns the freedom to discuss. The Workers' members recalled their earlier suggestion that if the Government considers that there remained problems of interpretation, it could call for assistance or a visit on the spot by the Office.

The Committee noted with some disappointment the information given by the Government, recalling that this case has been the subject of its concern on different prior occasions. It felt bound to emphasise the seriousness of the protection and promotion of the right to bargain collectively as guaranteed under the Convention. The Committee therefore urged the Government to reconsider its position and make use of the good services of the ILO in that respect. It hoped that the Government would send a report with full particulars, to the ILO to enable the Committee to find the legislation to be in complete conformity with the Convention at one of its next sessions.

Pakistan (ratification : 1952). A Government representative noted that the main point raised by the Committee of Experts concerned the Wage Commission. Until recently, all banks and financial institutions in the public sector. There were two options for dealing with them, either (1) to allow all institutions to bargain on their own behalf or (2) to take steps to ensure uniformity in this sector. The Government had decided to introduce a uniform system for these banks. A Wage Commission was periodically set up at the demand of the workers. This Commission was tripartite in nature with representation from both workers and employers. The Chair was usually a senior judge in Pakistan. Both parties could present their demands before the Chair who would act as moderator and as arbitrator when a decision had to be taken. In reality, therefore, this system actually permitted for a negotiation process directly with the employer. If the positions of the workers and employers were blocked, the Chair tended to determine in favour of the worker. Recently, ten new banks had been established in the private sector, two of which had been national banks. Financial institutions were likely to become privatised as well. As the situation progressed, there would come a time when the Government would no longer need to enforce uniformity and the need for the Wage Commission might be reconsidered. At present, however, this system still worked and there had been no complaints from the workers in these institutions. Furthermore, these workers do have their own associations to represent them and have the right to strike.

The Workers' members noted that the Committee of Experts was obliged to repeat the comments it had been making concerning the non-application of this Convention on certain points since 1988. Furthermore, this case had been discussed in this Committee on previous occasions. The Committee of Experts had noted that free collective bargaining was not available to workers in the banking and financial sector, to airline workers and to workers in export processing zones. According to the information provided by the Government, the study undertaken to determine whether workers objected to the system of negotiation within the Wage Commission or whether they preferred direct bargaining indicated that the present system was working perfectly well and there were no problems. The Workers' members pointed out that this study would of course depend on the type of questions the workers were asked and the circumstances in which they were able to reply. Perhaps the Government representative had more information on this point. In any event, the Convention provided that workers had the right to bargain collectively directly with their employer without interference from an outside body. They appealed to the Government to review the provisions of th O[illegible]nce concerning the rights of workers in the banking and financial sector in order to bring them into conformity with the Convention.

The Employers' members associated themselves with statement made by the Workers' members. They recalled that the discussion concerning the export processing zones already had taken place under Convention No. 87. The only permissible way of setting wages under this Convention was through direct collective bargaining. The Government, however, maintained an alternative system to that allowed under the Convention. It appeared that the problem would be resolved over time as the banking and financial sectors were privatised. Corrective action should, nevertheless, be taken as soon as possible.

The Workers' member of Pakistan appealed to the Government to review the situation in the banking sector and suggested that it consider technical assistance from the Office. The right to bargain directly with the employer should be provided to all workers, whether in the private sector or the public sector.

The Government representative indicated that this Government would request technical assistance from the Office in this regard.

The Committee took note of the information supplied by the Government with some disappointment. It felt bound to conclude that no real progress had been made on the points raised by the Committee of Experts on previous occasions. In view, however, of the Government's willingness to ask for technical assistance, it expressed the firm hope that the Government would be in a position to bring its legislation into full conformity with the Convention in the near future.

Syrian Arab Republic (ratification: 1957). A Government representative, observing that the Committee of Experts considered section 98 of the Labour Code to be in contradiction with Article 4 of the Convention, stated that his Government did not think it was the case, for the following reasons:

- firstly, the economic interests of any country are part of the public order which is the whole group of laws and regulations related to the basic interests, whether economic, social or political, of any society and the agreements cannot go against this order. The Minister has to be able to have recourse to section 98 when he considers that a collective agreement would harm the economic interests of the country, that is, against the public order, and to annul any clause of the collective agreement in such a case;
- secondly, section 98 of the Labour Code does not prevent the promotion and encouragement of arrangements aiming at reaching collective agreements between workers' and employers' organisations; it merely ensures that no clause or collective agreement would do any harm to the economic interests of the country and hence to its public order;
- thirdly, the Director-General of the ILO indicates in his report to the Conference entitled "Democratisation and the ILO" that "only major economic and social considerations or considerations of general interest could justify action by the authorities to alter the content of freely concluded collective agreements", which means that in such a case the public authorities may intervene;
- fourthly, the Committee of Experts requested the Government to persuade the parties to collective bargaining to have regard in their negotiations to major economic and social policy considerations and the general interest invoked by the Government. One may wonder what to do when the parties to the negotitions did not abide by such economic and social policy.
- Should legal rules which are really ethical rules dependent upon the agreement and support of the negotiating parties depend upon public authorities for their enforcement?

Noting the divergence or views between his Government and the Committee of Experts, the speaker wished that this case be submitted to the tribunal, whose establishment had been proposed.

The Employers' members, recalling that the Convention referred to freedom of collective bargaining between employers and workers, observed that this Convention might be applied in different manners, that many systems exist in the world, that in countries where there are various restrictions, collective agreement and collective bargaining are hardly ever as free as they should be. In the case under examination, the question is the general targets of the economic policy of the country. It is certain that the economic situation should be taken into account by the parties to the collective bargaining, but the question concerns the criteria upon which the public authorities may intervene in the collective bargaining. The concepts of public order and the general interest are well known to lawyers, but as long as the collective bargaining is concerned, the prerequisites should be clearly determined so as to avoid arbitrary interventions; the participation of workers and employers in such determination would be desirable. Some measures could be adopted to provide for less interference in the bargaining process and the Government should seek the ways and means to protect its proper interest and objectives without intervening excessively in the collective bargaining and look for solutions compatible with the concept of freedom of collective bargaining.

The Workers' members stated that the Government had not changed and did not have the intention to change its legislation despite the precise and repeated observations of the Committee of Experts. The Government indicated that there was no contradiction between its legislation and the Convention, and instead of cooperating with the supervisory organs, it rather looked for confrontation. Section 98 of the Labour Code permits the intervention in collective bargaining in such a way that it is almost impossible to conclude collective agreements. Such arguments as those which the Government made referring to the economic interests are known, have been discussed many times, and were examined by the Committee of Experts in its General Survey on Freedom of Association and Collective Barganing of 1983 in which the Committee of Experts indicated that it would be better to try to persuade the parties to collective bargaining to have regard in their negotiations to certain considerations of general interest rather than to restrict and interfere in the collective bargaining. The attitude of the Government is worrying, and goes against the spirit of cooperation. The Workers' members urged that the Government should study again the comments of the Commitee of Experts and the content of the General Survey and that it should reconsider its attitude and re-examine the situation.

A Workers' member of the Netherlands recalled that the Committee of Experts had developed a kind of jurisprudence, giving criteria which the Government should respect if it wanted to interfere in freely negotiated contracts, with an appeal to the economic internomic interest : such criteria included that measures should be temporary, that they should be taken only under exceptional circumstances and that there should be compensation for the living standards of the workers. He noted that it might take quite some time to change laws, as demonstrated in some other cases concerning legislation on interference in free collective bargaining, but he declared such interference intolerable.

The Government representative noted that the Employers' members had said that the interventions in the collective bargaining should not be exaggerated and that the Workers' members had said that they would not accept any interference, and that another workers' member said that the intervention should take place only in exceptional circumstances. The Government does not look for confrontation but looks for collaboration with the ILO. It is a purely judicial question and the Government considers that section 98 of the Labour Code is not against the Convention. Recalling that the interventions were based on national economic interests, the speaker wondered if the parties to the bargaining could, for example, adopt a collective agreement against a governmental decision to freeze the wages to contain inflation. The State enjoys discretionary power in appreciating the risks that run the public or economic order of the country.

The Committee took note of the information supplied by the Government. It understood the Government holds the labour legislation mentioned in the Committee of Experts' report not to be in contravention with the Convention. It also noted the Government's mentioning to seek close cooperation with the ILO. It therefore expressed the hope that the Government, after consultation with the ILO, would reconsider its position.

Convention No. 105: Abolition of Forced Labour, 1957

Dominican Republic (ratification: 1958). A Government representative, Secretary of State for Labour, praised the work of the Committee of Experts which through its comments enabled member States to make the changes and amendments necessary to bring national legislation into conformity with international standards. He indicated that the new Labour Code was promulgated on 29 May 1992. This Labour Code was the result of a tripartite dialogue between Government, workers and employers which made it possible to reach a consensus on the 740 articles of the draft Code presented to the national Congress.

The provisions of this Code were to be applied not only to urban industry but also to agricultural undertakings and agro-industry, thus eliminating the previous distinction made in the Labour Code of 1951. The Labour Code contained provisions concerning the following: prohibition of forced labour, the obligation to pay workers wages in cash and not in the form of vouchers or other payment and the prohibition of employment of children under the age of 14 years. With respect to freedom of association, the new Code recognised the protection of immunity for the founders of trade unions, its leaders and negotiators of collective agreements. Furthermore, the Code included the concept of essential services consistent with the jurisprudence of the Committee of Experts and guaranteed the right to strike by repealing penal sanctions for workers participating in illegal strikes, by reducing the percentage necessary to declare a strike and by permitting strikes not only for economic disputes but also disputes of interests. In this manner the Dominican Republic has harmonised its legislation with ratified Conventions.

As regards Convention No. 105, the General Directorate of Migration continued its work of regularisation of the status of Haitian nationals, especially of those engaged as sugar-cane cutters. He stated that presently 37,765 Haitians were engaged in temporary work for the sugar-cane harvest and processing. Furthermore, 36,180 residents' permits were granted to Haitians living in the country.

Decree No. 233 / 91 was no longer being applied and the General Directorate of Migration had recommenced the work of regularisation called for under Decree No. 417 / 90. Furthermore, given the events taking place in Haiti since October 1991 and the decision of the Organization of American States to isolate the *de facto* Government of Haiti, the Dominican Republic found itself blocked from reaching an agreement increased the salary of sugar-cane harvesters in 1991-92 by 40 per cent. In order to improve the living and working conditions of sugar-cane workers, particularly as concerns harvesters, the State Sugar Board and the Federation of Sugar Growers provided, in its agreement with the trade unions, for the collaboration between sugar industries and trade unions for the creation of consumer cooperatives which would enable the workers to avoid any abuse attempted by small private merchants.

The Workers' members thanked the Government for the interesting and encouraging information which it provided. They recalled, however, that this case had been discussed for many years now and that, last year, the Office had undertaken a mediation mission.

With respect to the regularisation of the status of Haitian workers in the Dominican Republic, they had already noted progress in this regard last year as a result of the adoption of Decree No. 417/90. This year's report of the Committee of Experts, however, had also referred to Decree No. 233/91 concerning the repatriation of foreign workers. This Decree had been implemented in an indiscriminate manner and affected not only men and women of all ages, but also persons born in the Dominican Republic, whether or not in the possession of a resident's permit. Decree No. 233/91 had been applied, in many cases, by means of round-ups in violation of human and employment-related rights. The application of this Decree in fact impeded the process of regularisation which was being implemented under Decree No. 417/90. There were, therefore, two contradictory policies. They urged the Government to take every measure to end this contradiction by ensuring a global policy, affirmed at the highest level, to ensure the application of the relevant standards.

As concerns the hiring procedure for Haitian workers, they understood that the Government of the Dominican Republic had not yet been able to reach an agreement with the Haitian Government. But even in the absence of an intergovernmental agreement, there were measures which could be taken to ensure the application of resolution No. 23/90 concerning the use of intermediaries in the engagement of workers. Having noted the progress made in the adoption of the Labour Code, they added that it would be necessary for a copy of the Code to be communicated to the Office in order to enable the Committee of Experts to fully analyse the new measures with respect to the comments which had been made for many years now.

Finally, they noted the progress made concerning freedom of association but again urged the Government to communicate supplementary information in order to permit a determination of whether, in practice, the guaraantee of freedom of association was truly respected. They concluded by stressing that practical action was necessary to ensure meaningful improvement in working conditions and the living conditions of workers in the Dominican Republic, particularly with respect to the sugar-cane workers.

The Employers' members recalled that this case had been a problem for ten years and recalled that in 1983 a Commission of Inquiry had presented a report containing a number of recommendations to be implemented in order to ensure the full application of the Convention. They noted that the mediation mission undertaken in 1991 had resulted in a series of administrative and legislative improvements. Some problems still remained, however, and certain points needed to be clarified.

They recalled that Decree No. 417/90 concerning the regularisation of Haitian nationals affected over 100,000 workers, including Haitians born in the Dominican Republic. This Decree provided the framework, but many texts and detailed regulations would need to be drafted to ensure its effective implementation. They drew attention to Decree No. 233/91 which permitted the repatriation of foreign workers under 16 years of age. The older workers in question had, in many cases, been living and working in the Dominican Republic for decades. Furthermore, in some cases this repatriation was carried out forcibly. They noted the contradiction between these two Decrees and requested the Government to clarify its previous statement by indicating which Decree was no longer in force.

Secondly, they stressed the need to further regularise and control the hiring procedure. They recalled that the draft legislation reviewed in 1991 had made many improvements in the hiring procedure, but stressed that the practical implementation of these was essential. New hiring systems were to be introduced for the 1991-92 sugar-cane harvest. They regretted that there had still been no agreement reached with the Government of Haiti and requested the Government of the Dominican Republic to indicate the methods and procedures presently being used for hiring and the number of persons involved.

Finally, they requested the Government representative to submit in writing to the Office all the information they had provided verbally, including replies to all the questions raised in the Committee of Experts' report. They stressed the need for further information on legislative provisions which had been adopted and on their practical implementation, as well as on supervisory mechanism. They expressed the hope that the progress which had been made would continue and that there would be no need to discuss this case in the future.

A Government member of Haiti, Minister of Social Affairs, noted that Decree No. 233/91 concerning repatriation had had a serious effect on many Haitians, and Haitian children of all ages born in the Dominican Republic, who had been sent over the border without any concern for human rights. The speaker pointed out that this was a very serious problem and largely concerned political difficulties between the two Governments. The Decree, which was adopted unilaterally by the Government of the Dominican Republic, had destabilised the Haitian Government by chasing over

30,000 Haitians and Haitian children into the country during the months of August and September, 1991. Many of them were put on trucks and sent to Haiti without any possibility of appeal. Furthermore, many of those repatriated had been born in the Dominican Republic and despite the guarantees of the Dominican Constitution had not been granted the same rights as Dominican nationals.

Despite the mediation mission undertaken by the ILO, this problem had not been resolved. The mission had first met in the Dominican Republic with high-level governmental officials and this was to be followed by a mission to Haiti. Haiti, however, never received a mission during the period between mid-August and 30 September when the coup d'état occurred. She stated that the Government of President Aristide had expressed every desire to resolve the conflict through dialogue.

Her Government hopes that all the legislative provisions which had been adopted in the Dominican Republic with a view towards resolving this problem would actually be applied. It expressed concern about the problem of the engagement of Haitian workers for the sugar-cane harvest and the difficult relations between trade unions and employers and Government. The speaker expressed the hope that ILO mediation would continue so that the problem of Haitian workers in the Dominican Republic could finally be resolved.

The Employers' members, by way of clarification, indicated that their earlier statement with regard to the fact that this case could only be discussed with one country reflected their concern that no reports had been received from the Haitian Government concerning the application of Conventions Nos. 29 and 105. The absence of such information made the discussion of this case slightly unilateral. They recalled that while the Haitian Government often made accustions, the case being discussed today concerned their own population and, in this respect, it too had responsibility to ensure their protection.They had often wondered if the Haitian Government was sufficiently cooperative in this regard. In any event, there was no agreement between the two Governments and this could not be considered the fault of only one of the parties. They urged the Haitian Government to submit a written report so that all views of the situation could be examined.

The Workers' member of the Dominican Republic noted that her country had been called before this Committee for many years on a number of different cases but that unfortunately this year they were only discussing Convention No. 105.

With respect to the declaration made by the Secretary of State for Labour concerning the fundamental changes in the Labour Code, she pointed out that unlike what was said by the Government representative, the evolution in the legal and labour matters was the direct result not only of dialogue and consultation but also of the struggle undertaken by the trade union movement. This was the reason that new labour standards had been adopted which would permit the improvement of industrial relations between workers and employers in the Dominican Republic. She recalled, however, that the Committee on Freedom of Association had noted in its recommendation the difficulties caused by government acts with respect to the trade union activities of the Dominican Electricity Corporation Workers' Trade Union whose leaders had been taken into custody and denied the possibility of exercising trade union activities. The speaker espressed the hope that the Government would correctly apply the new Labour Code and that it would finally resolve the problem of the Electricity Corporation Workers' Trade Union and problems facing workers in the free trade zones.

As concerns Convention No. 105, she pointed out that the situation of workers in the Dominican Republic was regrettable but noted that, as indicated by the Secretary of State, due to various pressures, certain measures had been taken to resolve the situation. Nevertheless, if some progress has already been made, much still needed to be done in order to eradicate a long-existing practice. She expressed the hope that the new labour standards and international legislation would be respected and pointed out that the problems of labour protection for Haitian workers were the same for Dominican workers. As concerned the recognition of trade union activities, she pointed out that some progress had been made and that there was no discrimination in the recognition of trade unions in the sugar-cane industry. Though Haitian workers were members of existing trade unions, the problems referred to had occurred because of the seasonal nature of their work.

With respect to Decree No. 233/91 concerning the repatriation of Haitians, the speaker recognised that abuses had occurred in an indiscriminate and violent manner, but pointed out that this practice had now ended and that repatriation was taking place in a more orderly fashion.

Finally, she stated that, independently of the attempts being made to improve living conditions on the "bateyes", the level of wages for sugar-cane workers was very low, making survival very difficult. She pointed out that the minimum wage for sugar-cane workers had risen to 90 dollars while the cost of a food basket was over 300 dollars. She stated that the problem of forced labour was a national problem which had to be resolved along with the economic problems and expressed the hope that the standard of living would be raised for all workers in the country.

A Workers' member of Greece noted the interventions made by the Government of the Dominican Republic and indicated that the information provided by the Government of Haiti was indispensable to the understanding of the point of view of a neighbouring country whose nationals were often the victims of serious discrimination. He noted that there had been progress but that this progress was quite small. There was no longer the concern of the past for the gathering of workers on trucks and assassinations but rather now it was a question of violent round-ups and expulsions.

He recalled that once a country had ratified a Convention, it undertook to adopt the legislation necessary for its application. But more importantly, it also undertook to effectively ensure the respect of that Convention.

Under Decree No. 233/91 Haitian workers over 60 years of age were repatriated. He was shocked by the fact that a worker having lived and worked in a foreign country and contributed to its economy for years could be repatriated once having reached retirement age without any mention of a right to a pension or concern for whether this worker still had a home in the country of origin. Children under 16 years of age could also be repatriated but there was an absence of information on whether these children were alone, with their parents or born in the territory. The speaker disagreed with the position that every country had the right to expel a foreigner living and working in a territory for an entire lifetime. In his opinion, such a country had the for the hiring of sugar-cane workers with the present Haitian authorities. As a result, for the sugar-cane harvest of 1991-92 hiring had been limited to Hiatian nationals residing in the country and those who had voluntarily crossed the border.

As concerns the protection by the competent authority of the rights and freedoms of workers, the speaker pointed out that various measures had been adopted: (a) an agreement between the State Sugar Board (CEA) and the Federation of Sugar-Growers and various trade unions which associated workers' orgnisations inthe weighing of cane and provided measures to ensure the avoidance of commercial falsification; (b) the continuous and permanent presence of labour inspectors in sugar-cane fields both in the plant3ations of the State Sugar Board and in the private sector; (c) the recognition of new trade unions in the sugar-cane industry both with respect to sugar-cane cutters and weighers invarious plantations; (d) the continuation of social programmes undertaken by the State Sugar Board and (e) the application of sanctions for employers who have violated the Labour Code and other labour standards as well as the registration of violations noted by the Labour Inspectorate.

Efforts were needed in all sectors and all necessary measures would be taken to give effect to this Convention.

Finally, with respect to the protection of wages, according to Tariff 3/92 of December 1991 concluded by the National Wages Board (a tripartite body) the minimum monthly wage for workers in the sugar-cane industry who do not work on plantations had increased by 20 per cent. Moreover, the minimum wage of agricultural workers including sugar-cane workers had increased by 30 per cent. Furthermore, the State Sugar Board had responsibility to provide decent living conditions, even until death in the case of a retired worker. As concerns the children of migrant workers born in the territory, the Government had the same obligations to them as it did to its nationals. After the Second World War, thanks to the action of the trade union movement, migrant workers who were expelled from industrialised countries were granted the same rights as the nationals. National trade unions would certainly react in the same fashion against similar discrimination now, at the end of the twentieth century.

With respect to the increase in wages, he asked the Government to provide further information on the inflation rate in the country and the real purchasing power gained by workers with such a wage increase. As concerns housing of sugar-cane workers by the State Sugar Board, could it indicate the cost of such housing to the worker and the percentage this represented of his salary. Finally, is there a workers' organisation for sugar-cane workers which was able to negotiate with the representatives of the State Sugar Board.

A Government member of Germany welcomed the progress which had been made by the Government but noted that there was still much to be done and many points which needed to be clarified. There appeared to be some divergence of opinion between the General Directorate of Migration and the Labour Department. The General Directorate of Migration appeared to be more powerful, so would the Government representative be able to implement in the Dominican Republic what he had stated orally today. He recalled in this regard that the Directorate of Migration had refused to receive the ILO meditation mission.

He noted the Government's statement concerning a decision by the Organisation of American States calling for minimum contacts with the Haitian Government until its return to democracy. Considering the human aspects of the problem, he wondered whether follow-up contacts between the two Governments could be made, if even at a technical level, and whether such contacts would be in violation of the decision reached by the Organisation of American States.

The Government representative stated that Decree No. 233/91, adopted 13 June 1991, had not been applied since August 1991. Thanks to the ILO's mediation mission, negotiations had been opened between the Government of President Aristides of Haiti and the Government of the Dominican Republic. The negotiations, which had been preceded by a visit of the mediation mission of the ILO to Haiti, had made possible a meeting between the Minister of Social Affairs of Haiti and the Secretary of State for Labour of the Dominican Republic. As a result, repatriations no longer take place under Decree No. 233/91 and the process of regularising the status of Haitians, conforming with Decree No. 417/90 of October 1990, has begun again.

Between December of 1991 and June 1992 – the sugar cane-cutting season – 22,000 workers had been contracted, the majority of which were Haitians: 14,000 were residents of the Dominican Republic and the remainder were frontier workers employed both on state-owned and private plantations.

The sugar-cane workers work under labour standards established in agreements negotiated by the trade unions. The weighing of cane cut by workers is now supervised by inspectors of the Ministry of Labour and inspectors designated by the trade unions. The trade unions were active and authoritative spokespersons recognised by both the Government and the private sugar-cane growers.

The speaker cited, among others, the cases of the trade unions of Corte, Alsa and Tiro de Caña, Porvenir sugar plantation, and San Pedro Macoris, which included amongst their spokespersons and member workers with Haitian nationality, but with Dominican Republic identity documents. He reiterated that this reflected a guarantee of freedom of association, as there was no impediment to workers of Haitian nationality being members of trade unions.

Concerning the intervention by the Workers' member of Greece, the speaker emphasised that with the approval of the new Labour Code and measures taken in sugar-cane plantations, notable progress could be seen as compared to previous years. The wages had increased for workers in urban areas by 30 per cent and that for sugar-cane workers in rural areas by 40 per cent. Annual inflation for 1991 was 4 per cent. These wages were negotiated by a tripartite body and endorsed by the Ministry of Labour. Sugar-cane workers received free lodging as part of their employment.

As concerned the preoccupation relating to contacts the with Haitian authorities, the speaker recalled the decision of the Organisation of American States (OAS) to isolate the current Haitian authorities. Accordingly, his Government would not have any contacts with the current Haitian authorities. The Government of the Dominican Republic continued to recognise President Aristides, whose ambassador remained as designated representative in Santo Domingo. The coup d'état in Haiti was regrettable and the preoccupation expressed by the Minister of Social Affairs in Haiti about Haitian workers in the Dominican Republic was understandable.

In relation to the fact – mentioned by the Committee of Experts in its observation – that the Director of Migration had not received the ILO mediation mission, this official had been replaced. Six thousand persons (of a total of 1,000,000 Haitian workers in the Dominican Republic) had been repatriated and many of these persons had left voluntarily. Those who were repatriated were transported by bus and food had been distributed to persons affected.

The speaker stated in conclusion that thanks to the ILO mediation mission, Decree No. 233/91 had ceased to be applied; the programme of regularisation – in conformity with Decree No. 417/90 – of the status of Haitian workers resident in the Dominican Republic had been reinstated; temporary work permits had been issued to cane cutters and other temporary workers, and arrangements had been made for temporary residence permits for Haitian nationals residing in the country.

The speaker gave to the secretariat relevant documentation and the new Labour Code.

The Workers' members emphasised that the clarifications and responses provided by the Secretary of State showed how important the Committee of Experts' request for more precise infromation on the application of the various Decrees had been. As Decree No. 413/90 was still given effect according to the secretary, more information was needed on its application. The statement that Decree No. 233/91 had not been applied for months should also be confirmed by the Government in writing; examination of the new Labour Code should also be made possible.

The Employers' members declared themselves in full agreement with the Workers. Complete information should be confirmed and set out in writing, the new Labour Code should be communicated and responses should be made to the Committee of Experts so that, if necessary, the present Committee could examine the situation again next year.

The Committee noted the information given by the Government, in particular concerning the adoption and coming into force of the new Labour Code. It was satisfied to note the progress having been made on different points made in the Committee of Experts' report, but doubted whether such progress on the regulations on the status of Haitian workers was sufficient. It therefore urged the Government, in view of the fact that this matter had been pending for years, to regulate that status as soon as possible, in conformity with the relevant Conventions of the ILO and hoped to be able to conclude at its next session that this goal had been reached.

Iraq (ratification: 1959). A Government representative stated that his Government has examined the observations made by the Committee of Experts. He noted that the Committee had read section 87 of the Iraqi Penal Code and Law No. 104 of 1981 on the State Organisation for Social Reform governing prison work as laying down the obligation to work as an essential corollary of the prison sentence which were contrary to the provisions of the Convention. He stated that neither section 87 of the Penal Code nor Law No. 104 of 1981 provide for forced labour on the part of prisoners. Prison work was part of the process of rehabilitation of the prisoners in conformity with the United Nations Minimum Rules for the Treatment of Detainees (1955), a copy of which document was sent to the Committee of Experts. The practical application of Law No. 104 of 1981 and the regulations related to it clearly showed, in his view, that work performed by prisoners was not only compulsory and that they had the right to choose the kind of work they wanted according to their qualifications. This work was governed by the Iraqi Labour laws for such questions as hours of work, wages, rest periods, social security and coverage for occupational injury and the like. Referring to possible ambiguities in the language of section 19 of the Law No. 104 of 1981 he stated that instructions for its application were however clear as to the voluntary nature of the work. On the recommendation of a national committee set up to study the Committee of Experts' comments, draft amendments to section 19 had been submitted to the competent legislative authorities and that a copy of the amended law would be transmitted to the ILO when adopted. This Committee, he said, also included representatives of the social partners. Referring to the comments of the Committee of Experts on the imposition of sanctions for breach of labour discipline and participation in strikes, he said that the draft amendments to section 19 of the Law No. 104 of 1981 will ensure that work done by workers or prisoners would not, in any way, be compulsory. With regard to Resolution No. 521 of 1983 and Resolution No. 552 of 1986 of the Revolutionary Command Council he stated that these Resolutions were issued in the exceptional circumstances of the long war that had lasted ten years. Certain restrictions placed on the right of civil servants and employees in the public sector to leave their work were done in the context of the special needs that existed in the country at the time. He said these Resolutions were repealed based on the new direction taken by the country and taking into account the comments made by this Committee last year. He said copies of the repealing decisions and resolutions will be provided to the ILO.

The Workers' members stressed the importance of this case as it concerned human rights and recalled that this Committee had devoted considerable attention to it in the past. They regretted to note once again that a Government representative repeated statements made earlier to the Conference Committee in 1990 and 1991. They referred to this year's report of the Committee of Experts where the Government's failure to reply to the points raised by them was clearly stated. They were perplexed by the Government representative's statement that the Committee of Experts has misread and misunderstood the relevant laws but that this would be removed by the adoption of the proposed amendments. They were further puzzled by the Government representative's statement that prisoners had to observe the rules laid down by penal authorities but that the work they did in prison was not compulsory. Unless prisons in Iraq were unique they were sceptical about the voluntary nature of prison labour in this context. They requested the Government representative to clarify if sections 197 (4) and 216 of the Penal Code, under which imprisonment with a work obligation with a fixed term or life may be imposed in cases where activities are stopped or disrupted in public services or bodies, were clearly repealed. In this regard they recalled the Government had indicated in earlier reports that state officials and employees of government establishments had no right to strike; that section 197 (4) applied without qualification and made no distinction between essential and non-essential services provided by the undertakings, and a threat of imprisonment for disruption of work was intended to induce the continuation of work by anyone who would otherwise abandon it and thus disrupt the services in question. In view of the fact that this was a continuing case of serious violations of the Convention and considering the fact that the Government had consistently said it was in the process of changing the laws they felt obliged to request the Government to provide solid reassurances on the time scales for such changes in order to avoid repetition of previous discussions on this case in future sessions of this Committee. In the absence of clarifications regarding the legal situation, they were bound to believe forced labour continued to exist in Iraq.

The Employers' members expressed their agreement with the views of the Workers' members regarding the statement made by the Government representative. It seemed to them the Government was not aware of the contents of Article 1 of the Convention which requires all Members which ratify the Convention to undertake to suppress and not to make use of any form of forced or compulsory labour. Having heard the statement of the Government representative, which referred to amendments that were to be made to the laws to eliminate all ambiguities concerning the compulsory nature of prison work, the Employers' members were convinced that the obligation to work in prisons continued to exist as far as prisoners were concerned. Taking into account the statement by the Government representative that prison labour was aimed at rehabilitation, they wished to know what would happen if prisoners refused to work and if there would be any measures taken against them. In light of these considerations, they felt it was necessary that the Committee of Experts examine the relevant amending texts after their adoption with a view to ensuring their conformity with the Convention. They strongly felt that this case called out for urgent solutions and requested the Government to take the necessary measures, as soon as possible, to eliminate the discrepancies of the national legislation with the Convention. The Government representative considered that he had provided the clarifications and information requsted by the Experts in their report. With regard to the United Nations Minimum Rules For the Treatment of Detainees of 1955, he indicated that the penal system in Iraq was not different than other penal systems around the world which aimed at rehabilitating and reforming prisoners with a view to making them constructive members of society. He reiterated that the provisions of Law No. 104 of 1981 clearly provided that work by prisoners be voluntary and that those who refused to work would not be punished in any way. In addition, they were given a choice of types of work they wanted. In view of the ambiguous language of section 19 of the above-mentioned Law and the confusion that may have resulted from it, the Government representative stated that this section would be amended to eliminate all doubts. He stated that the resolutions providing for the imprisonment of resigning officials was repealed and the texts repealing these resolutions would be made available to the Committee of Experts as soon as possible.

The Workers' members, referring to the comments of the Committee of Experts that the Government's report tended to repeat earlier statements, considered the Government representative should, in his reply, address the substance of these comments, as well as the remarks and questions made by the Employers' and Workers' members. They noted that the Government representative had not yet given precise indications regarding the time frame for the proposed amendments and only stated that the above-mentioned resolutions were indeed repealed. If the Government representative did not wish to reply, that would be duly noted by this Committee.

The Government representative stated that he could provide this Committee with a copy of the resolution of the Revolutionary Command Council that repealed the resolution on the imprisonment of resigning officials and that he would also transmit the other texts repealing the resolutions which were the subject of criticism by the Committee of Experts. He pointed out that any legislative reform takes time but he was authorised to state that serious measures to amend the national legislation had been taken and that other measures would be submitted to the national assembly. Copies of the draft amendments will be communicated as soon as possible.

The Workers' members insisted that this Committee, in its conclusions, should note, in strong language, the absence of the required information relating to the problems raised.

The Committee noted with concern the information provided by the Government representative. It felt that this information was mostly a reiteration of earlier communications and did not contain the full information the Committee of Experts had requested. It strongly urged the Government to send copies of the draft amendments intended to modify existing legislation, as well as all other relevant documents in order for the Committee to make a full assessment of the measures taken or envisaged and to discuss the problems raised at its next session.

The Government representative expressed his disagreement with that part of the conclusion which referred to most of the information supplied by his Government as being a repetition of previous statements.

Libyan Arab Jamahiriya (ratification : 1961). The Government has supplied the following information :

Act No. 5 of 1991 on the application of the principles of the Green Book, Act No. 20 of 1991 on the promotion of freedom and the Green Book proclaim the right of each citizen to freely express his opinion, and prohibits punishment which affects human dignity such as forced labour and long-term imprisonment. Section 2 of Act No. 5 of 1991 provides that the amendments of the legislation provided for under the preceding section must be amendments of the legislation provided for under the preceding section must be drawn up within a period of one year from the date of publication of the Act. Thus all the provisions of the 1972 Publications Act and the Penal Code shall be amended to bring them into accordance with Acts Nos. 5 and 20 of 1991.

The orders of the Higher Council of the Revolution and those concerning the trial of those responsible for corruption, the texts of which the Committee of Experts have requested, were adopted at the beginning of the revolution to resolve certain problems relating to the circumstances. Their operation ended when the problems referred to disappeared. They became null and void subsequent to the promulgation of Acts Nos. 5 and 20 of 1991.

In addition, a Government representative referred to the written information communicated by the Government, with regard to the request of the Committee of Experts for copies of the Orders of the Higher Council of the Revolution respecting the defence of the revolution and the judgement of those responsible for political and administrative corruption, these Orders were adopted at the beginning of the revolution only to deal with a unique situation that existed at the time. That situation no longer exists and since the adoption of Law No. 5 of 1991 on the application of the Green Book on human rights these Orders were longer in force.

The Workers' members stated that it was difficult to make an accurate assessment of the situation on such an important Convention in the absence of texts of the laws and orders. They took due note of the oral and written information provided by the Government. They further noted that Laws Nos. 5 and 20 of 1991 provided for the possibility of amending the Publications Act of 1972 and several sections of the Penal Code as well as making Orders of the Higher Council of the Revolution null and void. They understood the problems faced by the Government in reporting on the application of Conventions. They hoped, however, that the Government representative would convey to his Government the concern of the Conference Committee about the delays experienced in providing information to the Committee of Experts. They strongly urged the Government to provide the required information to the Committee of Experts at its next session including the texts of laws Nos. 5 and 20 of 1991 as well as amendments to the Publications Act of 1972 and the relevant sections of the Penal Code in order to ensure that full conformity of national legislation with the Convention would soon be attained.

The Employers' members regretted to note that no concrete proof of the changes requested by the Committee of Experts had been provided for several years. They noted that the Government had for many years given indications and promises of change, including a reference to the formation of a tripartite national committee to look into these problems. The texts of such changes as well as the copies of the Green Book on human rights and the Orders of the Higher Council of the Revolution had yet to be received by the Committee of Experts. They now understood from the Government's oral and written information that these Orders were no longer in force. In view of the fact that there was no verifiable information on the legal and practical situation in the country, they were obliged to assume that it remained unchanged and thus continued to be at variance with the provisions of the Convention. They felt that the Government should be urgently requested to clearly state in writing the laws it intended to amend and the timeframe for these amendments.

The Government representative, referring to the absence of the texts of Laws Nos. 5 and 20 of 1991 as well as a copy of the Green Book, stated that his Government had sent copies of all of them to the ILO and failed to see any explanation for their disappearance. He disagreed that there were bureaucratic difficulties in his country which hindered the timely supply of reports on the application of Conventions. It was true that the various departments concerned would normally be consulted in the preparation of reports in response to the comments made by the Committee of Experts without giving rise to any particular problems. He reiterated that amendments to the Publications Act of 1972 and the relevant sections of the Penal Code would be introduced in conformity with Laws Nos. 5 and 20 of 1991.

The Committee noted the information provided by the Government, including the steps it seemed to have taken to amend the laws referred to by the Committee of Experts. It further noted that the Government attributed delays in reporting to the current political situation in and arround the country. It recalled, however, that this question had been under discussion for several years during which period reports had not been sent on time. Under these circumstances, the Committee felt it was not in a position to discuss this matter in detail at this session. It therefore urged the Government to send detailed reports as soon as possible to enable this Committee to fully discuss the situation in a future session.

Morocco (ratification: 1966). A Government representative indicated that the provisions of Section 5 of Decree No. 2-57-1465 of 8 February 1968 to which the Committee of Experts referred to in its observation were not at all incompatible with the Convention; these provisions merely followed the well-known administrative law principle of continuity in the public service. As for the right to strike it was not only guaranteed by article 14 of the Constitution but this right was in fact exercised as was proved by the general strikes in the public health and teaching sectors of 13 and 25 February 1992 which did not lead to the imposition of any sanctions on those who had participated in them. The reference to the events of 1979 and 1981 which figured in the observation of the Committee of Experts did not require any comment to the extent that this point which did not concern forced labour was already examined by the Committee on Freedom of Association to which all the useful information had been communicated. This problem was in any case practically resolved by the reintegration of all the dismissed persons.

The Workers' members considered that the explanations of the Government representative were insufficient. The Committee of Experts started off in its observation by noting that the Government had not provided a report on the application of this Convention. It was indispensable that such a report be sent. The Committee of Experts then noted that the Government had not provided a reply to the observations of the two Worker unions on the same Convention. Document D10 only indicated that the information received by the Government exclusively concerned the direct request addressed to it, which was of little interest for this Committee. However, a Decree existed which provided that "any coordinated stoppage of work, any collective act of indiscipline may be punished without regard to the guarantees respecting discipline". The Committee of Experts wished to examine the application of this Decree in order to evaluate to what extent it could be used to force employees and public servants to work during a strike. But this Committee could only examine this point when all the relevant information had been communicated to the Committee of Experts which should be done without delay.

The Employers' members agreed with the Workers' members. The Committee of Experts' report contained general allegations and it was indispensable to know whether there was any basis in fact for these allegations. Rather than referring to a case brought before the Committee on Freedom of Association, the Government should start a dialogue with the Committee of Experts and this Committee and provide information that supported its perspective. The Committee of Experts would then be in a position to make an observation as to whether or not the position taken by the Government constituted a violation of the Convention. It was therefore up to this Committee to urge the Government to provide all the necessary information.

A Workers' member of Spain referred to the detention of two trade union leaders and wished to know if they were going to be judged under the Dahir of 24 February 1958 to which the Committee of Experts referred to in its observation.

The Government representative considered that, regarding judicial proceedings against the General Secretary of the Democratic Confederation of Labour (CDT), this question was outside the scope of the present Committee's competence. A complaint had been lodged on this matter before the Committee on Freedom of Association. The Government would reply to this complaint in conformity with the relevant procedure.

A Workers' member of Morocco noted that to the extent that the Government representative had refered to the strikes of 1979 and 1981 it would be appropriate to emphasise that these events continued to have consequences. In the health sector notably, the problems had not been resolved. The Government violated international labour Conventions as well as the constitution of its country which guaranteed the right to strike in the private and public sectors.

A Workers' member of the United Kingdom recalled that in paragraph 126 of its General Survey of 1979 on the Abolition of Forced Labour, the Committee of Experts stated that "a suspension of the right to strike, enforced by sanctions involving compulsory work, is compatible with the Convention only in so far as it is necessary to cope with cases of *force majeure*".

The Committee took note of the information supplied by the Government in noting from the report of the Committee of Experts that no communication from the Government had been received by that Committee. The Conference Committee urged the Government to send a full report on the points raised by the Committee of Experts in the very near future in order that the Committee could assess the situation fully.

Pakistan (ratification: 1960). A Government representative noted that the points raised under this Convention concerned compulsory prison labour. He indicated that any legislation which fell strictly within the purview of the Convention and which provided for compulsory prison labour should be repealed. In such cases, simple imprisonment should be the penalty. Compulsory labour provided in cases not covered under the five clauses in the Convention could, however, remain. The speaker expressed the opinion that the comments made by the Committee of Experts concerning the prohibition of the publication of certain views was not covered by the Convention. With reference to the Bill to amend the West Pakistan Press and Publications Ordinance of 1963, the speaker confirmed that this Bill had lapsed as it had not been laid before the National Assembly within the four months required under the Constitution. The Ministry of Information indicated that if any provisions of this Bill were in violation of the Convention they should be deleted. The draft provided to the Office, however, contained no provision about compulsory labour. The Bill would be put before the National Assembly again, however, and would not contain any provision about compulsory labour. He pointed out, however, that the Publications Ordinance of 1963 only provided for compulsory labour in the case where a newspaper was operated without having obtained the necessary declaration from the Government. This had nothing to do with the expression of a political opinion. In such instances, persons were only punished with compulsory labour for having violated a simple law to obtain a declaration prior to starting a newspaper. The Convention, however, only prohibited compulsory labour with respect to political opinion. He added that any legislation which actually provided for compulsory labour for the expression of a political opinion should clearly be repealsed as it would be in violation of the Convention. As concerns the Security of Pakistan Act, 1952 and the Political Parties Act, 1962, the speaker agreed that any compulsory labour provided as a punishment in these Acts should be repealed, to the extent that they contravene the provisions of the Convention. The speaker asserted that the Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahamadis (Prohibition and Punishment) Ordinance No. XX of 1984 did not concern religious discrimination. The only objective of the Act was to ensure that the religious feelings of others were not hurt. Persons attacking Christianity, Judaism and Hinduism would also be punished. He referred to the particular sects covered by the Ordinance and indicated that they offended the Muslims by attacking their prophet and calling themselves Muslims while believing that their leader was a prophet. These were concerns of national sovereignty and were in no way covered by the Convention. Finally, the speaker expressed his opinion that the information noted by the Committee of Experts provided in the report of the Special Rapporteur on the Application of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Conviction had nothing to do with the Convention.

The Employers' members noted that the most important point made by the Government was that, if there was any provision of compulsory labour under the five instances covered by the Convention, then such legislation should be amended. The commitment made by the Government should find concrete form in the necessary legislation for adoption as soon as possible, including the Bills which had lapsed. They noted the indication made by the Government that the legislation on press and publications only concerned the administrative question of obtaining a permit in order to run a newspaper. The effect that this new information would have upon the application of the Convention would have to be reviewed by the Committee of Experts and the relevant legislation should be sent to it for examination. They noted the Government's recognition that any provisions for compulsory labour in the Industrial Relations Ordinance or the Merchant Shipping Act were contrary to the Convention and should be repealed as soon as possible. They considered that the question of religious discrimination involved a great deal of subjectivity and requested that the Government supply as much information as possible to the Office so that a thorough assessment could be made of the situation.

The Workers' members thanked the Government for the information it provided and noted that there was perhaps the possibility of advancement wth respect to the application of this Convention. This case had been discussed in the Committee since 1980 and several special paragraphs had been applied to it. It was essential that the intentions expressed by the Government be transformed into concrete action, in particular the adoption of the necessary legislative amendments. Bills containing the necessary amendments to the West Pakistan Press and Publications Ordinance, the Industrial Relations Ordinance, the Industrial Relations Ordinance and the Merchant Shipping Act had to be adopted in order to ensure conformity with the Convention. The necessary measures should be taken in the very near future and the relevant texts sent to the Office for examination by the Committee of Experts. As concern religious freedom, the Government continued to insist that this freedom exists and that no forced labour is used as a means of religious discrimination. The Committee of Experts' report on the other hand provided certain information from the Human Rights Commission which tended to prove the contrary. Detailed information from the Government replying to the allegations made in the report of the Human Rights Commission would be necessary for a full assessment by the Committee of Experts concerning the application of the Convention. They hoped that progress could be made in the near future.

The Workers' member of Pakistan welcome the indication made by the Government representative that the Merchant Shipping Act and the Industrial Relations Ordinance would be brought into conformity with the Convention. They suggested that the Government consider the possibility of technical assistance from the Office in order to help it bring its legislation into conformity with the Convention. He added that, as concerns religious freedom, the trade union movement in Pakistan consisted of members from all religions and their interests were defended equally. All religions should be respected and should respect each other in order to ensure the religious tolerance necessary for stable and healthy society.

A Workers' member of the United States noted that this was a classic case in which assistance from the ILO could help to find a solution to the differences of opinion concerning the application of the Convention. The Government had expressed good will to bring its situation into conformity with the Convention. They hoped that the Government would consider technical assistance in this regard.

The Government representative stated that his Government could ensure the application of this Convention by itself and would not require technical assistance from the Office.

The Committee noted the information given by the Government including its undertaking to change the existing legislation in so far as it was in contravention with the Convention. In welcoming this willingness, the Committee reminded the Government that the Committee of Experts had raised other points than those which the Government would reconsider its position on these other points also and would send a report with full particulars, including a copy of the drafts changing the relevant legislation, as soon as possible.

Peru (ratification: 1960). A Government representative acknowledged the observation of the Committee of Experts expressing satisfaction with the repeal, by provisions drafted for the new Penal Code, of the provisions which permitted judges, in cases where offences were committed by "savages", to replace sentences of imprisonment by assignment to a penal agricultural colony for an unspecified period of up to 20 years. This was an important step in the history of his country.

The Workers' and Employers' members stated that there was clear progress – in law – in application of this Convention which had been the subject of discussion since 1980 following the repeal of the former article 44 of the Penal Code. They hoped this Convention would be fully applied in practice in the future.

Sudan (ratification: 1970). A Government representative, in reference to the point made by the Committee of Experts on the suspension of the Constitution, stated that the Constitution was suspended by the National Salvation Government in June 1989 in accordance with Provisional Constitutional Decree No. 1. This Decree proclaimed a state of emergency which was required in his country due to an armed conflict in vast areas in the south and the west. In addition to the political instability, there were also other factors such as the drought and refugee movements. The state of emergency was necessary to bring back peace and security and public order and to initiate the recovery of the nation. He affirmed that the state of emergency had been partially lifted as conditions improved and that it would be totally lifted soon. The National Salvation Government was attempting to set up a system based on democracy and free popular participation through elections. These new grass-root elections had been started in provinces which held their own conferences which in turn were held to elect representatives in a totally free manner up to the highest legislative authority in the country. This authority would soon prepare the Constitution and the legislation of the country. With regard to Constitutional Decree No. 2 of 1989, which dissolved political parties and initiated other measures to reinstall public order in the country, the speaker indicated that any Government attempting to consolidate power would have needed to adopt such a decree. Moreover, the National Salvation Government had also striven to reconstitute the legislative and executive authorities and the trade unions. The delegation of trade unions had continued to participate in the ILO since the revolution. The trade unions had also participated in the preparation of the labour law of 1992 which respected international labour standards. This Labour Code was sent to the ILO in a letter dated 9 April 1992. According to this new Labour Code, the trade union movement in Sudan was preparing its elections which would start in the various regions of Sudan around August 1992. The speaker indicated that his country would welcome any representative of the ILO to be present at the elections of the trade unions as an observer in order to see the legality of these elections. The speaker further added that his Government had released all political prisoners who had been taken since April 1991. Both the ILO and the United Nations Human Rights Commission had been informed of this in February 1992. There were no political prisoners in Sudan now, only those who had been accused and found guilty of offences. The Industrial Relations Act of 1976 referred to by the Committee of Experts, was being reconsidered in order to ensure its compatibility with ILO standards especially with regard to arbitration and the right of the Minister to send any dispute to arbitration without consultations with the parties concerned. This right, however, was only exercised in the case of essential services whose stoppage could damage the health and security of the population. The speaker finally assured the Committee that his Government would take full account of what was said by it and by the Committee of Experts.

The Employers' members recalled that, in the view of the Experts, there were a number of provisions which were at variance with Sudan's obligations under the Convention. The cause of this was a state of emergency in the country which had begun in 1987 and which was extended in 1989 and which led to considerable restrictions in many areas, including labour relations. Considerable penalties, including forced labour, in the event of infringements of the prohibitions under the state of emergency, were imposed by the Government. Although the Government representative had suggested that there had been a gradual relaxation of the state of emergency and that a new labour law was being drafted which would introduce important changes in the area of labour relations, it was clear that, at the moment, labour relations were considerably impaired. The Employers' members expressed their regret at the present situation and hoped for a change at the earliest possible moment.

The Workers' members considered it important to state that the nature and duration of measures taken in an emergency such as the suppression of fundamental freedom and rights, if enforced by sanctions involving forced labour, should be strictly limited to circumstances where the life, safety and health of the population were endangered. The Workers' members referred to the point of the Committee of Experts' observation concerning the provision under the Industrial Relations Act of 1976 which provided that participation in strikes was punishable with imprisonment involving compulsory labour whenever the Minister decided to imprisonment involving compulsory labour whenever the Minister decided to submit the dispute to compulsory arbitration. They felt that the Government should give full details to the Committee of Experts in its report in this respect. Although the Committee of Experts admitted that referral to compulsory arbitration was admissible in essential services, the interruption of which would endanger the safety and health of the population, it stated, however, that, according to the text of the the Act itself, compulsory arbitration could be deemed "necessary" under the Act in a much wider range of circumstances than was envisaged under the Convention. It would be appropriate if the Government gave full details to the Committee of Experts since the issue of what was meant by "essential services" was a very delicate matter and the Government could use this as an argument for exceptions under the terms of the Convention. Morever, the Committee of Experts had stated that the Constitutional Decree No. 2 of 1989 imposed a prohibition on any strike save by special permission. What was not clear was whether this Decree had been repealed by the text of the Labour Act that was submitted to ILO in a letter of early 1992. The Workers' members wanted to know whether this Labour Act was indeed in operation or whether it was just a draft Bill.

The Workers' member of Sudan indicated that the Labour Act of 1992 had come into force on 20 February 1992. He confirmed that Workers' representatives had participated in the drafting of that Labour Act. The draft bill was placed before a tripartite commission and it went through the usual procedure and ended up with the authorities who took the final decision. The speaker further referred to figures of surplus grain production which he stated were a pretty conclusive demonstration of the fact that there was no forced labour since such high figures could not be achieved in those circumstances. Moreover, in Sudan the whole population mobilised itself in situations of natural catastrophe and those volunteers who lent a hand received a certain quantity of compensation in kind.

The Government representative assured the Committee that the 1977 Labour Act was actually a law in force. He appreciated the intervention of the Employers' members, expressing hope that the state of emergency would soon be lifted and assured the Committee that his Government was working very hard to attain this objective. With regard to the Industrial Relations Act of 1976, the question as to the exact definition of what was essential and what was not would be communicated by his Government to the Committee of Experts.

The Committee took note of the information supplied by the Government which referred to the political unrest and the state of emergency existing in the country. The Committee recalled first of all that the state of emergency was in force already for more than ten years. It pointed out that, under the Convention, the nature and duration of the measures taken in an emergency, if enforced by sanctions involving compulsory labour, should be strictly limited to what was considered absolutely indispensable to cope with real and immediate circumstances endangering the life, safety or health of the population. It urged the Government to consider its position on these points and report full particulars to the ILO in the very near future.

United Republic of Tanzania (ratification: 1962). See the statement of the Government representative concerning the application of the Convention under Convention No. 29.

In addition the Workers' members observed that the Government had indicated in the Conference Committee in 1991 that interministerial consultations were going on in view of the modification of several legislative provisions, affecting the application of the Convention, but that the Government had so far not communicated information for examination by the Committee of Experts. Since the Government representative stated that the text of the drafts had been sent to the Office two months ago, they hoped that the conclusions adopted in the case of Convention No. 29 would be brought before this Committee.

The Employers' members emphasised the importance of the problems raised by the Committee of Experts in relation to the application of Convention No. 105, concerning provisions related to the Press, to labour discipline and to strikes. They considered that the explanations supplied on this subject by the Government representative were vague. The Committee should repeat the conclusions formulated earlier and discuss this this case the following year, after the Committee of Experts have examined draft texts to be communicated by the Government.

The Committee took due note of the information supplied by the Government. It felt distressed at the lack of progress that had been made on the subject-matter which had been discussed by the Committee for very many years. It understood that the amending of the Constitution delayed the materials of the intentions of the Government to change the laws in question. It also noted that a Bill to change those laws will be tabled before Parliament during its next session, which will start next spring. It strongly urged the Government to take all measures to bring that Bill before Parliament as soon as possible, and to send a copy of the same to the ILO at the same time, in order that the Committee could make a further assessment of the situation at its next session.

Thailand (ratification: 1961). A Government representative stated that the Anti-Communist Activities Act of 1952 was adopted to protect the democratic system of the country suitable to its socio-economic development. The penalty of imprisonment in the Act was considered necessary to prevent any activity which would endanger the peace and security of the nation and the people; only those have been imprisoned who were proven to have been engaged in actions to bring about disasters to the nation or the people. Policies Nos. 66/23 and 65/25 were adopted to eliminate conflicts between the pro-communist activists and the Government with a view to creating a peaceful situation in the country; as a result of these measures a great number of pro-communists have surrendered to the Government, which has provided them with help, and the number of pro-communists have decreased considerably. The Act for the Prevention of Desertion or Undue Absence from Merchant Ships has never been promulgated. An investigation will be made to determine the reason for this misunderstanding and the Government will report to the ILO shortly. The Government has never prosecuted any person under sections 131 and 133 of the Labour Relations Act cited by the speaker. Section 117 of the Penal Code of Thailand, the aim of which is to ensure the security within the Kingdom, is used in practice in respect of persons whose intentions is to overthrow the Government unconstitutionally.

Concerning the prohibition of strikes and similar actions in the state enterprises, the Government representative declared that state enterprises are different from private enterprises in structures as well as in purpose as they are state-owned, subsidised, accorded tax exemption and, sometimes, monopoly control. It is necessary for the Government to protect public services whose interruption may affect the economy of the country and cause hardship to the people; hence, the imposition of penalties of imprisonment for any person who stages a strike is an important instrument to prevent damages to the public. However, since the enactment of the State Enterprise Labour Relations Act, there has never been a strike. The Government representative corrected the wording of section 45 of the Act which should read as follows: "Any person who incites, or aids and abets the commission of the offence under paragraph 1 shall be liable to twice the penalty prescribed therein".

The Employers' members stated that provisions imposing penalties because of a political opinion constitute a clear violation of the Convention, and that they were in agreement with the Committee of Experts on this point. As to the Act for the Prevention of Desertion from Merchant Ships the Government indicated that the whole of its shipping legislation will be revised and that changes may be expected in this respect. Concerning violation of labour discipline and participation in strikes in certain enterprises, both these actions can be punished with imprisonment or forced labour. On these questions the Experts recalled their restrictive definition of the essential services where prohibition of strikes is acceptable. The Employers' members reiterated their opposition to this criteria both in terms of substance and its sources. One cannot accept that endangering of even only one life should not be considered important or sufficient; why then should the criteria be based on endangering a "part of the population"? It may well be that the Government would want to protect some values, material or not, by restricting the right to strike. As for political strikes, it may well be that the Government wants to suppress certain political activities in this particular way; the governments should not have recourse to such drastic measures to avoid being overthrown. On the other hand, the Employers' members cannot accept that a political strike should be exonerated from all forms of sanctions just because they were called or stamped a simple strike; political strikes did not benefit from any particular protection under the ILO Conventions. Finally, nothing justifies that state enterprises should be treated differently from private enterprises simply because they belong to the State. If there are no other reasons, an absolute prohibition of strikes in the state enterprises is not acceptable.

The Workers' members stated that they were generally in agreement with the Employers' members, pointing out that the Government representative said nothing different from the observations of the Committee of Experts. The speaker stated that the Government had taken either no action or insufficient action with regard to the obsevations of the Committee of Experts on the anti-communist acttivities. Certain state enterprises which are referred to here concern services that are obviously not essential: tobacco industry, dairy production, leather-making.

A Government member of Japan underlined that the report of the Committee of Experts this year contained a new element concerning the State Enterprise Labour Relations Act. The Experts are right on this point. This Act should be considered in a wider perspective and, in particular, in relation to the complaints presented in this respect to the Committee on Freedom of Association which note with great concern the numerous and insidious incompatibilities with the principles of freedom of association, including automatic dissolution of existing unions in state enterprises, restriction on the establishment and the functioning of the associations intended to replace them, limitation of the free collective bargaining; the Committee urged the Government to repeal the Act and to restore the position of the trade unions which had been dissolved and to return their assets to them. The speaker expressed strong hope that the Government would take necessary steps to comply with the unanimous recommendation of the Governing Body.

A Workers' member of Pakistan fully supported the view of the previous speakers recalling that the exclusion of the workers of state enterprises from the right to strike constitutes equally a violation of Convention No 87. This was particularly stressed at the Eleventh Asian Regional Conference by the workers who requested the repeal of this Act. The speaker has repeated this demand before the Committee.

The Government representative, thanking the speakers for their interesting observations, declared that account should be taken of the conditions prevailing in her country. The Government will be informed of the discussion in this Committee and a report will be supplied.

A Workers' member of Greece stated that the conclusions of the Committee should be worded in a manner to bind an eventual new Government so that this Committee should not start the debate afresh; all the interventions and the report published by the IFFTU show that the situation in Thailand is far from being brilliant.

The Committee noted the information provided by the Government which it considered not to be sufficient. It repeated its view that the abolition of forced labour is a very serious matter. The Committee strongly urged the Government to take, without any delay, all necessary measures to amend the legislation in order to bring it into complete conformity with the Convention and supply full particulars on this legislation to the ILO in the very near future.

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Kuwait (ratification: 1961). A Government representative stated that temporary workers employed for a period of less than six months do have, in practice, weekly rest.

The Employers' members noted that the exclusion from the Labour Law of 1964 concerned not only temporary workers with less than six months' employment but also workers in enterprises employing fewer than five persons, and that the case had been discussed for some years. Observing that there was no question of the Convention, they asked why the Government did not adjust the legislation, if a weekly rest period was in practice guaranteed.

The Workers' members also stated that the legislation should be changed to comply with the Convention. They requested clarification as to whether the draft Labour Code mentioned earlier by the Government representative covered this issue. They stressed the importance of weekly rest for workers and stated that the principle could not differ because of the size of an enterprise or of the temporary nature of employment. They pointed out that, because many of the temporary workers are from foreign countries, the issue of temporary workers was a matter of migrant workers.

The Government representative stated that, even though the Labour Law provides for the exception of temporary workers with less than 6 months' employment, it is not logical to expect workers to continue working for 6 months without rest, and that Friday is a day off in the country for religious reasons. He confirmed that the draft law in question provides for a weekly rest period of 24 consecutive hours for all the workers.

The Committee took note of the information provided by the Government representative. It understood that the changing of the Labour Law in the private sector had been drafted. It invited the Government to send a copy of the draft to the ILO at its earliest convenience in order that the Committee of Experts can make a full assessment of the steps having been taken to bring the legislation into complete conformity with the Convention.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Chile (ratification: 1971). A Government representative, the Under Secretary of Social Welfare, stated that this Government recognised the facts mentioned in point No. 1 of the Committee of Experts' observations. In 1991 a draft law had been placed before the National Congress to rectify the situation of workers dismissed for political reasons under the military regime; this draft was being debated in the Chamber of Deputies. The draft provided special benefits for workers dismissed for political reasons, including the possibility of early retirement in certain circumstances; an improved calculation of the qualification period for acquiring the right to a pension; the right to obtain a pension at 65 without being in permanent employment; and facilities for obtaining an *ex gratia* pension. An agreement had been reached on 6 June 1992 between the Government and the Comando de Exonerados de Chile aimed at a substantial improvement of the content of the draft law currently under discussion. Under the agreement, persons dismissed for political reasons would have a right to new improvements in pensions granted to them together with the opportunity to increase their amount. Access to pensions would be considered together with means for easing reintegration of workers dismissed from the public service and improved access to opportunities for vocational training and small-scale enterprises. Tens of thousands would benefit from the draft law, by which the Government was seeking to compensate for the economic disadvantages and moral injury suffered by workers who had been dismissed for political reasons. It should be emphasised that since 10 March 1990 there had been no case of dismissal for political reasons.

The Employers' members reviewed the Committee of Experts' observations and welcomed the positive information contained in it as well as the statement of the Government representative. They were fully confident tht the compensation referred to by the Committee of Experts would be granted by the draft legislation mentioned. As concerned the powers of rectors of the universities to impose disciplinary sanctions for political reasons, it was desirable that such provisions should be repealed and it was hoped that the repeal, if not already carried through, would be effected as soon as possible.

The Workers' members approved of the progress reported, but pointed out that the Government was announcing measures already announced last year. They sought more precise data as to implementation of the measures announced; they urged the Government to take all necessary steps promptly.

The Government representative, indicated that the agreement between his Government and the Comando de Exonerados de Chile was a concrete fact to be adopted in legal form by the National Congress. This new agreement demonstrated a desire for dialogue and concerted action. The Government would provide information of the Committee of Experts' third point 3 in its next report.

The Committee noted with interest the information supplied by the Government. It welcomed the progress attained on the points raised by the Committee of Experts, notably the submission to the National Congress of a Bill to amend existing legislation. The Committee hoped to be in a position, at one of its next meetings, to conclude that legislation and practice were in complete conformity with the Convention.

Cuba (ratification: 1965). The Government communicated the following information:

1. As concerns the comments of the ICFTU, the Government furnished the following information:

The Ministries of Education and Higher Education have undertaken studies with a view to redefining the information which must be contained in the student's school records with a view to removing from this record elements which do not involve academic matters and the interests of the student. Once this study is completed, consultations will take place with student organisations, trade unions and the administration of educational institutions, and the new model school record will be transmitted to the Committee of Experts.

Moreover, the Government repeats the information previously communicated, that is, that no information contained in the student's school record has been used to discriminate with respect to access to training or in the continuation of studies. This is demonstrated by the massive enrolment of the population in educational programmes and the large number of high level degrees granted.

As concerns the cumulative labour record, a draft regulation on employment policy is now the object of consultations with trade unions, enterprises and central administration. This draft addresses recent developments and will replace the regulations in force, applied by resolution No. 51 of 1991.

The new draft defines the content of the cumulative labour record by indicating clearly that the new version may contain neither information on the political activities nor the merits or demerits which had previously been included in the old version of the file by virtue of resolution No. 590/1980. (The Government attached to its communication the text of article 82 of the draft regulation on employment policy which defines the content of the cumulative labour record.)

As concerns the personal verification form, which contains information on the worker's social conduct, it is necessary to emphasise that this form had been elaborated by the Andrés Gonzales Lines School of the Fishing Institute, where the establishment of a personal verification form was a part of the conditions required for the recruitment of qualified personnel. The verification of facts contained in the form is not a general practice and it is not in harmony with the principles which flow from the country's employment policy; it is effectuated as part of internal rules, which have since been modified by the Institute.

Moreover, it has been decided to conduct a general inquiry on the internal rules which have been established by some enterprises, with a view to pulling from files all information which may give a basis for erroneous evaluation of information given relative to moral attitudes or social conduct of workers and which are extraneous to that which is normally required to initiate an employment relationship in any system of employment relations.

The observation also mentioned examples presented by the ICFTU, based on the testimony of persons residing abroad who indicated that they had been involved, at times not stated in their declarations, in work disputes where they had complained about recognition of their rights. The state inspection conducted an inquiry on some of these cases. In a large number of mentioned cases, the ICFTU intended to present them in a false light, as if they concerned cases of discrimination for political reasons and only one case of discrimination on the basis of sex, when, in reality, the complaints were presented by workers who had enforced their rights sometimes by trade unions, sometimes by labour courts, and where they found, in each case, an adequate solution to their problems in conformity with the law. In a large number of cases, it was not possible to identify the person, the work centre, or the facts alleged, by reason of questionable witnesses who had been used abroad for propaganda.

2. As concerns the comments of the Latin American Central Organisation of Workers (CLAT), the Government has already sent a response, dated 3 February 1992, to the Office.

Access to training

As concerns paragraphs 3 and 4 of the Committee of Experts' observation, as indicated above, a new model school record is now being analysed with a view to removing from it all information foreign to the educational process. The Government reiterates the information previously given, that is that information contained in the records were not used for discriminatory purposes; nevertheless, the draft will amend the record.

Access to employment

As concerns paragraph 5 of the observation, the Government confirms that Legislative Decree No. 82 of 1984 and its implementing regulations do not contain political requirements relating to the employment system in the state bodies. This regulation is independent of the contents of the list of posts recognised by this system. The criteria set out by the Committee of Experts concerning management posts in the field of education are out of place as they are not based on the juridical concepts set out at the beginning of the paragraph. It has already been indicated that these provisions do not contain elements of a political nature, and that they do not relate to the list of posts. It must also be underscored that, contrary to what has been indicated by the Committee of Experts on the subject of the managerial posts and the "spirit of collectivism" and the "attachment to the masses and confidence in them", these requirements are not prohibited by Convention No. 111; these terms refer to characteristics of an educational system which offers to student organisations the possibility to participate in fundamental decisions concerning the system.

As concerns paragraphs 6 and 7 of the observation, the Government confirms that the provisions discussed there are undergoing an analysis which has as its object their adaptation to current circumstances and requirements which affect the activities which they regulate. The Government takes note of the observations of the Committee and will take them into consideration when elaborating the new standards in this field.

Evaluation of workers

As concerns the provisions enumerated in paragraph 8 of the observation the above information concerning modifications being made to the cumulative labour record apply.

Concerning resolution No. 590/1980, the Government indicates that it is about to finalise a process of consultation with the trade union organisations and the directions of the enterprises and bodies concerning a draft resolution which will repeal resolution No. 590 concerning labour merits and demerits. The draft amendment is also expected to remove the "list of work merits and demerits" previously kept in the file by virtue of the resolution, from the cumulative labour record. In so far as the consultations have concluded, the text of the amending resolution will be communicated to the Committee of Experts. (The Government attached to this communication the text of the draft resolution.)

The Government states the criteria previously mentioned and applied for evaluating the qualifications of workers with a view to their access to employment was not based on resolution No. 590 but on other provisions. These have been communicated to the Committee of Experts and have not been the subject of comments. Now, resolutions Nos. 18 and 19 of November 1990 and No. 4 of 1991, the texts of which were furnished to the Committee last year, are applicable.

Finally, the Government would like to emphasise that the Constitution as well as the Labour Code establish the principles of equality for all citizens and all workers in all matters relating to work and education. These are the principles which have guided the country's policies on employment and education. These principles are not a dead letter; to the contrary, they have concrete results in their practical application.

Cuba has the lowest unemployment rate in Latin America and, under the current economic conditions, has taken measures to ensure – without discrimination of any sort – that no worker will find himself without employment on account of job-creation policy. Adequate protection is also being guaranteed in each specific case.

As regards educational policy, a system which provides free education to the entire population – as demonstrated by the statistics on educational participation and the numbers of graduates from different centres of higher education – leaves no place for discrimination.

In addition, a Government representative reiterated the written information communicated by the Government. She added that the detailed information provided demonstrated the good will of her Government with respect to the employment policy in her country based on the principles of equality recognised in the Labour Code.

The Workers' members thanked the Government for the detailed information it communicated both orally and in writing. They noted that the case was very complicated and that it would be difficult for them to comment in detail on the various aspects. There appeared to be, however, some signs of progress. The Government had indicated in its document that the Ministry of Higher Education was reviewing the possibility of redefining the information to be contained in the school records. They requested the Government to provide full information on the results of this review to the Committee of Experts to enable it to examine the relevant information with respect to the application of the Convention. As concerns the cumulative labour records, it appeared that a draft regulation on employment policy was the object of consultations with trade unions, enterprises and the central administration. Further information on this point should also be provided to the Committee of Experts for examination. The personal verification forms which had apparently been elaborated by a fishing institute were not in accordance with the Government's wishes and the Government had indicated that a general inquiry on the internal rules established by some enterprises was being made so that all information which might give a [illegible] for erroneous evaluation would be pulled from the files. Finally, [illegible] noted the Government's indication that the revision of Resolution No. 590/1980 was the subject of consultation with the trade unions. While they certainly did not feel that the application of this Convention was yet assured, they welcomed the reviews being undertaken and hoped that all the relevant information would be communicated th the Committee of Experts in order to permit an examination of the situation. They hoped that the process undertaken by the Government and future dialogue would continue.

The Employers' members also noted tthe detailed information provided by the Government which, while last year appeared to be more quantitatiive than qualitative, this year indicated a favourable development. They recalled the Committee of Experts' comments concerning access to training, access to employment and the "moral" requirements taken into consideration in this regard. Unfortunately, the State was the judge of what was "moral" and this could include political criteria, in contradiction with this Convention. They welcomed the Government's indication that many of the comments made by the Committee of Experts were being reviewed and that changes would be made. They queried, however, whether the changes would be sufficient. They felt that the reply made by the Government was a step in the right direction and requested the Committee of Experts to examine the information supplied by the Government in detail in order to indicate whether next year the legal and practical situation in the country had indeed demonstrated better compliance with the Convention.

The Committee noted with interest the written and oral information provided by the Government. It appeared that progress was being made on the points raised by the Committee of Experts. It hoped that the Government would send further information on these points so that the Committee of Experts could make a full assessment on these points in the future.

Convention No. 118: Equality of Treatment (Social Security), 1962

Central African Republic (ratification 1964). A Government representative declared that in its report of April 1991 the Government referred to the draft text prepared by the Labour Department to bring national law and practice in question into conformity with the Convention; the constitutional procedure for the adoption of these text was already engaged and is in progress. In September 1991 the National Assembly adopted the law concerning the reform of state-owned companies, companies with both public and private ownership, and public organs of which the Central African Office of Social Security administrating the pensions of the wage earners covered by the Labour Code is one; this law requires those bodies to carry out reform of their organic rules. Moreover, the Ordinance No. 81/024 establishing the old-age, invalidity and survivors' pension scheme, as well as its implementing Decree No. 83/340 will be soon amended in order to respect the spirit of the Convention. The Government has also signed the Social Security Convention benefiting workers of Air Afrique. The non-application of the Convention is not an act of ill-will, but comes from the fact that there were problems of territorial application in respect of certain countries which had ratified the Convention where the law are applied only within the territory. In order not to impede the interests of the workers concerned, the Government is actually negotiating reciprocity agreements with, in particular, certain States in the region. Nevertheless, if all the countries which have ratified the Convention were respecting it, there would be no problem to the extent that this instrument itself contains a provision of reciprocity. The Government has always faced problems concerning the recognition of pension rights in relation to certain states, including signatories to the Convention, when the nationals of the Central African Republic who have worked there returned home. That's why the Government, knowing that the Convention contains an obligation of reciprocity, still seeks to conclude such agreements to deblock the situation. Finally, article 27 of the Law No. 65/66 expressly applies the provisions of the Convention: "Foreign workers vitims of an occupational accident or their dependants who cease to reside on the territory of the Central African Republic continue to receive their compensation benefits under the same conditions." This provision has been applied since 1965, particularly in case of occupational accidents, but the situation concerning pensions is more complex due to the difficulties encountered with certain member States which have ratified the Convention.

The Employers' members stated that the Government representative made essentially the same declarations as the previous year, except for two points. Firstly, the Government has provided to the ILO copies of the new social security laws but this Committee is not able to examine them, it will be for the Experts to decide whether they remedy the problem identified in their report. Secondly, and this is a new important point, the Government recognises now that the Convention, by its own terms, creates an obligation of reciprocity. However, part of the problem here consists in that this Committee does not know the countries signatories to the Convention with which the Central African Republic has difficulties. Once the Government has identified them, it would be in a position to receive technical assistance from the ILO to bring the whole system in line. The ILO might have to provide such assistance to other governments that seem to have difficulties in this area.

The Workers' members, recalling that this case has been discussed by the Committee of Experts over the past three years and was the subject of the debate in the present Committee, referred to the Committee of Experts which rightfully has pointed out to the Government that under the Convention equality of treatment in social security must be ensured automatically whatever the country of residence, even in the absence of bilateral or multilateral agreements. The Government seems to have accepted this interpretation now. The Government representative mentioned a draft text to bring the legislation into conformity with the Convention, but perhaps there is a danger in a sense that it is not a law which itself modifies the situation, but one which permits amending other texts. Therefore, the essential question is the following: when the Government will modify the law in question to bring its legislation in conformity with the requirements of the Convention? It would obviously be useful that the Government has recourse to the assistance of the Office for the drafting, but one should insist, in the first place, that real modifications be made in the legislation in the near future.

The Government representative specified that his Government has supplied copies of the laws on pensions, on occupational accidents, as well as the last text requiring the Central African Office of Social Security to amend its organic law. When this law is modified, the Government will include in it provisions to bring it into conformity with the Convention.

The Committee took note of the information given by the Government. It understood that the Government has provided recently the texts of Ordinance No. 81/024 and of Decree No. 83/340 to the ILO. The Committee was not in a position to discuss the substance of these regulations but also noted the Government's difficulties to change other regulations on the subject matter by reason of problems of reciprocity with other countries. It urged the Government to ask the ILO for technical assistance in that respect and hoped that the Government would be able to amend the legislation with a view fully to comply with the requirements of the Convention. The Committee hopes that it will be able to conclude at one of its next sessions that such amendments had taken place.

Libyan Arab Jamahirya (ratification: 1975). A Government representative stated that the issues related to application of the Convention were still being submitted to the competent national authorities in view of the drafting of the necessary provisions and that he had asked these authorities to take into consideration the observations made by the Experts. He was of the opinion that his country needed technical assistance from the ILO to overcome the obstacles which made it difficult to send reports and to bring national legislation into conformity with the Convention. He hoped that the National Commission set up to examine international labour Conventions and Recommendations would be received at the ILO headquarters in Geneva.

The Workers' members stated that the Committee of Experts had been asking for many years for the modifications of national legislation to satisfy the requirements of the Convention. This year the Committee of Experts again took up the different points which required action. Already in 1988, the report of the Committee of Experts mentioned that the Government had recommended to the National Commission set up to examine international labour Conventions and Recommendations to take into account the observations of the Experts, and this year the report provided exactly the same information. Nothing had changed. The Workers' members had consequently insisted that the Government take the necessary measures shortly to bring national legislation into full conformity with the Convention and emphasised that the latter was particularly important in the Libyan Arab Jamahirya given that the country had a large number of migrant workers who contributed to the national economy.

The Employers' members pointed out that although this Committee did not discuss frequently this Convention, it had been ratified by 37 countries. The Convention provided that any member State had to grant the same equality of treatment to the nationals of any other member State which had ratified the Convention that it granted to its own nationals in any branch of social security for which it had accepted the obligations of the Convention; it was thus important to note that the nationals of 36 countries had the right to equal treatment under Libyan legislation. The Employers' members had taken note of the request for technical assistance made by the Government representative. Given that the Government had difficulties in solving its legislative problems so that the requirements of the Convention could be met, they insisted that this Committee take note of this request in its conclusions and encourage the Government to take the necessary measures, with the assistance of the ILO, to bring its legislation into full conformity with the Convention.

The Committee noted the information provided by the Government. It felt bound to conclude that national legislation was still not in conformity with the Convention. In view of the difficulties to bring national legislation into conformity with the Convention, it reminded the Government of the possibility of ILO technical assistance. It hoped that with this assistance the Government would be in a position to amend the legislation in the near future and to provide a full report to the ILO.

The Government representative expressed the hope that his Government would benefit from adequate assistance to ensure that there had been follow-up to the observations made by the Committee of Experts.

Convention No. 122: Employment Policy, 1964

Bolivia (ratification: 1977). A Government representative indicated, in response to the request by the Experts that it include in its next report more complete statistical data concerning in particular the volume and the distribution of labour, that a census had been carried out this year which would provide them with such data. He emphasised that, despite the difficult situation which his country was presently experiencing, his Government had made efforts to apply this Convention in the best possible manner. However, the principal concern was that they avoid the closure of enterprises and the laying off of workers as a result of structural adjustment policies recommended by international organisations. The observation of the Experts originated in 1985 when the first adjustment measures were taken involving the termination of 50,000 to 80,000 workers, including 30,000 miners. Today, the situation was entirely different and the frequency of terminations was greatly reduced as was made evident by the fact that the Office had not received any complaint in respect of this matter since 1986. In effect, his Government had sought to apply a policy that would not be automatically based upon the closure of enterprises or the termination of workers, but instead would be implemented by means of other kinds of solutions. The problem of employment creation was linked to the country's existing capacity for investment. In Bolivia this capacity had been minimal but jobs had all the same been created. Nevertheless, open unemployment had not been fully replaced by employment, although to a great extent had been reduced because of the existence of the informal sector. Hence, the unemployment rate which was 20 per cent in 1985 as stated in the Committee of Experts' report was presently between 6.5 and 7 per cent, according to the figures of the Latin American Economic Committee. One third of the economically active population were currently underemployed. Even if this did not involve full employment, it was still a bridge between open unemployment and employment. This situation had permitted his country to experience social peace that it would not have enjoyed if there had been an unemployment rate of 20 per cent. Finally, the speaker indicated that his Government would supply the Committee with the information requested as soon as the data obtained from the previously mentioned census was available.

The Workers' members emphasised that this Convention had not been conceived as a miracle cure for unemployment. The Government was not expected to introduce policies that would cure unemployment overnight. The Conference Committee had consistently examined the application by governments of this Convention and had attempted to ensure that in this respect countries of all parts of the world, both developed and less developed, were the subject of their attention to determine how their obligations under the Convention were being respected. They expressed satisfaction with the new census provision, because statistical information was essential for the establishment of valid employment policies. The 6.5 to 7 per cent "open unemployment rate" referred to by the Government member was compared to the 20 per cent and 19 per cent unemployment rates in 1989 and 1990 that were listed in the ILO *Year Book of Labour Statistics*. The term "open unemployment rate" was unfamiliar to them, and they noted that unemployment rates published by governments often differed from year to year because of changes in methods for compiling statistics. The Workers' members recognised the problems that Bolivia had faced since 1985, but the provisions of the Convention were not to be observed only in times of economic prosperity; the Convention was designed to address employment problems in all economic circumstances, and it was arguable that such provisions must be observed most closely during periods of recession and significant structural reforms. They emphasised that the main provision of the Convention was that countries should declare and pursue as a major goal an active policy designed to promote full, productive and freely chosen employment. In order to establish such a policy, it was extremely important to consult with the social partners. The policy should not involve only those sectors of employment which the government controlled. The informal and rural sectors must also be taken into account. The Workers' members noted that the Committee of Experts' report asked the Government to indicate how the policy was being formulated, to specify the instrument in which it had been defined, and to describe the procedures adopted to ensure that the effects on employment of measures taken to promote economic development received due consideration. They requested in addition that information be provided on provisions the Government had adopted or was drawing up concerning consultation with the social partners. They concluded that although the extent of monetary investment was fundamental to a country's level of employment, investment must always be accompanied by the social dimension, which only the government itself could provide.

The Employers's members considered that the Government was doing what it could to solve its employment policy problems, and stressed that this was work that could not be carried out in isolation from other factors. They noted that the Government had instituted monetary stabilisation measures to reduce unemployment and that it was endeavouring to attract investment. Note was also taken that the real dimension of underemployment in the informal sector was very difficult to determine because of a lack of information about this area. It was hoped that the census might supply new data and updated facts and figures that could provide a basis for new measures. The creation of a vocational training institute, referred to in the Committee of Experts' report, was an extremely valuable investment for the future. When addressing the problem of unemployment, one must not only employ short-term solutions. Medium and long-term measures such as investment in vocational training also had important benefits.

The Employers' member of Bolivia explained that the termination of 30,000 miners in 1985 was not a result of a decision of the Government or of employers that had been freely made, but was a decision made at the metals market in London where the price of tin had fallen from $8 to $2.5 a pound. One must not forget that Bolivia was the third largest producer in the world of tin and that its expert represented more than 60 per cent of its income. He said that employment policies and problems must take into account events and conditions of international commerce.

The Government representative noted that in 1986 his country had experienced a very high number of terminations because of a decrease in prices and the closure of unprofitable enterprises, as a result of the application of recommendations of the International Monetary Fund. In response to the Workers' member, the speaker stated that when he had spoken about open unemployment, he simply meant unemployment, but that in reality even if this was not ideal a third of the economically active population was underemployed. It is these circumstances which permitted them to attain the 6.5 per cent or 7.0 per cent unemployment figures; even the ILO recognised the need to protect the informal sector, and had recommended that governments take measures in this area. Finally, he stated tht his Government was prepared to supply the information which the ILO might request in the future on this subject.

The Committee noted with satisfaction the interest that the Government had taken in the subject of the Convention. It hoped that the Government would supply the ILO with studies and statistical data, in order that full assessments could be made by the supervisory machinery.

Canada (ratification : 1966). A Government representative referred to the detailed report supplied by her Government to the Committee of Experts on the implementation of various programmes, measures and policies enacted by the Government of Canada to achieve the objective of reducing the deficit, controlling inflation and promoting economic growth and job creation. She reaffirmed the belief of her Government that the creation of an economic climate conducive to real and sustained growth was a precondition to the achievement of increased employment opportunities in the medium and long term. The objectives of the Canadian Jobs Strategy, enacted in 1985, were to improve the functioning of the labour market, to provide income protection for unemployed workers, to increase the occupational skills of Canada's human resources and to promote equality of access to employment.

The Canadian Jobs Strategy programme was divided into five major programmes:

(1) the Skill Investment Programme, designed to help workers adjust to changing technology and markets ;

(2) the Job Entry Programme, assisting specific groups, such as youth, who were having difficulty in entering or re-entering the labour market ;

(3) the Job Development Programme, designed to help the long-term unemployed to participate in the labour market and to enhance their employability through skills training and work experience by means, among other measures, of individually subsidised jobs ;

(4) the Skill Strategies Programme, providing support to employers for training individuals in designated cases of current or potential occupational skills shortages ;

(5) the Community Future Programme, assisting selected communities to assess their economic problems and develop employment opportunities through small business development, entrepreneurial support, training and relocation assistance.

The funds allocated to these programmes were in access of 1 billion dollars. In addition, her Government had established a Programme for Older Worker Adjustment, jointly funded and administered by the federal Government and the provinces, which provided income assistance to long service older workers who were victims of major permanent lay-offs and who had no prospects for re-employment. She noted that the problem of regional disparities mentioned by the Committee of Experts was likely to affect all ILO member States. The Canadian Jobs Strategy programme involved extensive consultations at the local level through the establishment of Local Advisory Councils. These Councils were composed of members from local businesses, trade unions and community groups which, together with government representatives, reviewed and assessed local employment issues. Furthermore, funding under this programme was allocated on a regional rather than on a by-programme basis so that different parts of the country were able to determine the best mix of training and employment promotion appropriate for their particular circumstances.

The Atlantic Canada Opportunities Agency was established to foster the creation of a more favourable environment for sustained regional economic growth so as to reduce the diaparity between the four provinces in that part of the country and the rest of Canada. Similarly, the Western Economic Diversification Department was established in 1987 to expand the economic potential of the four Canadian western provinces. With respect to labour market and economic developments occurring since the Government's last report on this Convention, she reported that the prime lending interest rate had fallen to its lowest level in 19 years; the gross domestic product had increased 0.3 per cent in March, 0.2 per cent in January and 0.2 per cent in February; between April 1992 and May 1992, on a seasonally adjusted basis, employment increased by 31,000 overall; employment increased in manufacturing by 7,000; and the number of unemployed declined by 6,000 in the province of Quebec and by 1,000 in the province of Saskatchewan. The Unemployment Insurance Act had been amended so that the Government could move ahead with a comprehensive strategy designed to mobilise the efforts of all labour market partners in upgrading the skills of the workforce. Eight hundred million dollars were allocated to training and employment assistance measures representing a 50 per cent increase in federal expenditures for labour force upgrading. The Canadian Labour Force Department Board, created in January 1991, comprised of representatives from organised labour, the business community, social action groups and training institutions. Its mandate was to determine overall training priorities and address questions of standards for skill acquisition and upgrading. It would play a major role in preparing an annual expenditure plan for the extended developmental use of unemployment insurance funds. Under this new agency, up to 75 subregional labour market boards might be established. In addition, federal-provincial negotiations had been under way to enhance the employability of social assistance recipients. The new and expanded agreements included improved programmes, better linkages between Canada Employment Centres and welfare offices, long-terme interventions to help clients and the removal of disincentives for training. In conclusion, a concerted effort had been and continued to be made to foster a strong training culture with the joint cooperation and participation of both organised labour and business with the objective of setting national standards and improving the availability and accessibility of training programmes for those in need, with a special effort made to help social assistance recipients and disadvantaged groups improve their employment opportunities.

The Employers' members noted the information provided by the Government and stated that, while this subject area was a very complicated one, it seemed that the Government was moving in the right direction. They noted that according to the report of the Committee of Experts unemployment appeared to be at least 2 per cent lower than it was when this case was discussed in the Conference Committee in 1985. As concerns regional disparities in unemployment, they noted that this was not surprising in such a large country and felt that the Government's decision to allocate resources on a regional basis was a wise one. They agreed with the Government's approach not to permit unfocused spending to address unemployment but rather to invest in people. Spending must take into account the market – the market in this case being the skills necessary to meet the job requirements of employers. They noted in particular the efforts made to help those who were having difficulty getting into the job market. While it was clear that the Government had not yet found all the answers to its problems, they reaffirmed their belief that the Government was moving in the right direction and urged it to take all appropriate actions to lower the level of unemployment. The Workers' members thanked the Government for the detailed information provided. They recalled their previous interventions with respect to the section in the general part of the Committee of Experts' report dealing with this Convention. This Convention was very important regardless of the level of industrialisation of the country. They felt that all government policy should be elaborated with a view towards promoting freely chosen and productive employment. Employment policy should not be limited to the ministries of labour, employment and vocational training, but should be a concern of all ministries. They were dismayed that the Government had reaffirmed that its priority objectives were the reduction of the budget deficit and inflation control so as to promote economic growth and job creation. They noted that the Government was still pursuing its 1985 policy which they did not feel sufficiently addressed the relationship between employment policy objectives and other social and economic objectives. They recalled that, all too often, the objectives of other ministries were in opposition with the objective of the Convention. The increase of the abuse of flexible employment time, such as part-time, flexi-time, limited-term contracts, etc., endangered the right of the weakest workers in the labour market to freely chosen employment. They were therefore not fully convinced that the Government was pursuing the essential objectives of the Convention. This was made particularly evident by the increase in unemployment and the Government's priority objective of inflation control.

The Workers' member of Canada referred to the section of the general part of the Committee of Experts' report on the application of this Convention and stated that Canada was one of the OECD industrialised market economy countries surpassed those of 1988. Furthermore, there was great regional disparity in unemployment and a large group of long-term unemployed. In spite of these realities, the Government of Canada continued to pursue as its immediate aims, the reduction of inflation and the control of public spending, at the cost of the aim of full employment set out in the Convention. He noted that the Canadian unemployment figures set forth in the Committee of Experts' comments were out of date. More recent figures from January 1992 revealed a national unemployment rate of 10.4 per cent and provincial rates ranging from 7.1 per cent to 17.9 per cent. His country had been in a recession for over two years now. The forecast in the recent federal budget indicated that the national unemployment rate would remain at or near its present level through 1992 and well into 1993. Recent estimates from Statistics Canada's *Labour Force Survey for May 1992* showed an increase in the national unemployment rate to 11.2 per cent or 1,536,000 persons. This represented the highest level of unemployment in Canada since 1984, and included provincial rates ranging from 7.7 to 20.1 per cent. All statistics quoted thus far were official government of Canada figures. When the Canadian Labour Congress calculated the "real unemployment rate" (including the underemployed, the "hidden unemployed" (persons who are not normally counted because they have given up the active search for a job), involuntary part-time workers and workers working short time or laid off part of the week), they stated that the number of persons unemployed or underemployed rose from 2,119,000 in October 1991 (15.2 per cent of the labour force) to 2,538,000 in January 1992 (17.0 per cent of the labour force). The recently tabled 1992 federal budget forecasts a national unemployment rate in excess of 10 per cent to the end of this year. This is nothing less than an admission of failure on the part of the Canadian Government – proof that current economic policies are not working. The real failure of the budget is that it does nothing to directly create jobs and increase confidence. The Government's basic thrust is to continue existing spending restraints such as cuts in transfer payments to the provinces and strict limits in the growth of virtually all areas of federal programme spending. In addition, the budget imposes new cuts of CDN$ 1 billion. Amongst these are a cut in federal training expenditures through the *Canadian Jobs Strategy* – which is mentioned in the Committee's Report – in the order of $100 million (rather than an increase to assist unemployed workers) and a continuing steady reduction of federal transfers to the provinces to fund post-secondary education and medicare. The central objective of the Canadian Labour Congress economic policy was to build a full employment economy – an economy capable of providing decent, well-paid, rewarding jobs for all who wanted and were able to work. Full employment was the indispensable basis of a strong income security system for working people and their families, the essential foundation stone of a fair society. A full employment economy would promote both equality of condition – decent living standards for all – and equality of opportunity, particularly for women, minorities, the disabled, indigenous people and others who face discrimination in the labour market. Full employment was the basis of a highly productive economy. Mass unemployment was nothing less than a waste of productive potential. Economic policies such as those currently implemented in his country, which created unemployment rather than actively promoting full, productive and freely chosen employment, were most certainly not in keeping with either the letter or the spirit of the Convention.

A Government member of Germany indicated his surprise to see the case of Canada on the list to speak before this Committee on this Convention. Referring to the questions raised in the Committee of Experts' comments for further information from the Government concerning the specific difficulties encountered in attaining the Convention's objectives and the possibility to evalutate the effect of its employment programmes, he wondered what criteria were used to call governments before this Committee on this Convention. He noted the Government's priority objective of reducing the budget deficit and combating inflation in order to promote economic growth and the creation of jobs and recalled that Article 1 of the Convention provided that: "With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment." In his opinion, the Government's policy was not terribly far away from the Convention's objective.

The Employers' member of Canada indicated his surprise and disappointment that this case was brought to the attention of this Committee. He supported the new itnitiatives undertaken by his Government. The Government had allocated 1 billion dollars for job creation for new training programmes, retraining, upgrading, etc. The employment programmes in his country ranked among the best of all the industrialised countries of the world. Under the job strategy programme no one who was qualified would be denied unemployment insurance. The object of the programme was simply to replace unemployment with jobs. He believed that labour basically agreed with the programme but simply wanted government to pay for it rather than to use the resources of the unemployment insurance fund. Government, however, did not pay for anything; it was the taxpayers who paid. Certainly, labour would not want higher taxes for the already overtaxed Canadian citizens. He hoped that the new initiatives concerning job creation, training and upgrading would be given an opportunity to prove their effectiveness as a better alternative to throwing money at the problem and placing the burden on the taxpayers.

A Workers' member of Greece noted the importance of this Convention and recalled the serious consequences which could result from a government ignoring the need for an employment policy. He noted that there was a problem with the application of this Convention in Canada.

A Workers' member of Pakistan supported the concerns of Canadian workers, particularly concerning rising unemployment, regional disparity and equality. He hoped that the Government would take the necessary measures to reduce unemployment and to locate more resources to the provinces in order to obtain the objectives of the Convention.

The Government representative recalled that the Canadian Job Strategy Programme put an emphasis on assistance to the most disadvantaged members of the labour force, such as youth, women and other disadvantaged groups. As concerns her Government's priority objectives, she pointed out that the Convention provided that Government should pursue a policy to promote full and freely chosen employment but that it was up to the Government to design the policy which it felt would be most conducive to attaining that objective. She stressed that unemployment figures did not necessarily signify a violation of the Convention. No country operated in a vacuum and there were many factors which affected the unemployments rates of countries, independent of the government policy. Job creation implied the fostering of an economic climate which would be conducive to create jobs and could not occur without deficit reduction and inflation control.

A Workers' member of Italy insisted upon the importance of this Convention and suggested that a labour market policy was sufficient to resolve the relevant problem. It was not sufficient to simply transfer resources or make investments. The question was a very complicated one and it was necessary to undertake vocational training policies and to encourage the spirit of enterprise. Serious attention must be given to this problem in all countries both developed and developing.

The Committee welcomed the information given and the initiative taken by the Government. In view of the importance of the measures taken or envisaged, on the one hand, and the economic difficulties, including a high percentage of unemployment existing in the country, on the other hand, it expressed the hope that the Government would succeed in its endeavours to promote economic growth and job creation and that it would keep the ILO informed of all progress made in this regard.

Cuba (ratification: 1971). A Government representative stated that the employment policy in her country was based on the principles established in the Labour Code according to which work is provided taking into account the economic and social requirements, according to the choice of the worker, his talents and qualifications, which corresponds to Article 1, paragraph 3, of the Convention. In Cuba persons looking for employment have got two possibilities, either to request directly the organisms of labour which conclude contracts directly with the worker, or to go to a vocational orientation bureau of each municipality where they can be informed of available employment in the territory under the jurisdiction of the municipality. In this procedure, no element mentioned by the ICFTU enters in consideration and the labour relation is concluded in conformity with the provisions of Chapter II of the Labour Code concerning labour contracts. Last year, in spite of the difficult economic situation facing the country, the unemployment rate was less than 4 per cent. Cuba has about 3.5 million workers of which more than 30 per cent are specialists and technicians of intermediate or superior level. In view of these figures, not common in developing countries, she wonders how one can suspect discriminations in the country, if it was not by manipulation with political aims to speak ill of the social economic system of the country. The Government endeavours not to leave any worker without work, regardless of their political opinions, and offers various possibilities of new employment when it is necessary to introduce structural changes in the enterprises for such reasons as the decrease of fuels or lack of raw materials. The new employment should be useful and accessible to the worker according to his qualifications, in conformity with the regulation in force. The workers also have the possibility to take courses for qualification or re-employment. Those workers who did not find available employment receive 100 per cent of their former wages for the first month and 60 per cent for the following months. Here again, political opinion does not count and there is no pressure or coercion to engage oneself in an employment relationship. The speaker added that the provisions mentioned above stipulated that the worker could request and obtain re-employment in a profession or employment with different characteristics from what was shown in the provisions, which meant that the worker could freely look for employment of his choice.

The Workers' members noted the written information which the Government provided indicating in relation to Convention No. 111 that Cuba had the lowest unemployment rate in Latin America and has taken measures to ensure employment without discrimination. The difficult question here is whether there is freedom of choice: freedom not only to choose jobs, but also to have opportunities of training and general education to equip oneself for jobs, regardless of political convictions. So as to determine whether or not the Government is fulfilling obligations under Convention No. 122, the Government should send a report to the Committee of Experts indicating all the specific employment policy measures, as regards not only the legal obligations under the Convention but also the implementation of its spirit.

The Employers' members joined the opinion of the Workers' members and pointed out that the employment policies in Cuba seemed to involve forced labour under Conventions Nos. 29 and 105, which are also ratified by Cuba. The Government referred to Article 1, paragraph 3, of the Convention respecting account to be taken of the stage and level of economic development. The Employers' members wondered whether the economic situation in Cuba fit with what is contemplated in this provision of the Convention. They agreed with the Workers' members that the only way to clear up the situation was for the Government to report in detail the actual situation and to demonstrate that in fact workers can freely choose their work.

The Government representative emphasised that despite the economic difficulties, the Government had never abandoned its policy of full employment based on the equality of all workers without any discrimination. This can be supplemented by the reports on the application of Conventions Nos. 111 and 122 which are sufficiently explicit. As regards present regulations, they stipulate that the workers can be re-employed in useful and necessary jobs, but not in unproductive employment; a worker can also personally look for employment which is not necessarily employment that is offered within the framework of the Government's measures aimed to ensure the policy of full employment. Thus, the workers have absolute freedom to choose employment either offered by the authorities or looked for if they can find one; nothing prevents the new enterprise from recruiting workers if that enterprise considers that the worker has the necessary qualifications for the offered post. The speaker stated that the question of free choice was not a legal question but a practical and ongoing one, which is demonstrated in the extremely low unemployment rate of her country.

The Committee took due note of the information supplied by the Government. As it was not quite clear from that information whether the freedom of choice for workers as far as jobs are concerned was guaranteed, it asked the Government to send to the ILO a full report on the situation.

The Workers' member of Cuba stated that in Cuba workers had absolute freedom to choose their work. Trade unions would not accept any other system. The trade unions have been consulted by the Government and public authorities. The Central Organisation of Workers (CTC) started a debate on the means proposed so as to find a solution in the placement of workers in enterprises where there was not enough work available for such reasons as a lack of fuels, raw materials, etc. The law and practice in Cuba perfectly conformed with the idea that workers should have a real possibility to choose employment freely. When a worker wished to occupy one post which existed, he had all the possibilities to become the holder of that post. The speaker requested that his reservation on this conclusion be reflected.

Convention No. 127: Maximum Weight, 1967

Madagascar (ratification: 1971). A Government representative, the Minister of Labour, noted with regret that he could not supply any substantial information on the application of this Convention at this time. He assured the Committee, however, that upon his return to his country he would look into this question in detail in order to satisfy the comments raised by the Committee of Experts.

The Workers' members also expressed their regret that the Government was unable to reply to the comments made by the Committee of Experts on this important matter. They recalled that the Committee of Experts had been making observations on this case since 1978. They noted that the last Government report was received in 1989. The national legislation only provided for fixing weight limits of loads transported by young workers and women. The Convention, however, provided that no worker shall be required or permitted to engage in manual transport of a load which by reason of its weight was likely to jeopardise his health or safety. There were, however, no limits on the weight of loads for adult men in Madagascar either in law or in practice. In Madagascar factories, traders, transporters and farmers used sacks of 90 kg, 75 kg or 70 kg which were manufactured locally. The use of sacks which were in conformity with international standards, in the opinion of the Government, gave rise to problems with respect to production cost and prices for manufacturers, users, producers and farmers. They noted from the Committee of Experts' report that in a letter from the Minister of Labour to the social partners, dated November 1988, the Government proposed that production units manufacture sacks of 55 kg or 65 kg by stages and launch them progressively on to the market "in order to avoid the harmful effects of the immediate application of the Convention in national law and so as not to be in opposition with the country's undertakings at the international level". Paragraph 14 of the Maximum Weight Recommendation fixed the maximum weight for loads which may be manually transported by an adult male worker at 55 kg. The Minister's recommendation was therefore not sufficient to ensure the application of the Convention. They requested the Government representative to indicate whether his Government intended to re-examine its position in this regard and to take the necessary measures to ensure conformity with the Convention for adult male workers. They also urged the Government to provide a detailed report in reply to the comments made by the Committee of Experts in order to permit a complete evaluation of this situation.

The Employers' members associated themselves with the comments made by the Workers' members. They observed that this was the first occasion this case was discussed in this Committee. They regretted that the Government representative was not in a position to provide any substantial information and stressed the practical significance of this Convention. They urged the Government to make every effort to ensure compliance with its obligations in the future.

The Government representative noted the concerns expressed by the Committee on this very important question and assured that special efforts would be made to find an appropriate solution to these problems as soon as possible.

The Committee noted with regret the lack of substantial information from the Government. It recalled that observations had been made by the Committee of Experts on this case for many years. It felt bound to conclude that no progress had been made during all these years towards compliance with the requirements of the Convention, which had been ratified by the country more than 20 years ago. Therefore, the Committee strongly urged the Government to reconsider its position and amend the existing legislation as soon as possible and to inform the ILO accordingly.

Convention No. 129: Labour Inspection (Agriculture), 1969

Bolivia (ratification : 1977). The Government communicated the following information :

The Government underlines that the process of applying this Convention began in 1983 and 1984 when Supreme Decrees Nos. 19524 and 20255 were respectively adopted. These decrees brought sugar-cane and cotton harvest workers within the scope of the General Labour Act and its Regulatory Decree. Since 1992, ten extra civil servants have been incorporated into the inspection service in the country. This will help the inspection services for the mountainous rural zones in the valley and the tropical region which consists of the large rural spaces of the country. Furthermore, the national population and housing census to be carried out on 3 June 1992 will enable the Government and the public and private institutions to obtain, once the statistics have been analysed, quantatively accurate reports on the existence, placement and functioning of agricultural undertakings as defined in Article 1, paragraph 1, of this Convention, as well as on the distinction which separates agriculture from industry and commerce referred to in paragraph 2 of this Article. Moreover, the census will make it possible to determine, with more elements to judge, the human, social and economic components, among others, necessary to establish a well-structured system of labour inspection in the agricultural sector.

In addition, see the discussion under Convention No. 81.

Convention No. 136: Benzene, 1971

Spain (ratification: 1973). The Government supplied the following information:

It is appropriate in the first place to point out that the observations of the Committee of Experts essentially originated in the comments supplied by the Trade Union Confederation of Workers' Committees (CC.OO.) on 21 June 1989, in which it drew attention to problems resulting from the use of benzene in the leather and hide, chemical and shoe industries. These observations were transmitted to this administration by the general technical secretariat, in order to establish a report and to take the necessary measures. Such measures were as follows:

1. Information was requested from the general subadministration for chemical and pharmaceutical industries of the Ministry of Industry, Commerce and Tourism concerning the benzene industry in Spain; the latter sent an information memorandum on 20 November 1989 in which it indicated that benzene is produced from petroleum products in three enterprises: ERCROS, CEPSA and REPSOL PETOLEO. In 1988 production was 284,278 tons and consumption was approximately 300,000 tons. The memorandum also indicated that the principal consumers were petrochemical industries producing secondary products such as styrol, ciclohexane, dodecilbenzene, phenol, etc. At this time practically all of the benzene that is consumed is used for the manufacture of these products. On the other hand, enterprises using it as a solvent (primarily paint and varnish) have replaced them with other products (toluene and xylene). It is considered that benzene is no longer used for this purpose, which is consistent with data of the Labour and Social Security Inspectorate. The evolution of the market for principal chemical products, according to the annual report of the Spanish chemical industry, indicates that production and consumption of benzene have been maintained during the most recent yerars for which statistics are avasilable. In 1990 production was 280,025 tons and consumption was 297,030 tons.

2. In order to supervise the application of provisions contained in the relevant legislation (Convention No. 136 and the Resolution of 15 February 1957 of the General Labour Administration and of the General Administration for the Promotion of Industry and Technology), an order was drawn up (No. 105/89) by the General Labour Administration in order to develop specific action on the part of the Labour and Social Security Inspectorate at the national level, in enterprises or workplaces in which benzene or products which contain more than 1 per cent benzene are manufactured, used or handled. This specific action was carried out during the months of September and October 1989; enterprises were selected among those suspected of manufacturing, using or handling these chemical products, according to existing statistics, in provincial inspectorates, provincial technical offices for occupational safety and hygiene, and in provincial delegations from industry, conforming to the above-mentioned Resolution. This order was accompanied by a questionnaire of a kind used to carry out inspections, and a non-exhaustive list of the activities in which it was presumed that benzene was used. At the same time it was requested that data on inspections carried out during recent years concerning the activities that had been analysed, be sent to this general administration. As the criteria for selection was broad, it was not surprising that it extended to many enterprises having chemical, leather, hide and shoe activities, etc., which did not utilise benzene.

Among the most interested conclusions that can be drawn from the report, the following may be emphasised:

In respect of specific action, it is appropriate to point out that 1,561 work places were visited and that in only 20 was evidence found of the manufacture, use or handling of benzene. In some enterprises benzene was used in small quantities, in laboratories, in quality supervision or in cleaning operations. It is also appropriate to point out that, following this particular action, some enterprises decided to substitute other less dangerous chemical products for benzene.

The enterprises that produced benzene are large petroleum refineries. In these enterprises respect for standards is acceptable, even if there were some complaints.

In enterprises where it was considered that the legislation was not respected, note of the infractions was taken.

Other conclusions considered to be interesting that were contained in the report referred to are as follows:

In the first six months of 1989 another specific action was carried out at the national level in the tanned products sector. According to data available to the general administration, during the course of this inquiry, jobs involving the use of chemical substance together with the handling of animal products were analysed. For this purpose 244 work places, in which there were 895 jobs, were visited. In view of the fact that it had not been noted that benzene was used in these jobs, one may conclude that this product is uncommon in the tanning sector.

In reference to the use of benzene as a solvent for adhesives, glues or varnish used in the shoe manufacturing process, it is appropriate to note that this question was studied in the Province of Alicante by different organisations such as: the Labour Authority, the Labour Inspectorate, and the University (Faculty of Medicine). Presently, benzene is replaced by hexane, methyl, isobutylene, toluene, acetone, etc. In 1983 several jobs were found having above normal concentrations; subsequent to the analysis corresponding to glues and cements used in the industries of the Province, it was concluded that there was one case involving 3.6 per cent benzene, as an impurity of hexane, used as a solvent. In analyses carried out at other manufacturers of solvents, there only existed traces of benzene.

In following years analyses of organic vapours in jobs that involved work on glues were carried out: 312 in 1986, 400 in 1987, 248 in 1988, 693 until 31.07.1989. In these analyses the presence of benzene in concentrations above 1 per cent were not detected in glues and solvents.

During 1988 and 1989 specific operations were carried out in some provinces according to data supplied to this administration.

(a) at Albacete, 72 qualitative analyses of commercial products containing aromatic hydrocarbons or elfactives used as glues, solvents, adhesives, etc, in use in the leather, shoe, garment and other industries were carried out;

(b) at Cantabres, 400 qualitative analyses of products used in paints, varnishes, solvents, catalysers and others were carried out;

(c) at Toledo, the National Institute for Occupational Safety and Hygiene recently analysed products used in 82 workplaces in the wood-working sector and in 38 workplaces in the shoe sector.

With the exception of Cantabres, the presence of benzene in quantities not higher than the authorised standard was detected in five analysed products; in others no use of benzene was detected.

One must conclude that there is neither limitation nor failure to apply ILO Convention No. 136 on the protection of workers against the risks of benzene intoxication.

3. On the other hand, it is appropriate to point out that occupational illnesses caused by benzene and its derivatives are among those which occur least often among all stated occupational illnesses (according to statistics for occupational illnesses that were detected from 1988 to 1990 - 1990 Year Book of Labour Statistics, ATE 29; only one in 1988, toluene and xylene are included in the group comprised of benzene and its derivatives).

4. In addition, the use of benzene has been the subject of studies by other bodies within the Ministry of Labour and Social Security, which indicates that continued attention is being given to this problem. The National Institute for Occupational Safety and Hygiene programmed a specific project concerning benzene during 1990 (Project 524); the object of the project was to count the enterprises and processes using benzene, to determine levels of exposure and those persons exposed.

5. Finally, it may be noted that within the framework of planning the objectives of the Labour and Social Security Inspectorate for 1992 in the area of ocupational safety and hygiene, the following subsectors were selected for general action: manufacture of basic chemical products and chemical products for industry, among which are included workplaces manufacturing or making use of benzene for synthetic chemical products. Some provinces such as Baleares, Alicante and Cadiz selected shoe and hide activities as additional specific activities. Apart from this it is provided that in 1991 unplanned activities will be carried out (such as investigations of occupational injuries and diseases, complaints about unhealthy jobs, etc.). All of this allows one to say that during 1992 it is foreseen that the involvement of the Labour and Social Security Inspectorate in activities relating to the use of benzene shall continue.

In addition a Government representative referred to the written information supplied by his Government. He noted that the Committee of Experts had examined a series of comments on the application of the Convention presented by the Trade Union Confederation of Workers' Commissions (CC.OO) and stated that this organisation had been able to bring its complaint to the Labour Inspectorate because, in Spain, Conventions formed part of the national legislation and were directly applicable when they were suffficiently apt for concrete measures, as was the case here. This made possible both the corresponding administrative and judicial supervision without the need for any international forum. Finally, he pointed out that in the written information supplied by his Government contained a technical report on the points raised by the CC.OO, from which an assessment could be made of the action and measures taken by the Labour Inspectorate in the centres and sectors using benzene.

The Workers' members stated that it was not for the present Committee to examine the information which had been provided orally and in writing. However, since this was a technical Convention – and this Committee did not often have the opportunity to discuss such Conventions – which concerned the life and health of workers, note had to be taken of the information appearing in the comments of the CC.OO, mentioned in the Committee of Experts' report. According to these comments, 150,000 workers were involved, especially those working in black market undertakings, pregnant and nursing women. According to the information supplied by the Government in 1991 as well as that contained in the written information supplied by the Government this year, a specific action programme was underway with a view to applying the Convention. However, the Government had not replied to a series of earlier observations of the Committeee of Experts which concerned, amongst others, the measures taken or envisaged by the Labour Inspectorate concerning the use of benzene in the black market undertakings. Despite the fact that it was clear that the Government had taken some initiatives, the Workers' members were of the opinion that important questions remained unanswered, in particular that of the relative importance, over all the undertakings in question, of the figures provided by the Government in its written communications and that of the measures taken to ensure protection of workers in particular those working in black market enterprises, pregnant women and nursing mothers. They requested the Government to send a more complete report so that the Committee of Experts would be able to examine the application of the Convention in practice.

The Employers' members indicated that this issue concerned the follow-up of the debate on labour inspection, in a very technical field, that of finding out how widely benzene was used and what were the measures of control taken to protect workers and to reduce the dangers and risks. The Government representative had made mention of the various measures taken with the view to fulfilling the obligations arising under the Convention. These included the visits carried out by the Labour Inspectorate, studies undertaken to determine which workplaces still used benzene and on the type and number of cases of sickness which existed. In this respect, the Employers' members stressed that it was important to know whether the use of benzene was the real cause of the identified sicknesses. The also noted that the number of workers exposed to benzene had diminished, and they hoped that this tendency would continue. However, the main question was how many undertakings, including black market enterprises, still used benzene. They were of the opinion that this was a typical question of "grey figures" since it was difficult to obtain precise figures and to evaluate them correctly. They accordingly requested the Government to supply more complete written information on this problem, toghether with figures and statistics, so that the Committee of Experts would be able to evaluate in detail the technical points relating to the application of the Convention.

The Workers' member of Spain stated that he was in total agreement with the Workers' members. He indicated that the use and handling of benzene normally occurred in black market enterprises where labour inspection could not take place because the existence of such enterprises was not known. For these reasons it was necessary to adopt more general measures to be able to know the extent of the problems in order to resove them efficiently.

The Government representative welcomed all the interventions, and took particular note of the remarks made concerning the importance of the supervision of the use of benzene in black market enterprises.

The Committee noted the information supplied by the Government representative. It understood that the Government would soon send to the ILO the written report which it had prepared on the matters raised by the Committee of Experts for it to fully assess the situation.

Convention No. 139: Occupational Cancer, 1974

Peru (ratification : 1976). A Government representative, Vice-Minister of Labour, referring to the prevention and control of occupational risks caused by carcinogenic substances or agents, noted the comments of the Committee of Experts regarding the elaboration and adoption as soon as possible of the study on the prevention and control of occupational cancer. In the absence of an organisation or arrangements with a governmental or private organisation that would carry out more effective control over the risks to which certain industrial workers were exposed, the Ministry of Labour, through its occupational health and safety inspetorate-general, had prepared as a temporary measure a project for the protection of workers exposed to dangerous substances. Furthermore, joint actions would be taken to deal with this problem in cooperation with the National Institute of Neoplastic Diseases, the National Institute of Occupational Health, and the Peruvian Institute of Social Security, the Pan-American Organisation of Health and non-governmental organisations. These measures would be included in the corresponding sectoral programmes. Due to the peculiar health situation prevailing in his country, the competent bodies had been engaged in fighting outbreaks like cholera. Currently they were trying to implement the study on the prevention and control of occupational cancer published by the ILO to which the Committee of Experts had made reference in its observations.

The Employers' members expressed their surprise that 16 years after its ratification the Government was setting up an inter-agency committee to draft laws to implement the Convention. They felt that this as well as the idea of conducting a study on the subject at this stage were steps backwards. At present, there was a need for drafting the necessary legislation using as a guide the ILO's study referred to by the Experts. Given the fact that this Convention is not a self-executing instrument, it was necessary to prepare and adopt legislation based on the above-mentioned ILO study which could be done with the technical assistance of the ILO.

The Worker' members shared the views expressed by the Employers' members. They considered this Convention to be an important one in today's world. They regretted to note that Peru has not taken steps to implement this Convention since its ratification in 1976. It was not sufficient for the Government to make inquiries of the two institutes on information concerning the application of the Convention. They recalled that the Committee of Experts has for several years been requesting the adoption of specific provisions to prevent and control occupational cancer. They urged the Government to take immediate action in this regard and encouraged it to seek the assistance of the Office for this purpose.

The Government representative stated in reply that, contrary to the understanding expressed by certain speakers, his Government was not about to conduct a study at this stage. He said it was proposing to implement a study which already exists. He believed that his Government will succeed in resolving these problems that have lasted many years with the assistance of this Committee, the Committee of Experts and the ILO. He also made reference to the possibility of his Government requesting technical or financial assistance from the ILO regarding the programmes that concern matters of this Convention.

The Committee noted with regret that no progress seems to have been made in the application of this Convention which has been examined by the Committee of Experts for several years. It considered that it was high time for taking immediate action and reminded the Government that the ILO's technical assistance was not limited to the legislative aspects of the question but includes matters relating to the implementation of the Convention. It urged the Government to bring the situation in Peru into conformity with the Convention as soon as possible.

Convention No. 141: Rural Workers' Organisations, 1975

India (ratification: 1977). The Government communicated the following information:

Regarding the comments made by the Hind Mazdoor Sabha (HMS) relating to workers under the Employment Guarantee Scheme (EGS) in Maharashtra, the Government indicates that the EGS was started by the government of Maharashtra in 1972 to provide productive employment in rural areas and in "C" class municipal councils. The employment has to be gainful to the individuals and productive to the economy of the State. The guarantee to provide work has been restricted to unskilled manual work. The fundamental objective of the scheme is that, on completion of the works undertaken, some durable community assets should be generated and that the wages paid to the workers should be linked to the quantity of work done.

The norms for appointment of Muster Assistants were laid down by the Government in 1978. These norms, inter alia, provide for the appointment of Muster Assistants on a particular work when the average labour strength is between 50 and 150; and for the appointment of additional Muster Assistants for every subsequent increase in average labour strength by 150. The norms also require that local persons should be engaged as Muster Assistants and that their services should be dispensed with when the work is stopped or completed.

The intention of appointing Muster Assistants is mainly to maintain muster rolls on EGS workers and to provide drinking water facilities or medical facilities, etc., to the workmen on the work sites. Their job comes to an end as soon as the work under EGS is stopped. Thus, employment under EGS cannot be equated with normal employment as this is a one-sided affair where the state government has taken upon itself the task of providing employment to every adult in rural areas, whenever demanded by them. The very concept of works started under the EGS is altogether different from work started by an industrialist. In the latter case there is a need to employ persons whereas in works started under the EGS Scheme the need is for individuals and the state government to provide work for them under the obligation imposed by the Maharashtra Employment Guarantee Act. It is therefore basically wrong to hold that workmen employed under EGS are workmen as defined under section 2 (S) of the ID Act, 1947, or that work started under the said scheme are industries as defined under section 2 (J) of that Act.

Based on the above, the government of Maharashtra clarified, via its circulars dated 2 September and 10 September 1987, that the provisions of the ID Act 1947 and the Workmen's Compensation Act 1922, are not applicable to the workers and Muster Assistants employed under the EGS. Subsequently, these circulars were challenged by some of the Muster Assistants before the Aurangabad Bench of the Bombay High court in Writ Petition No. 1903/87. A Division Bench ruled that these circulars do not have the force of notification, as contemplated in the ID Act. However, the main issue as to whether the ID Act, 1947 and other labour laws are applicable to the Muster Assistants under EGS has not been examined by any of the benches of the Bombay High Court or by the supreme Court. Hence it is wrong to correlate striking down the circulars by the Bombay High Court with the question of the application of labour laws to the Muster Assistants under EGS. In fact, the Industrial Court at Nasik specifically held in its judgement delivered on 4 April 1989 that the ID Act 1947 and other labour laws are not applicable to Muster Assistants.

As regards the HMS's comment concerning the elimination of seniority lists of Muster Assistants by the Government, it is true that in 1985 the government of Mahrashtra had asked its district authorities to prepare a "Select List" for the appointment of Muster Assistants. However, on reconsideration, it was felt that the appointment of Muster Assistant is temporary as it is meant for maintaining attendance of EGS workers on a particular work. His appointment is terminated as soon as the work is stopped or completed. Moreover, under the norms issued by the Government in 1978, local persons are required to be appointed as Muster Assistants. Hence the Government cancelled its instructions to prepare a Select List for Muster Assistants in 1989.

In respect of the HMS's comment regarding non-implementation of court decisions in favour of dismissed workers, the complaint made by HMS is not based on facts. Whenever any Muster Assistant gets a stay order before his services are terminated, he continues to remain in service and to draw his regular pay of Rs 500 per month, even when there is no EGS work. However, in case the Labour Industrial Court gives a stay order against termination of a Muster Assistant after his services have already been terminated by the Government, the stay order of the Court becomes inoperative. In the case of Mr. Sheikh, quoted by HMS, it is not possible for the Government to give any specific comments in the absence of case details.

With reference to the HMS's comment concerning the conditions of employment of female workers employed on the "Integrated Development Scheme", it may be mentioned that the ICDS is a Centrally Sponsored Scheme. It visualises the running of village-level child care centres (Anganwadi) through local level women volunteers (Anganwadi workers) drawn from the community itself. Community participation is the bed-rock of the ICDS and the Anganwadi workers and helpers are volunteers from the community receiving a small honorarium and not any salary as such. They are to work for four hours a day in the Anganwadi and are expected to interact with the community in the villages as volunteers. Treating them as government employees negates the very basis of ICDS. Like any other scheme, the ICDS is also supervised by supervisors at the rate of one supervisor for 17 to 20 Anganwadis. Since these Anganwadi workers are supposed to be from the same village as that in which the centre is being run, there is no question of their being transferred from one place to another. From the above it is also clear that the Anganwadi workers and helpers, though mainly located in rural and tribal areas, do not fall under the category of rural workers as defined in Articles 1 and 2 of the Convention. It may, however, be mentioned that the right to freedom of association is guaranteed by the Constitution of India itself. Hence, anybody can form a union.

As regards the HMS's comments concerning the poor working conditions of workers in the forest and brick-making industries, the Government states that in the state of Maharashtra a large number of workers are engaged in brick making, forestry, construction and agriculture. Since these workers are mostly unorganised, the government of Maharashtra extended the Minimum Wages Act 1948 to them. The Act also, inter alia, regulates their service conditions like duty hours, overtime wages, weekly holidays, etc. These benefits are also enjoyed by the workers working on a daily wage basis continuously. However, the workers working on a daily wage basis cannot be made permanent as their being in employment depends upon the availability of work. Considering the problems faced by these unorganised workers, the Government subsequently brought them under the purview of the Contract Labour (Regulation and Abolition) Act 1970 the Inter-State Migrant Labour Act 1979 and the Workmen's Compensation Act. For implementing these Acts, the Government has created extensive machinery. The proper implementation of these Acts, particularly the Minimum Wages Act, is of special concern to the Government. The enforcement has however not been very satisfactorily managed due to the lack of adequate labour inspection machinery to ensure that workplaces scattered over a wide area inspected regularly. The resource constraint has come in the way of reinforcement is in a strengthening of the existing enforcement machinery. The Government is in a continuous process of effecting improvements in this direction.

In addition, a Government representative referred to the complaint made by the Hind Mazdoor Sabha (HMS) concerning three points: the Employment Guarantee Scheme (EGS) in Maharashtra; women workers engaged in the Integrated Child Development Scheme (ICDS); and the case of forest workers and brick workers working on a daily rate basis in Maharashtra. The speaker then reiterated the written information provided by her Government.

The Workers' members welcomed the oral and written information provided by the Government to this Committee. They noted that this Convention was relatively new and that there had not been many occasions to discuss its application in this Committee. they noted the importance of the Convention and considered that the Committee of Experts should be able to comment upon the detailed information provided by the Government. They noted the Government's indication that the female workers in the ICDS would not fall under the category of rural workers defined in Articles 1 and 2 of the Convention. This was clearly a question upon which the Committee of Experts should pronounce itself. Finally, as concerns the poor working conditions in the forest and brick-making industries, they regretted the Government's statement that workers working on a daily basis could not be made permanent as their employment depended on the availability of work. This manner of hiring labour was clearly unsatisfactory. They concluded by reiterating that a legal assessment of the detailed information provided by the Government shoud be made by the Committee of Experts so that this Committee could come back to this case in the futures.

The Employers' members noted the Government's indication that it considered the workmen employed under the EGS, the female workers in the ICDS and the workers in the forest and brick-making industries were not wage earners as covered by the Convention. The Government had apparently made this determination, however, upon the basis of national legislation. It would be necessary for the Committee of Experts to determine what constitutes a wage earner under this Convention and this assessment should be made having recourse to the principles of the Vienna Convention on Treaties. The Committee of Experts' observation on this case this year was made without any information from the Government. The Committee of Experts, however, should be able to begin to fully assess this case given the information provided by the Government to this Committee. As concerns the EGS, it seemed that this was very similar to a public works job programme. It was not clear whether people working in such programmes would be covered by the Convention. There was the same lack of clarity concerning the application of the Convention to the voluntary workers in the ICDS who did, nevertheless, receive an honorarium and work four hours a day. Finally, as concerns the forest and brick-making workers it appeared quite likely that the Convention would apply. In any event, it was necessar to wait for the Commitee of Experts' assessment of the facts as they related to the provisions of the Convention. Once this was done the case could be considered again in this Committee.

The Government representative indicated that clearly her Government would benefit from an assessment by the Committee of Experts of the information which they had provided. She referred to the comment made by the Employers' members and confirmed that the EGS was like a public works programme. She reiterated that the workers in the ICDS were only volunteers.

The Committee took due note of the written and oral information supplied by the Government. It expected the Committee of Experts to be able to assess the situation on the basis of the data contained in the recent written communications made by the Government. The Committee hoped to be in a position to consider this case at one of its next session.

C. Detailed Reports on Ratified Conventions (State Members)

(Article 22 of the Constitution)

Reports received and not received as at 22 June 1992

The table published in the Report of the Committee of Experts, page 519, should be brought up to date in the following m

State Members	Reports received		Reports not received	
	Total	Conventions Nos.	Total	Conventions Nos.
Grand total	1544		466	
Algeria [1]	16	13, 19, 29, 32, 62, 63, 69, 73, 74, 81, 94, 96, 100, 105, 128, 142	0	
Cape Verde [1,3]	8	19, 29, 81, 98, 100, 105, 111, 118	0	
Central African Republic	2	29, 81	11	5, 10, 13, 19, 33, 41, 95, 100, 105, 111, 117
Costa Rica [1]	6	29, 81, 96, 100, 135, 138	8	105, 113, 122, 129, 134, 147, 148, 150
Ecuador [2]	14	29, 81, 100, 103, 105, 113, 118, 123, 136, 139, 141, 142, 152, 153	0	
El Salvador [1]	4	105, 107, 159, 160	0	
France	33	14, 16, 19, 27, 29, 35, 36, 37, 38, 42, 62, 73, 77, 78, 87, 88, 100, 105, 106, 113, 118, 124, 129, 134, 135, 140, 141, 142, 147, 148, 156, 158, 159	15	13, 44, 53, 63, 69, 74, 81, 82, 94, 95, 96, 125, 136, 137, 152
Ghana [2]	14	16, 19, 29, 59, 69, 74, 81, 94, 96, 100, 105, 148, 149, 151	0	
Greece	23	13, 16, 19, 27, 29, 62, 69, 73, 81, 98, 100, 102, 105, 122, 134, 135, 136, 138, 141, 142, 147, 150, 159	0	
Guatemala [1,3]	22	1, 13, 16, 19, 29, 50, 59, 63, 64, 81, 96, 100, 103, 105, 113, 117, 118, 124, 141, 144, 161, 162	2	10, 62
Guyana [1]	31	2, 5, 7, 10, 11, 12, 19, 29, 42, 45, 81, 87, 94, 95, 97, 98, 100, 105, 108, 111, 115, 129, 135, 136, 139, 140, 141, 142, 144, 149, 150	1	151
India	10	11, 16, 19, 27, 29, 32, 100, 111, 123, 141	3	5, 81, 118
Iran, Islamic Rep. of	4	19, 29, 95, 105	2	100, 122
Ireland [1]	18	16, 19, 23, 27, 29, 32, 53, 62, 63, 69, 73, 74, 96, 100, 105, 118, 138	1	81
Jordan	1	81	9	29, 100, 105, 106, 117, 118, 123, 135, 142
Morocco [1,3]	19	2, 4, 11, 12, 13, 19, 26, 27, 29, 52, 81, 98, 100, 105, 122, 129, 136, 147	0	
Mozambique	3	81, 100, 105	0	
Myanmar [1,3]	7	16, 17, 19, 27, 29, 63, 87	0	
Qatar [1,3]	1	81	0	
Sao Tome and Principe [1]	4	17, 19, 81, 100	0	
Senegal	2	81, 105	10	5, 10, 13, 19, 29, 33, 96, 100, 125, 135
Sri Lanka	4	5, 29, 63, 96	3	16, 81, 135
Uruguay [1,3]	26	13, 16, 19, 22, 27, 32, 62, 63, 73, 81, 96, 100, 105, 111, 113, 118, 129, 134, 136, 138, 139, 141, 150, 151, 153, 154	1	156

[1] These data modify the indications concerning this country, contained in paragraph 111 of Part One (General Report) of the Report of the Committee of Experts.

[2] These data modify the indications concerning this country, contained in paragraph 117 of Part One (General Report) of the Report of the Committee of Experts.

[3] These data modify the indications concerning this country, contained in paragraph 119 and 120 of Part One (General Report) of the Report of the Committee of Experts.

D. Statistical Table of Reports on Ratified Conventions

(Article 22 of the Constitution)

(22 June 1992)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee of Experts		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134[1]	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995[2]	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 883	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821	249	13.4	1 501	82.4	1 601	87.9
1968-1970	1 894	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992	237	11.8	1 504	75.5	1 707	85.6
1970-1972	2 025	297	14.6	1 572	77.6	1 753	86.5
1971-1973	2 048	300	14.6	1 521	74.3	1 691	82.5
1972-1974	2 189	370	16.5	1 854	84.6	1 958	89.4
1973-1975	2 034	301	14.8	1 663	81.7	1 764	86.7
1974-1976	2 200	292	13.2	1 831	83.0	1 914	87.0
1977	1 529[3]	215	14.0	1 120	73.2	1 328	87.0
1978	1 701	251	14.7	1 289	75.7	1 391	81.7
1979	1 593	234	14.7	1 270	79.8	1 376	86.4
1980	1 581	168	10.6	1 302	82.2	1 437	90.8
1981	1 543	127	8.1	1 210	78.4	1 340	86.7
1982	1 695	332	19.4	1 382	81.4	1 493	88.0
1983	1 737	236	13.5	1 388	79.9	1 558	89.6
1984	1 669	189	11.3	1 286	77.0	1 412	84.6
1985	1 666	189	11.3	1 312	78.7	1 471	88.2
1986	1 752	207	11.8	1 388	79.2	1 529	87.3
1987	1 793	171	9.5	1 408	78.4	1 542	86.0
1988	1 638	149	9.0	1 230	75.9	1 383	84.4
1989	1 719	196	11.4	1 260	73.0	1 409	81.9
1990	1 958	192	9.8	1 409	71.9	1 639	83.7
1991	2 010	271	13.4	1 411	69.9	1 544	76.8

[1] First year for which this figure is available. [2] As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions. [3] As a result of a decision by the Governing Body (November 1976), detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

II. OBSERVATIONS AND INFORMATION CONCERNING THE APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLES 22 AND 35 OF THE CONSTITUTION)

A. General Observations and Information concerning Certain Territories

France (French Southern and Antarctic Territories). Since the meeting of the Committee of Experts, the Government has sent the reports due on Conventions Nos. 8, 15, 22 and 23.

In addition, a Government representative recalled that the Committee of Experts' comments contained in its report concerned the supply of reports on ratified Conventions and replies to the comments of the supervisory bodies. He pointed out that France had ratified 114 Conventions and that, by the next Conference, four of five more ratifications would no doubt be registered. Under article 35 of the Constitution, the Government tried to extend the obligations under ratified Conventions to the non-metropolitan territories and, indeed, these extensions were almost automatic for the Overseas Departments, which were one of the two types of French non-metropolitan territories. The Committee of Experts' request concerned these Overseas Departments. This year, as stated in the Experts' report, 48 reports were requested for metropolitan France and 199 for the non-metropolitant territories. This made a total of 247 reports due, to which had to be added the dozen or so comments requested by the supervisory bodies; the necessary replies in many cases amounted to real supplementary reports. The more ratifications undertaken by a country, the more supplementary reports had to be prepared; this increased the annual workload and made the two- and four-yearly reporting cycle, adopted in 1976, incomprehensible. The Government representative indicated that this was not intended as an excuse, but rather as the start of an explanation. The French administration services were not showing any bad faith in not replying to the reports, but perhaps simply a certain lassitude which became more evident in some years than in others. Many people thought that too many reports were requested from services which gave priority to national concerns rather than their international obligations. The ILO reports were among those due for other international organisations and often were perceived, rightly or wrongly, by the social administrations as a kind of routine, the usefulness of which was not always very clear. The Government representative regretted the shortcomings noted by the Committee of Experts and gave the assurance that he would follow up this point with the competent national services. Finally, he expressed the hope that, given the very large number of reports requested, this borderline case would further incite the Director of the Standards Department, as he had indicated in the general discussion, to re-examine the question of reports, their periodicity and their contents. This should be done without losing sight of the comments of the supervisory bodies which were closely linked to reporting, particularly from the point of view of a workload which was, at times, excessive. He was of the opinion that a certain discomfort existed and that this discomfort should certainly not provide an excuse for States which did not wish to ratify Conventions.

The Workers' members noted the explanations given by the Government representative to clarify the reasons for the failure to reply to the comments of the Committee of Experts. This was a case of no real will or adminsitrative fatigue brought about by the great number of Conventions on which reports were due. They noted the Government representative's request concerning the need to re-examine the reporting system and considered that the Office should reply to this. They stated that this case should be mentioned in the appropriate section of this Committee's report.

The Employers' members stated that the Government representative had indeed given explanations and not excuses for the problem facing a country which had ratified a large number of Conventions. He had expressly stated that the number of reports required sometimes gave rise to administrative fatigue and temporary difficulties. They expressed their fear that, in the future, more and more States would run into this problem. This tendency had already been visible the last few years as was shown by the increase in the non-respect of the obligation to supply reports and the reply to the comments of the supervisory bodies. This also occurred in countries which did not have as qualified an administration as France at their disposal. The Employers' members were of the view that the Government representative had rightly recalled the proposals made during the general discussion concerning the whole question of revising the reporting system. They expressed the hope that the countries which, despite having an excellent administration, faced difficulties, would make good proposals on this point. They hoped that, in this and other cases, the difficulties in fulfilling the constitutional obligations concerning supply of reports and replies would diminish and they asked that this case be noted in the appropriate part of this Committee's report in the future.

The representative of the Secretary-General replied to the question put by the Government representative, indicating that he clearly understood that the administrative obligations surrounding the preparation of reports were leading to an excessive workload for countries which had ratified a large number of Conventions, and that this had a negative effect – to use a metaphor – of the best students having to do more homework. He added that he was aware of the problem and that, with the help of the officials of the Standards Department, he would propose measures for the amendment of the reporting system with a view to simplifying it and to reducing reasonably the administrative work. This would not, however – and here lay the greatest difficulties – in any way affect the quality of the supervision carried out by this Committee and the Committee of Experts. The solution might be, to use the expression of the Government representative, a selective system. The representative of the Secretary-General thanked the speaker for raising the question again and stressed that the Secretariat had taken due note of his statements and of the fact that he would make proposals on this matter in the very near future.

The Government representative thanked the Workers' and Employers' members for their constructive remarks, and the Secretariat which had confirmed its wish to continue studying this problem.

The Committee took note of the information supplied by the Government which mentioned the great number of Conventions ratified and referred to the considerable reporting burden which fell on the Government every year. The Committee also noted with interest the suggestion made by the Government to reconsider the reporting system. However, as long as the existing system was in force, it hoped that the Government would send in the reports and reply to the questions raised, as it had always done before. The Committee decided to mention these cases in the appropriate section of its report.

Netherlands (Aruba). Since the meeting of the Committee of Experts, the Government has sent the first reports due on Conventions Nos. 121, 140, 141 and 142.

B. Table of Detailed Reports on the Application of Conventions in Non-Metropolitan Territories

(Articles 22 and 35 of the Constitution)

Reports received and not received as at 22 June 1992

The table published in the Report of the Committee of Experts, page 550, should be brought up to date in the following manner:

Countries and Territories	Reports received		Reports not received		Grand total
	Total	Conventions Nos	Total	Conventions Nos	
Grand total	324		74		398
		France			
French Guiana	16	10, 16, 19, 27, 29, 62, 73, 87, 105, 113, 123, 124, 135, 141, 142, 147	13	5, 13, 32, 53, 69, 74, 81, 94, 95, 100, 125, 129, 136	29
Guadeloupe	17	10, 16, 19, 27, 29, 62, 73, 87, 105, 113, 123, 124, 129, 135, 141, 142, 147	12	5, 13, 32, 53, 69, 74, 81, 94, 95, 100, 125, 136	29
Martinique	16	10, 16, 19, 27, 29, 62, 73, 87, 105, 113, 123, 124, 135, 141, 142, 147	13	5, 13, 32, 53, 69, 74, 81, 94, 95, 100, 125, 129, 136	29
Reunion	17	10, 16, 19, 27, 29, 62, 73, 87, 105, 113, 123, 124, 129, 135, 141, 142, 147	12	5, 13, 32, 53, 69, 74, 81, 94, 95, 100, 125, 136	29
St.-Pierre and Miquelon	16	10, 16, 19, 29, 73, 77, 78, 87, 88, 105, 123, 124, 129, 141, 142, 147	15	5, 13, 33, 53, 63, 69, 81, 82, 94, 95, 96, 100, 125, 144, 149	31
		Netherlands			
Aruba[2]	38	8, 9, 11, 12, 14, 17, 22, 23, 25, 29, 45, 81, 87, 88, 89, 94, 95, 101, 105, 106, 113, 114, 121, 122, 126, 129, 131, 135, 137, 138, 140, 141, 142, 144, 145, 146, 147	3	69, 74, 118	41

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[1] These data modify the indications concerning this country contained in paragraph 111 of Part One (General Report) of the Report of the Committee of Experts.

[2] These data modify the indications concerning this country contained in paragraph 117 of Part One (General Report) of the Report of the Committee of Experts.

[3] These data modify the indications concerning this country contained in paragraph 119 and 120 of Part One (General Report) of the Report of the Committee of Experts.

III. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE (ARTICLE 19 OF THE CONSTITUTION)

Observations and Information

Bangladesh. The Government representative explained that during the 1980s the presidential form of government had existed in his country. Accordingly, it had been put to the Committee of Experts that submission to the President was sufficient to comply with the submisssion obligation. The Committee of Experts, however, found this unacceptable: it urged submission to Parliament and had made direct requests to the Government on this point. The matter was then taken up by the Ministry and in tripartite consultations. On 28 April 1992 the Ministry recommended, in agreement with the tripartite body, that submission be made to Parliament. In fact, this recommendation reflected recent constitutional amendments making government a parliamentary one. The relevant ILO instruments were placed before the Parliamentary Standing Committee on 11 May 1992; the Standing Committee joined in the opinion that they should be submitted to Parliament. The appropriate action was taken in accord with this opinion. The Government regretted the procedural delay and assured the Committee that updated submission would be made as early as possible.

The Employers' members observed that complete information had been given by the Government representative. The issue of which national authority was competent to receive submission had been raised previously in other cases; there was agreement that if a parliament lays down law,it should be able to examine ILO instruments to determine if laws needed to be made. The Employers hoped that the delay would be quickly cleared in light of the explanation given.

The Workers' members associated themselves wholly with the Employers' members.

The Committee took note of the information given by the Government from which it understood the country was in the process of transition to a parliamentary democracy. It nevertheless underlined the necessity to fulfil the obligations the country had to report on the submission of ILO instruments to the competent national authorities. The Commitee decided to mention this case in the appropriate section of its report.

Belize. A Government representative apologised for his Government's failure to submit to the competent authority the instruments adopted at the 70th to the 77th Sessions of the International Labour Conference. The Government had intended to submit these instruments prior to the commencing of this Conference but administrative problems had prevented them from so doing. He indicated that the preparatory work had been completed and assured that the instruments would be submitted in the very near future.

The Workers' members welcomed the Government's indication of its will to improve the situation concerning its submission obligation. They recalled that submission was the first step, indispensable to the implementation of international standards. They expressed the hope that the intentions expressed by the Government would become reality in the near future.

The Employers' members associated themselves with the comments made by the Workers' members.

The Workers' member of Belize expressed his disappointment and concern for the lack of action on the part of his Government with respect to its ILO obligations. He trusted that the necessary measures would be taken in the near future and assured that the workers' organisations of Belize would be monitoring the issue and would press the Government to ensure compliance with its obligations.

A Government member of Fiji welcomed the Government's honesty in admitting that it was at fault as opposed to trying to avoid or deny responsibility as was sometimes the case in this Committee.

The Committee took note of the information supplied by the Government. It understood that the Government hoped to be in a position to fulfil its ILO obligations in the very near future. It decided to mention this case in the appropriate section of its report.

Congo. See discussion under IA.

Kenya. In reply to the Committee of Experts' comments, the Government indicated that the delay in submitting several instruments to the national competent authorities is due to some unavoidable administrative and staffing difficulties, and to a general shortage of the staff.

Since the previous session of the International Labour Conference, the Government has been able to put through Parliament Sessional Paper No. 3 of 1991. This Paper covered the instruments adopted during the 64th Session (1978) - i.e. Conventions Nos. 150 and 151, and Recommendations Nos. 158 and 159.

In addition, it may be mentioned that all the necessary technical work has been completed in respect of Conventions Nos. 154 and 169. The necessary documentation to that effect will be soon furnished to the ILO.

Lebanon. See discussion under IA.

Pakistan. A Government representative stated that most of the Conventions mentioned in paragraph 145 had recently been sent to the competent authority, which in this case meant the Government, although there was not enough time to report in writing. He referred to interdepartmental consultations at lower state level, and to interministerial consultations at higher level before sending the subject to the Cabinet, and confirmed that before the next session of the International Labour Conference all this work would have been completed.

The Workers' members emphasised the importance of submission, which is a fundamental obligation under article 19 of the Constitution, and urged the Government to provide a written report to confirm the positive information provided today for the examination by the Committee of Experts.

The Employers' members agreed with the Workers' spokesman and hoped that the Government could, in the future, fulfil the obligation within the constitutional time-limits.

The Workers' member of Pakistan supported the Workers' and the Employers' spokesmen and hoped that the Government would discharge the obligation in time.

The Committee noted the information provided by the Government from which it gathered that the relevant Conventions and Recommendations had been submitted in the meantime to the competent authorities in the country. It firmly hoped that the Government would fulfil its obligations fully in time in future and decided to mention this case in the appropriate section of its report.

Panama. Since the meeting of the Committee of Experts, the Government has provided the information concerning the submission to the competent authorities of the instruments adopted from the 71st and 72nd Sessions of the Conference.

Papua New Guinea: See the discussion under Part IA.

Paraguay. A Government representative, the Vice Minister of Labour, thanked the Committee of Experts for its observations which helped his Government to correct the provisions which had resulted from the heavy burden of a dictatorial regime which had preferred isolation. He pointed out that his Government was beginning to change the situation, and this was evident just by its intention to become an active member of the ILO again and to refinance the debt owed to the Organisation over the last 35 years. Secondly, efforts were being made to change the obsolete legal structures in order to accommodate the democratic will of the people and the letter and spirit of international labour standards ratified by his country. Since the new Goverment was installed, presidential and legislative elections had been held and the electoral law had been modified to enable the participation of all adult citizens in the presentation of independent candidates. Municipal elections had been held resulting in the election of a former trade union leader. Furthermore, he noted that on 12 June 1992 the new national Constitution which was elaborated by all representative sectors of the national society would be concluded. Finally, he stated that one of the primary concerns for the Government had been the elaboration of the Labour Code which had been blocked in the National Parliament by a petition of these three unions requesting that the new national Constitution be promulgated first, since it introduced substantial reforms concerning all questions relating to labour activities.

As concerns the communication of reports in conformity with article 19 of the ILO Constitution, he admitted that his Government had encountered many administrative difficulties particularly during the last three years due to the institutional and legislative changes undertaken and changes in the staff responsible for this matter. He recognised, however, that this did not justify the lack of a report. The Ministry of Labour and his Government intended to resolve this situation rapidly and therefore had created a tripartite committee to review the issue of reports in order to comply with its obligations.

The Workers' members welcomed the indication made by the Government representative that his government would now become an active member of the ILO. They noted the information provided by the Government representative concerning the administrative difficulties faced in meeting its obligations with respect to article 19 of the Constitution. Recalling the frequent reference made by governments to administrative difficulties with respect to compliance with obligations, they stressed the importance of the duty to submit instruments to the competent authority and to provide reports on unratified Conventions to permit the general surveys to be as complete as possible. They urged the Goverment to do its utmost to remedy the situation and hoped that the situation would improve in the near future.

The Employers' members noted that it had been many years since the Committee had been able to hear from the Government and welcomed the changes which had taken place there. They recalled that the duty to submit Conventions and Recommendations adopted at the ILO Conference to the comptent authority was the first step towards the consideration of ratification. They added that reports on unratified Conventions were essential for the Committee of Experts to obtain a complete global picture of the situation around the world. They urged the Government to take the necessary measures to fulfil its obligations in these two areas.

The Committee noted the information provided by the Government representative. It understood the difficulties the present Government had in bringing about considerable changes in the functioning of its machinery. It welcomed the assurances provided by the Government that it would report on time. It decided to mention this case in the appropriate sections of the report.

Portugal. In the first column of Appendix I of the report of the Committee of Experts (page 576 of the English text) replace the figures referred to by "31 to 77" and in the second column of the same line delete "77 (C.171; R.178)".

Sierra Leone. See the discussion under Part IA.

Zaire. A Government representative stated that his Government had endeavoured to respect its constitutional obligations and to communicate regularly for a few years the reports under Article 22. Since April 1990, his country had been in the process of democratisation of its political and social institutions. The period of transition entailed social tensions, political instability and work stoppages which paralysed labour administration. The national conference which was going on should result in changes. As regards the submission to the competent authorities, the instruments adopted in the 70th to 77th Sessions were in process and the information would be communicated continuously. The instruments adopted up to the 69th Session had not been submitted to the President of the Republic but the State undertakes, as a result of the work of the national conference, to submit these Conventions to the President of the Republic, as well as to the National Assembly, which are both authorities in charge of establishing laws in this field.

The Workers' members noted the reasons explained by the Government for the considerable delay and that the Government would make efforts to comunicate replies to the comments by the supervisory organs. They hoped that the Government would put the declared intentions and the undertakings into practice so as to catch up with the delay in submission.

The Employers' members, noting the difficulties encountered by the Government because of the present changes, expressed the hope that improvements would take place in future, that the reports would be supplied, the replies given to comments and the instruments submitted to the competent authorities, in particular to the National Assembly.

The Committee took note of the information given by the Government representative which referred to social unrest and political instability in the country. The Committee recalled how essential complying with the constitutional obligations was for the functions of the ILO supervisory machinery. It therefore expressed the hope that the Government would be in a position to comply with these rules in the very near future and decided to mention this case in the apropriate section of its report.

IV. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

Reports on Unratified Conventions Nos. 26, 99 and 131 and Recommendations Nos. 30, 89 et 135

as at 22 June 1992

(Article 19 of the Constitution)

In addition to the reports listed in Appendix III on page 184 of the Report of the Committee of Experts (Report III, Part. 4B), reports have been received from:

Ireland (Convention No. 99), Congo (Conventions Nos. 99, 131; Recommendations Nos. 30, 89, 135); Central African Republic (Convention No. 131; Recommendations Nos. 30, 89, 135).

Report on Unratified Convention No. 111

as at 22 June 1992

(Article 19 of the Constitution)

In addition to the reports listed in Appendix I on page 50 of the Report of the Committee of Experts (Report III, Part 4A), a report has been received from Luxembourg.

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Resolutions

Report of the Resolutions Committee

1. The Resolutions Committee, set up by the Conference at its first sitting on 3 June 1992, was originally composed of 168 voting members (69 Government members, 45 Employers' members and 54 Workers' members). An appropriate weighting system ensured equality of voting strength.

2. The first business of the Committee was to elect its officers. On the proposal of Mr. Jorgensen (Government member, Denmark), seconded by Mr. Ausman (Government member Canada), Mr. Ejalu (Government member, Uganda) was unanimously elected Chairman. In accordance with the Committee's usual practice, the Chairman was appointed as Reporter. The Committee elected as Vice-Chairmen Mr. Castle (Employers' member, United Kingdom) and Mr. Tapiola (Workers' member, Finland).

3. The Committee had before it ten resolutions submitted in accordance with article 17 of the Standing Orders. In accordance with article 17, paragraph 4, of the Standing Orders, these resolutions were all considered receivable. Referring to article 17, paragraph 5(a), of the Standing Orders, the Employers' Vice-Chairman raised the question of whether a person other than the author, or one of the authors, of a resolution was entitled to introduce it. The Representative of the Secretary-General read out an opinion of the Legal Adviser to the Conference according to which a substitute of the author of a resolution could introduce it on behalf of its author, on condition that he or she had been given written authorisation to that effect. He then confirmed that such written authorisation had been received for the presentation of the three resolutions submitted by Mr. Peirens (Workers' member, Belgium). While noting the opinion of the Legal Adviser, the Employers' Vice-Chairman expressed his reservations concerning the procedure that was being followed and hoped that the matter would be considered in another appropriate forum.

4. The Government member of Mexico recalled the introductory remarks that he had made when submitting the Committee's report to the Plenary sitting of the 78th Session of the Conference concerning the improvement of the procedures and the work of the Committee. He had hoped, in particular, that the number of preambular paragraphs of the resolutions would be decreased and that they would be drawn up in sufficiently clear fashion. He noted that the establishment of a tripartite working group for the drafting of each resolution had been proposed in order to prevent the Committee itself becoming a drafting committee and so that it could concentrate on matters of substance. He invited the Office to facilitate an extensive revision of the procedures followed by the Committee and to make other proposals for their improvement.

5. The resolutions were then introduced by their authors or, in the case of three of them, by a substitute, in accordance with article 17, paragraph 5(a) of the Standing Orders, in the following order: (a) resolution concerning the role of enterprises in employment growth; (b) resolution concerning the settlement of industrial disputes; (c) resolution concerning compensation for losses suffered by workers and employers because of the invasion of Kuwait; (d) resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families; (e) resolution concerning the contribution of enterprise development to the creation of full, productive and freely chosen employment; (f) resolution concerning the protection and promotion of the rights of migrant workers; (g) resolution concerning the future role of the ILO with respect to the situation of migrant workers and their families and the causes of migratory flows; (h) resolution concerning the development of democracy, the internationalisation of the economy and the promotion of tripartism; (i) resolution concerning ILO action against social marginalisation, for the promotion of employment and equality of opportunity and treatment and for the development of human resources; and (j) resolution concerning employment promotion as an essential component of development.

6. After introducing the resolution concerning compensation for losses suffered by workers and employers because of the invasion of Kuwait, the Employers' member of Kuwait withdrew the resolution on behalf of its co-authors.

7. After these presentations, and before the vote held in accordance with the procedure laid down in article 17, paragraph 5 (a) of the Standing Orders, the following resolutions on related subjects were combined by their authors:

(a) a resolution concerning the role of enterprises in employment growth, submitted by Mr. Bingen de Arbeloa, Employers' delegate, Venezuela; Mr. Cevallos, Employers' delegate, Mexico; Mr Durling, Employers' delegate, Panama; Mr. Gazarin, Employers' delegate, Egypt; Ms. Hak, Employers' delegate, Netherlands; Mr Hultin, Employers' delegate, Finland; Ms. Mackie, Employers' delegate, United Kingdom; Mr. Noakes, Employers' delegate, Australia; Mr. Oechslin, Employers' delegate, France; Mr. Owuor, Employers' delegate, Kenya; Mr. Smith, Employers' delegate, United States; and Mr. Thüsing, Employers' delegate, Germany; and a resolution concerning the contribution of enterprise development to the creation of full, productive and freely chosen employment, submitted by Ms. Aerenlund, Workers' delegate, Denmark; Mr. Ahmed, Workers' delegate, Pakistan; Mr. Brett, Workers' delegate, United Kingdom; Ms. Buverud Pedersen, Workers' delegate, Norway; Ms. Carr, Workers' delegate, Canada; Ms. Dreifuss, Workers' delegate, Switzerland; Mr. Edstrom, Workers' delegate, Sweden; Ms. Engelen-Kefer, Workers' delegate, Germany; Mr. Etty, Workers' delegate, Netherlands; Mr. Gray, Workers' delegate, United States; Mr. Lettieri, Workers' delegate, Italy, Mr. Mugalla, Workers' delegate, Kenya; Mr. Sánchez Madariaga, Workers' delegate, Mexico; Mr. Tanaka, Workers' delegate, Japan; and Mr. Tapiola, Workers' delegate, Finland. The authors of these resolutions agreed to combine the two texts as the following resolution: resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment;

(b) a resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families, submitted by Mr. Abakirov, Workers' delegate, Kyrgystan; Mr. Goncharik, Workers' delegate, Belarus; Mr. Klotchkov, Workers' delegate, Russian Federation; and Mr. Veronese, Workers' delegate, France; a resolution concerning the protection and promotion of the rights of migrant workers, submitted by Ms. Aerenlund, Workers' delegate, Norway; Ms. Carr, Workers' delegate, Canada; Ms. Dreifuss, Workers' delegate, Switzerland; Mr. Edstrom, Workers' delegate, Sweden; Ms. Engelen-Kefer, Workers' delegate, Germany; Mr. Etty, Workers' delegate, Netherlands; Mr. Gray, Workers' delegate, United States; Mr. Lettieri, Workers' delegate: Italy; Mr. Mugalla, Workers' delegate, Kenya; Mr. Sánchez Madariaga, Workers' delegate, Mexico; Mr Tanaka, Workers' delegate, Japan; and Mr. Tapiola, Workers' delegate, Finland; and a resolution concerning the future role of the ILO with respect to the situation of migrant workers and their families and the causes of migratory flows, submitted by Mr. Peirens, Workers' delegate, Belgium. The authors of these resolutions agree to combine the three texts as the following resolution: resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families.

8. In accordance with the procedure laid down in article 17, paragraph 5 (a) of the Standing Orders of the Conference, the Committee determined the first five resolutions to be considered among the six remaining before the Committee and their order of priority. Owing to a change in the composition of the Committee, there were at this time 179 voting members (76 Government members with 658 votes each; 47 Employer members with 1,064 votes each; 56 Worker members with 893 votes each).[1]

9. The votes cast for the five resolutions were as follows:

1. Role of enterprises in employment growth and the creation of full, productive and freely chosen employment. 59,226 weighted votes
2. Employment promotion as an essential component of development. 544 weighted votes
3. Role of the ILO in the protection and promotion of the rights of migrant workers and their families. 329,018 weighted votes
4. Development of democracy, the internationalisation of the economy and the promotion of tripartism. 316,561 weighted votes
5. Settlement of industrial disputes. 293,287 weighted votes

10. Once the priority order for the consideration of the first five resolutions had been determined, only one further resolution remained before the Committee; there was therefore no requirement to set up a working party in accordance with article 17, paragraph 5(b) of the Standing Orders.

RESOLUTION CONCERNING THE ROLE OF ENTERPRISES IN EMPLOYMENT GROWTH AND THE CREATION OF FULL, PRODUCTIVE AND FREELY CHOSEN EMPLOYMENT

Presentation of the two original texts

11. In presenting the resolution concerning the role of enterprises in employment growth, the Employers' delegate of Australia recalled that the text of the draft resolution had been before the Committee on a number of previous occasions. The Committee had come close to adopting it at its session the previous year. While the Conference had already recognised the role of the market in the improvement of standards of living, when it adopted last year a resolution on structural adjustment, industrial relations and economic and social development, it had made little reference to the principal mechanism for the creation of employment and income, namely, the enterprise. It was time to fill that gap by recognising the fundamental role played by the enterprise in the market place. The text of the resolution emphasised the necessity of encouraging small and medium-sized enterprises in particular, as a fundamental condition for economic and social progress. Towards this end, it was important to improve the environment in which they operated and to encourage a spirit of entrepreneurship. The resolution indicated how the three partners could contribute to this process. In a period characterised by problems of structural adjustment, unemployment and, for many countries, the transition towards a market economy, it was important

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[1] Subsequently, further changes were made in composition:
2nd sitting on 4.6.92, 176 voting members (71 G, 46 E, and 59 W);
3rd sitting on 8.6.92, 179 voting members (76 G, 47 E, and 56 W);
4th sitting on 9.6.92, 178 voting members (77 G, 47 E, and 54 W);
5th sitting on 10.6.92, 165 voting members (78 G, 34 E, and 53 W);
6th sitting on 11.6.92, 165 voting members (80 G, 36 E, and 49 W);
7th sitting on 12.6.92, 163 voting members (80 G, 35 E, and 48 W);
8th sitting on 15.6.92, 157 voting members (81 G, 28 E, and 48 W);
9th sitting on 17.6.92, 153 voting members (80 G, 28 E, and 45 W);
10th sitting on 18.6.92, 149 voting members (80 G, 28 E, and 41 W).

that the Conference give formal recognition to the role of entrepreneurship.

12. In presenting the resolution concerning the contribution of enterprise development to the creation of full, productive and freely chosen employment, the Workers' Vice-Chairman noted that the expression "full, productive and freely chosen employment" was contained in the Declaration of Philadelphia as well as in the Employment Policy Convention, 1964 (No. 122), and should be referred to in the present resolution. He recalled that unemployment and underemplyment remained the most serious problem in all countries, affecting millions of workers; it was necessary to end the cycle in which alternating periods of recession and growth ended by an increase in unemployment. This situation led to questions about the effects of technological change. It was necessary to ensure that this change exerted a positive influence on employment levels and working conditions. The present resolution recognised that the development of enterprises can and must contribute to employment growth. Its objective was to encourage the establishment of an environment in which they could flourish. The role played by small and medium-sized enterprises was also well recognised. The resolution listed the indispensable conditions for enterprises to create employment, namely, government policies which provided the necessary infrastructure, economic and employment policies adopted in consultation with employers' and workers' organisations and respect for trade union rights. As far as the ILO was concerned, the resolution emphasised the activities that should be undertaken in order to favour the development of national policies to stimulate the creation of lasting employment by enterprises. The resolution contained similarities to other texts before the Committee, and the Workers' group was ready to examine the possibility of merging the texts.

General discussion

13. The Employers' member of Germany, speaking on behalf of the Employers' group, referred to the cooperative attitude of the Workers' group which had made it possible to merge the two original texts and thanked the Committee for having given the merged resolution its first priority. The Employers' group did not intend to make any amendments to the text. He hoped that the Workers' group and the Government members would also refrain from doing so, and that the resolution would be adopted unanimously.

14. The Workers' Vice-Chairman expressed the support of his group for the merged text, which was the result of intensive discussion. He observed that the Employers' group had been very constructive in these discussions. The Workers' group did not intend to propose any amendments. He hoped that the other groups would follow their example and that the resolution would be adopted unanimously in its current form.

15. The Government member of the United Kingdom re-emphasised her support for the original Employers' resolution but welcomed the merging of the two complementary texts into a single resolution which her Government could also support without reservations. It was important that the Employers' group, as well as the Workers' group, and the Governments, should succeed from time to time in obtaining first position for a resolution that they had supported. She re-emphasised the crucial role of enterprise in job creation and economic growth. In order for enterprises to flourish, governments needed to establish an environment which would encourage entrepreneurs, and in particular those setting up small businesses, both in industrialised and developing countries. The ILO was already doing extremely useful work in helping countries to develop policies which would contribute to the promotion of enterprises. Her Government had welcomed the establishment of the new ILO department dealing with small and medium-sized enterprises and looked for a strengthening of these activities in the Programme and Budget proposals for 1994-95. The proposed resolution would help to stimulate that effort and should therefore be adopted forthwith.

16. The Government member of the United States congratulated the Employers' and Workers' groups for the spirit of cooperation that they had shown in merging the two initial resolutions. Her Government supported the resolution and recognised the importance of the role played by small enterprises in economic growth and the creation of full, productive and freely chosen employment. In her country, small businesses provided well over two-thirds of all new jobs, about 40 per cent of gross national product, and the bulk of new products and technologies. She pointed out that the present text should be seen as the ILO's response to United Nations General Assembly resolution 46/188 on entrepreneurship, which had been adopted in 1990 and which requested, inter alia, the Director-General for Development and International Economic Cooperation to include in his reports information on the activities undertaken in the United Nations system to promote entrepreneurship in economic development, notably in small and medium-sized enterprises. She indicated that her Government reserved the right to propose amendments later.

17. The Government members of the Syrian Arab Republic, the Russian Federation and Denmark spoke in support of the resolution, and stated that they would not present amendments to it. The Government member of the United States then indicated that her Government would also abstain from the presentation of amendments and would have no objection to the immediate adoption of the resolution.

18. The resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment was adopted unanimously without amendment.

RESOLUTION CONCERNING EMPLOYMENT PROMOTION AS AN ESSENTIAL COMPONENT OF DEVELOPMENT

Presentation of the original text

19. The Workers' member of the Russian Federation introduced the resolution concerning employment promotion as an essential component of devel-

opment on behalf of all the trade unions of the Russian Federation and of the other countries that had co-authored it. Unemployment was a universal problem, affecting both market economies and countries whose economies were in transition. For the latter, it was the first time unemployment had reached such a scale, and it was now one of the most urgent tasks for trade unions to tackle. It was necessary to provide help for the unemployed through training so that they could be reintegrated in the labour market. The authors of the resolution had no objection to merging the resolution and were ready to work with other delegates to that effect.

General discussion

20. The Worker Vice-Chairman declared that the Workers' group was strongly in favour of this resolution on employment and development and hoped that it would be adopted as rapidly as possible.

21. The Workers' member of the Russian Federation was glad to note that the draft resolution had been supported by so many governments and employers. As problems of employment were now causing concern in many countries, the particular aspects of employment dealt with in the draft resolution could be seen as a logical follow-up to the resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment. The draft resolution developed the general ideas of that resolution, adding the importance of ILO action at national and regional level. The Workers' group believed that the resolution should remain short and succinct and hoped it would be supported by the Committee.

22. The Government member of the United Kingdom noted that, although the draft resolution covered many of the same elements as the Employers' and Workers' original resolutions on enterprise, its focus was different, stressing as it did the links between development and employment promotion and addressing in particular developing countries and countries in central and eastern Europe whose economies were in transition. As it formed a useful complement to the more general merged text on enterprise which had already been adopted, her Government supported its adoption. The draft resolution attempted to tackle some very difficult issues concerned with unemployment and underemployment, the need to help disadvantaged groups in the labour market, and relations between countries in terms of trade, economic cooperation, migration for employment, and other issues. It pinpointed some key challenges which the ILO itself had to face, including the particularly important one of effective cooperation with other organisations of the United Nations. Her Government supported the draft resolution overall but would present some amendments, with the aim of clarifying the text and focusing it on the most important issues, and on those most central to the ILO's mandate. Her delegation was heartened to see in the first two positions of the ballot resolutions dealing directly with such important issues as enterprise and employment, issues which were at the heart of the ILO's mandate and objective and which did not digress into broad geo-political debates which were more properly tackled in other international arenas. It was right that the Resolutions Committee should be discussing employment and it showed that the ILO was gettting to grips with real priorities as the 21st century approached.

23. The Government member of the United States informed the Committee that her Government supported parts of the draft resolution. For instance, improving access to, and the quality of, employment service and vocational training programmes, moving young people more effectively from school to work and reintegrating the unemployed as quickly as possible were extremely important in making full use of the workforce and were crucial to building or maintaining a nation's economic strength in a competitive world market place. Her Department of Labor had initiated a series of school-to-work demonstration projects designed to explore ways of redesigning school curricula so that students would learn job-related subjects in a practical context. In addition, new efforts were being made to ensure that students who were not destined for further study were better prepared to enter the workforce. The Secretary of Labor's Commission on Achieving Necessary Skills (SCANS) had been established to bring businesses, labour and education together to define the skills and skill levels necessary for earning a decent living, and its first report had provide practical and concrete suggestions to help schools, businesses and labour groups, parents and students to improve the preparation of young people for work. More emphasis should be given in the draft resolution to the importance of the private sector in the process of job creation, and her Government would therefore submit and support amendments which, among other things, made a distinction between the responsibilities of government and the role of the private sector.

24. The Government member of the Netherlands informed the Committee that his Government found the draft resolution generally acceptable, but would be presenting amendments, particularly on the paragraph concerning the "brain drain".

25. The Employers' member of Germany, speaking on behalf of the Employers' group, noted that his group had not given such high priority to this resolution, as most of the subject matter had been dealt with in the resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment. For his group the draft resolution was overly inspired by the concept of central planning and did not acknowledge that the market place and the spirit of free enterprise were the true driving force in the creation of employment. As the role of governments was to create an environment in which enterprises could prosper, the draft resolution should reflect this reality. If the resolutions adopted by the ILO were to remain credible, the mention of "trade" in the text should be clarified. Trade was outside the ILO's province, and commercial links were not made at government level, but by the respective parties concerned. The idea as formulated in the draft resolution did not convey this. Reviving the World Employment Programme was a controversial proposal. As early as 1976 the Employers' group had stated that the programme was not relevant, and it was even less relevant now. The conclusions of the High-Level Meeting on Employment and Structural Adjustment, held in 1987,

were more suitable for dealing with employment problems. The Employers' group would therefore be formulating amendments that would make the resolution more acceptable.

26. The Government member of the Russian Federation declared the draft resolution to be very important, as it addressed various aspects of employment. It was only natural that the problem of employment was now attracting a great deal of attention in the ILO, given the economic changes in the world, structural adjustment and the transition of a number of countries to a market economy. His delegation gave its support to the resolution.

27. The Government member of Italy supported many of the general principles and concepts of the resolution. He recognised the vital importance of creating jobs, given the difficult situation of unemployment that existed in so many countries. However, these principles were perhaps too general and he would have liked more specific proposals. Paragraph 1(d), for example, on training for young people and retraining for the unemployed, could be more fully elaborated. Italy is especially sensitive to these questions and has supported training programmes through bilateral and multi-bilateral funding. Referring to paragraph 1(g), the subject of migrant workers was already covered by the third resolution. Nor had any effective remedy been found to the old question of the "brain drain". His Government would find it difficult to support the present wording of this part of the resolution because it would imply hampering the freedom of movement of individuals.

28. The Employers' member of Sweden also emphasised that it would be better to avoid one possible interpretation of the question of the "brain drain" – that people should be prevented from leaving their home country. Freedom of movement was a human right, and it would be unacceptable to curb this right. This difficulty would not arise if the statement was formulated so as to make it clear that it was a recommendation to receiving countries to take into account in their immigration policies the need of sending countries to keep their qualified people.

29. The Workers' Vice-Chairman announced that the Workers' group would be proposing a single amendment to the text – to delete subparagraph (g) in operative paragraph 1, which contained a reference to migration and the "brain drain".

30. The Employers' member of the United States drew the attention of the Committee to the need for consistency in the resolution with the provisions of the first resolution that had just been adopted unanimously, on the role of enterprises in employment growth and the creation of full, productive and freely chosen employment. As an example, she cited paragraph 1(a) of the resolution on employment promotion, which appeared to be in conflict with the resolution on the role of enterprises in employment growth and the creation of full, productive and freely chosen employment. It was essential to achieve consistency between the resolution already adopted and the present draft resolution by emphasising that economic growth and the stimulation of small and medium-sized enterprises promoted employment, and not the reverse.

31. The Government member of Ukraine noted with satisfaction that the resolution under discussion had been given some priority. Its subject was a current topic for Ukraine and for other countries in transition which shared concern over the decline of opportunities for employment, problems relating to the restructuring of the economy, the introduction of new technologies, and industrial conversion. He drew the Committee's attention to those operative paragraphs whose aim was to encourage member States, with assistance from the ILO and other bodies, to increase significantly the number and quality of jobs by taking the necessary political, economic and social measures at national and international level. Another important recommendation urged member States to intensify efforts to devise national and regional vocational training programmes, thereby ensuring greater scope and a higher level of effectiveness. His delegation fully supported the draft resolution.

Consideration of amendments

32. Twenty-four amendments, numbered from D.5 to D.28, were submitted for examination.

Amendment to the title

33. Amendment D.14, submitted by the Employers' group, sought to insert the word "economic" after the words "component of " in the title of the resolution.

34. Introducing the amendment, the Employers' Vice-Chairman pointed out the need to give greater focus to the resolution and therefore to identify the type of development that was intended.

35. The Workers' Vice-Chairman responded that employment promotion was an essential component of all facets of development, including economic, social and cultural development, tripartism and the development of institutions, infrastructures and social systems. He therefore rejected the proposed amendment, which restricted the scope of the resolution.

36. The Government member of Nigeria agreed that the proposed amendment restricted the scope of the title and said that development should be seen as a broad concept.

37. The Government member of Denmark added that the term "development" was standard United Nations language and that the use of the word in the resolution represented a well-understood concept.

38. The Government member of the United Kingdom, although content with the present title of the resolution, proposed to sub-amend amendment D.14 by inserting the word "overall" instead of the word "economic" after the words "component of ".

39. Amendment D.14, as sub-amended by the Government member of the United Kingdom, was adopted.

Amendments to the Preamble

40. Paragraph 1 of the Preamble was adopted without amendment.

41. Amendment D.15, submitted by the Employers' group, sought to replace, in paragraph 2, the words, "according to the Declaration of Philadelphia, to promote programmes which will achieve full employment," by the words "to promote programmes oriented towards full, productive and freely chosen employment".

42. Introducing the amendment, the Employers' Vice-Chairman noted that much had happened since the adoption of the Declaration of Philadelphia in 1944. Although his group did not wish to call into question a Declaration that was fundamental to the Organisation, it would nevertheless be beneficial to express this part of the paragraph in more up-to-date language, such as that contained in more recent ILO instruments on employment policy.

43. The Workers' Vice-Chairman expressed the surprise of his group at an amendment which seemed to call into question one of the fundamental documents of the ILO. The proposed amendment sought to paraphrase that document and therefore risked weakening it. He also emphasised that the paragraph as it stood reflected the need, outlined by various Government members in the general discussion and in Governing Body deliberations, to concentrate on activities that were within the core mandate of the ILO. The Commitment to full employment that was contained in the Declaration of Philadelphia was also reflected in Convention No. 122; he would therefore have no objection to including a reference to that Convention in the paragraph.

44. After a discussion in which a number of government members referred to the need to maintain the brevity of the text and acknowledged the value of referring to instruments on employment that had been adopted more recently than the Declaration of Philadelphia, the Workers' Vice-Chairman proposed to sub-amend amendment D.15 by adding at the end of the paragraph the words "and reaffirming continuous support for the Employment Policy Convention, 1964 (No. 122).".

45. Amendment D.15, as sub-amended by the Workers' Vice-Chairman, was adopted.

46. Paragraphs 3, 4 and 5 of the Preamble were adopted without amendment.

47. Amendment D.16, submitted by the Employers' group, sought to add in the last line of paragraph 6, after the words "and countries in transition," the words "and noting that the pressing and ongoing need to reverse this situation can be met by measures such as the encouragement of an entrepreneurial approach, and the promotion of small- and medium-scale enterprises and self-employment,".

48. Introducing the amendment, the Employers' Vice-Chairman pointed out that the paragraph in its present form identified a number of problems but gave no indication as to how they should be solved. The proposed wording reflected the thrust of the resolution that the Commitee had just adopted. However, each resolution stood on its own and it was therefore necessary to refer in the present text to the means of overcoming the problems of unemployment and underemployment.

49. The Workers' Vice-Chairman noted that the preambular part of the text was not the correct place to propose solutions. Moreover, the proposed amendment only referred to one element of the problem. In order to obtain a balanced text, if this reference was included, it would also be necessary to mention a whole series of other aspects, such as industrial policy and infractructure, which would have the effect of making the language unmanageable.

50. The Employers' Vice-Chairman, after communicating his disappointment at the rejection of a balanced approach to employment growth, withdrew amendment D.16 in order to help the Committee advance its work.

51. Amendment D.17.bis, submitted by the Employers' group, sought to replace the words after "respect for" in paragraph 7 with the words "and fully apply the principles relating to freedom of association and free and voluntary collective bargaining embodied in Conventions Nos. 87 and 98,".

52. Introducing the amendment, the Employers' Vice-Chairman, although fully aware of the reasons for the reference to the freedoms and rights to organise and collective bargaining, wondered whether it was necessary to refer to Conventions Nos. 135 and 141, which were not the basic ILO texts setting out these principles. He noted that not all countries had ratified the Conventions in question and might have some difficulty in undertaking to apply their principles. In any case, the references to the texts should be in proper form.

53. The Workers' Vice-Chairman pointed out that the four Conventions in question embodied the fundamental principles of freedom of association and fell within the scope of the work of the Committee on Freedom of Association. He proposed to sub-amend the paragraph by replacing the words after "respect for" with the words "the principles contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Workers' Representatives Convention, 1971 (No. 135) and the Rural Workers' Organisations Convention, 1975 (No. 141),".

54. The Government member of the Syrian Arab Republic reminded the Committee of the need for the text to be concise and to the point. He wondered if it was necessary to refer to all four instruments in the context of freedom of association and suggested that a more general reference might be made to the principles of freedom of association and collective bargaining embodied in international instruments, and especially in Conventions Nos. 87 and 98.

55. In reply to the previous speaker and to comments by the Government member of Denmark concerning the length and language of the resolution, and its internal organisation, the Workers' Vice-Chairman noted that the references in preambular paagraph 2 to the Employment Policy Convention, 1964 (No. 122), and in paragraph 7 to the four instruments in question concerning freedom of association were completely logical.

56. The Employers' Vice-Chairman added that each group many problems which needed to be reflected in the text of resolutions which were adopted and, although the language was sometimes inelegant,

there was always a good reason for the way in which it was drafted.

57. Amendment D.17.bis, as sub-amended by the Workers' Vice-Chairman, was adopted.

58. Amendment D.18.bis, submitted by the Employers' group, sought to replace the words following "of governments" in paragraph 8 by the words "to promote an environment which stimulates the development and growth of the market place and the importance of consultation with employers' and workers' organisations in the formulation of relevant policies;".

59. Introducing the amendment, the Employers' Vice-Chairman outlined the difficulties of his group in accepting the way in which the present text referred to the responsibilities of governments. The references to development plans were too close to "dirigisme" and too far away from the market economy. The proposed amendment also had the advantage of referring to consultations in their appropriate context.

60. The Workers' Vice-Chairman explained that his group's understanding of development did not exclude the market place, although that term evoked a number of concepts and situations, some of which were not suitable in this context.

61. The Government member of Romania felt that the text should reflect the need for employers' and workers' organisations to be associated with governments in the promotion of an environment which would stimulate overall development, and emphasised that the sound functioning of tripartism was the best safeguard in achieving that goal.

62. After a number of speakers, including the Workers' Vice-Chairman, had discussed the possibility of further sub-amendments, the Government member of the United Kingdom proposed the following compromise text of the paragraph:

Recognising the responsibility of governments in the field of development policy and in the promotion of an environment which stimulates growth and employment and the importance of consultation with employers' and workers' organisations in the formulation of relevant policies in these areas;"

63. Amendment D.18.bis, as sub-amended by the Government member of the United Kingdom, was adopted.

64. The Preamble was adopted as amended.

Amendments to the Operative part

65. Amendment D.19, submitted by the Employers' group, sought to replace paragraph 1 by the following text: "Invites governments and, where appropriate, employers' and workers' organisations:".

66. Introducing the amendment, the Employers' Vice-Chairman pointed to the need to call upon employers' and workers' organisations to take action in addition to governments. He added that the wording had been taken from a text proposed by the Workers' group themselves.

67. The Workers' Vice-Chairman proposed to sub-amend amendment D.19 by replacing the word "Invites" by the word "Urges".

68. Amendment D.19, as sub-amended by the Workers' Vice-Chairman, was adopted.

69. Amendment D.20, submitted by the Employers' group, sought to replace the text after "freely chosen employment" in paragraph 1(a) by the words "and to raise the standard of living of the population by stimulating sustained economic growth and development;".

70. Introducing the amendment, the Employers' Vice-Chairman explained that it merely consisted of a redrafting of the text in order to make the paragraph easier to understand. This was required so that the logic would be clear, and to show that it was necessary to stimulate sustained economic growth and development in order to promote full, productive and freely chosen employment.

71. In reply, the Workers' Vice-Chairman emphasised that the proposed amendment blurred the logic of the original text. Full employment was instrumental in stimulating economic growth and development, which had the effect of raising the standard of living of the population.

72. The Government member of Nigeria proposed to sub-amend amendment D.20 by replacing the text after "freely chosen employment" by the words "through sustained economic growth and development, and thereby raise the standard of living of the population;".

73. Amendment D.10, as sub-amended by the Government member of Nigeria, was adopted.

74. Amendment D.21, submitted by the Employers' group, sought to delete from paragraph 1(b) the words "to adopt a policy of incentives for job-creative economic activities, this policy being based on national development criteria and in line with national policies;".

75. Introducing the amendment, the Employers' Vice-Chairman expressed concern about the reference in the original text to job-creative economic activities. This terminology led his group to interpret the action that was being called for as the provision of incentives for the creation of jobs which were not necessarily productive. However, after receiving assurance that amendment D.12 which addressed the same issue, would not be withdrawn, he withdrew amendment D.21.

76. Amendment D.12, submitted by the Government members of the Netherlands, Switzerland, the United Kingdom and the United States, sought to replace, in paragraph 1(b), the words "to adopt a policy of incentives for job-creative economic activities, this policy being based on national development criteria and in line with national policies", by the words "to adopt policies which encourage job-creative economic activities, in line with national policies and where appropriate being based on national development criteria".

77. Introducing the amendment, the Government member of the Netherlands explained that the purpose of the proposed amendment was to place the emphasis on policies for creating jobs rather than on incentives.

78. The Workers' Vice-Chairman was prepared to accept amendment D.12 if a sub-amendment could be incorporated to delete the words "where appropriate being based on nationals", so that the first half of the paragraph would read "to adopt policies which encourage job-creative economic activities, in line with national policies and development criteria;".

79. Amendment D.12, as sub-amended by the Workers' Vice-Chairman, was adopted.

80. Amendment D.7, submitted by the Government members of Switzerland, the United Kingdom and the United States, sought to replace paragraph 1(d) by the following text: "to develop programmes that would assist in helping to prepare young people, the long-term unemployed and workers who have interrupted their working life for productive employment;".

81. Introducing the amendment, the Government member of Switzerland explained that the reference to social protection was not suited to programmes that were intended to prepare people for employment. The text would be more flexible and more acceptable to a greater number of countries if social protection was not referred to in this context.

82. The Workers' Vice-Chairman found a number of difficulties with the proposed amendment. In the first place, it left out all reference to the social protection of young workers. Moreover, it did not explain the concept of reintegration in a clear manner. He added that the whole question of interruptions in working life was complex, and that the assumption of family responsibilities was one of the major cases in which this occurred. He noted that the reference to restructuring or reconversion contained in the original text was particularly relevant at the present time. Although he was not opposed to expressing the sentiments of the original text in a simpler manner, the proposed amendment took too many short cuts. He identified three elements which needed to be covered in any proposed text. These were: the question of the insertion of young workers; the issue of the integration of workers who had interrupted their employment for a variety of reasons, including studies, family responsibilities, health and even because they had been sent to prison; and finally, those whose employment had been interrupted as a result of restructuring or reconversion. It was for these reasons that reference was needed to both employment and social protection programmes.

83. The Employers' Vice-Chairman expressed his support for amendment D.7. However, in a spirit of compromise and in order to take into account the concerns of the previous speakers, he proposed to sub-amend the text to read as follows: "to develop programmes, including training and retraining programmes, that would assist in helping to prepare young people, the long-term unemployed and workers who have interrupted their working life for various reasons, to assume skilled and productive employment and to return to work".

84. In response, the Workers' Vice-Chairman proposed a further sub-amendment which would result in the text reading as follows: "to develop social and employment programmes that would help to prepare the entry of young people into working life and the reintegration in the labour market of the long-term unemployed and workers who have interrupted their working life for various reasons, such as family responsibilities, and to provide retraining for workers displaced by restructuring or reconversion in certain sectors of the economy".

85. The Employers' Vice-Chairman expressed certain reservations concerning the wording and length of the text proposed by the above speaker and suggested that it be modified to read as follows: "to develop social, employment and training programmes that would help to prepare the entry of young people into working life and the reintegration in the labour market of the long-term unemployed, workers displaced by restructuring or reconversion and workers who have interrupted their working life for various reasons, such as family responsibilities".

86. The Government member of the United States expressed a preference for the latter proposal, although she felt that governments should encourage rather than develop programmes. She also believed that the reference to social programmes should be eliminated from the text. She requested the Workers' Vice-Chairman to explain what types of social programmes the reference might cover.

87. The Workers' Vice-Chairman disagreed with the sentiments expressed by the previous speaker and explained that the social programmes in question included all types of social programmes designed to help young people before they had really become inserted into working life. Such an enumeration in the text would be lengthy and it was therefore preferable to retain the general reference to social programmes.

88. The Government member of the United States wished to note that her delegation still retained reservations on the wording of the proposed text. However, in a spirit of compromise she did not wish to prevent the Committee from adopting it.

89. Amendment D.7, as sub-amended, was adopted.

90. Amendment D.22 was withdrawn by its authors.

91. Amendment D.6, which was submitted by the Government member of Nigeria and seconded by the Government of Algeria, proposed to add, after paragraph 1(d), the following new paragraph: "to take appropriate measures in ensuring that employment conditions in all categories of establishments meet acceptable international standards;".

92. Introducing the amendment, the Government member of Nigeria explained that one of the principal growth areas for employment promotion, as covered in the resolution, was in small businesses, and particularly in the informal sector. However, the employment conditions in the informal sector and in small businesses were generally substandard. It was therefore important for workers in these sectors to have access to employment which met acceptable international standards, by which he explained he meant international labour standards, and therefore the word "labour" should be added.

93. The Employers' Vice-Chairman sought clarification on the concept of acceptable international

labour standards. Did these mean ILO standards or other norms, such as standards that have come to exist through custom and practice? He warned of a possible conflict between international standards and perfectly acceptable standards developed at the national level. Countries in which more advanced standards were in force should not oblige small developing countries to apply conditions which could seriously inhibit the success of small businesses. Moreover, he noted that many countries had notified the ILO that they would not be able to apply some of the provisions of international labour standards for some time to come.

94. The Workers' Vice-Chairman welcomed the amendment, although he proposed to sub-amend it to read as follows: "to take measures to ensure that employment conditions in all categories of establishments meet international labour standards;".

95. The Employers' Vice-Chairman referred to the problems involved in calling for all member States to apply the provisions of all ILO Conventions. Ways of avoiding this problem had been found in the past and he accordingly proposed to sub-amend the text suggested by the previous speaker so that it would read as follows: "to take appropriate measures to ensure that employment conditions in all categories of establishments respect the principles of ILO standards;".

96. The Government member of Nigeria noted that the above wording did not differ fundamentally from the text proposed previously by the Workers' group and therefore accepted it.

97. Although noting some fine points of difference between the proposed texts, the Workers' Vice-Chairman also found it acceptable.

98. Amendment D.6, as sub-amended by the Employers' Vice-Chairman, was adopted.

99. Amendment D.23, submitted by the Employers' group, sought to delete the words "as well as the regional level" from paragraph 1(e).

100. Introducing the amendment, the Employers' Vice-Chairman explained that this group was merely attempting to clarify the text, since it was unclear how the phrase in question related to the rest of the paragraph.

101. The Workers' Vice-Chairman explained that the phrase in question attempted to convey the message that cooperation between countries was not only bilateral, but could also be undertaken at the regional level. However, his group could accept the amendment.

102. Amendment D.23 was adopted.

103. Amendment D.11, submitted by Government members of the Netherlands, Switzerland, the United Kingdom and the Unites States, sought to delete paragraph 1(f).

104. Introducing the amendment, the Government member of the United States explained that the reference in the text to "equitable and mutually advantageous terms of trade" entered areas which lay within the competence of other United Nations bodies. However, the co-sponsors of the amendment were prepared to withdraw it in favour of amendment D.24.

105. Amendment D.11 was withdrawn.

106. Amendment D.24, submitted by the Employers' group, sought to replace the words ", based on equitable and mutually advantageous terms of trade" in paragraph 1(f), by the words "as a means of increasing economic activity and thus to increase employment opportunities, improve living standards and eliminate hunger and poverty".

107. Introducing the amendment, the Employers' Vice-Chairman said that the concern of his group was for the resolution to be consistent with the aims of the ILO. The reference to "terms of trade" in the original text was therefore not particularly appropriate.

108. The Workers' Vice-Chairman stated that this group could accept the amendment, provided that the word "equitable" was included in the first line of the text after the word "promote". In response to a question from the Employers' group, he explained that the term "equitable" was intended to convey the concept of trade that was fair for all concerned and mutually beneficial and advantageous.

109. The Government member of the United Kingdom supported the amendment as originally proposed by the Employers' group. While it was clear that the concept of world trade was supported by all delegations, it was not acceptable for the text of an ILO resolution to comment on the type of world trade that was to be promoted.

110. The Employers' Vice-Chairman proposed a further sub-amendment which would have the effect of replacing the word "equitable" by the words "on a fair basis". The text of the paragraph would therefore read: "to promote long-term development of world trade on a fair basis, as a means of increasing economic activity and thus to increase employment opportunities, improve living standards and eliminate hunger and poverty;".

111. Amendment D.24, as sub-amended by the Employers' Vice-Chairman, was adopted.

112. Amendment D.5, submitted by the Workers' group, and amendment D.10, submitted by the Government members of the Netherlands, Switzerland, the United Kingdom and the United States, both sought to delete paragraph 1(g).

113. Amendment D.5, which was identical to amendment D.10, was adopted.

114. Amendment D.8, submitted by the Government members of Switzerland, the United Kingdom and the United States, sought to add, after paragraph 1(g), the following new paragraph: "to develop a stable macroeconomic environment, market-determined prices and private entrepreneurship."

115. Introducing the amendment, the Government member of the United States emphasised that employment growth was not possible without a stable macroeconomic environment. The value of money needed to be relatively stable in order to encourage savers and investors to look to the long term. Market-based prices had the effect of directing resources towards the most efficient economic sectors. More-

over, entrepreneurship was particularly important in the context of employment promotion, since new businesses were the most effective source of new jobs.

116. The Workers' Vice-Chairman informed the Committee that his group experienced serious problems in understanding how the amendment fitted into the present text. Nothing specific in the preambular paragraphs was pertinent to the proposed new paragraph. The issues referred to in the amendment had been covered thoroughly and well in the previous resolution adopted by the Committee. He strongly believed that the proposed wording was out of place in the present text, although there was complementarity between this resolution and the one which had been adopted earlier.

117. The Employers' Vice-Chairman proposed to add at the end of the new paragraph a reference that made it clear that the measures set out in the text were a means of resolving unemployment problems and developing overall growth.

118. The Government member of the United Kingdom agreed with the suggestion by the previous speaker and noted that preambular paragraph 8, as amended by the Committee, directly foreshadowed the proposed new paragraph.

119. The Government member of Greece, although not objecting to the amendment, warned of the risk of contradiction in the text of the resolution. Paragraph 1(a) of the resolution had, at least initially, called for an active policy to promote full, productive and freely chosen employment, so as to stimulate sustained economic growth and development. However, the proposed text called for economic development as a means of resolving unemployment. It was for governments to decide on their priorities in economic policy, which could include combating inflation, promoting growth, decreasing unemployment or resolving the budget deficit. If amendment D.8 were adopted, it would be unclear which of these aims were to be given overall priority.

120. The Workers' Vice-Chairman pointed to the difficulty of defining a stable macroeconomic environment, particularly for countries undergoing the transition to a market economy. The concept could be interpreted in ways that were unacceptable to his group. The topic was so broad that it would need a whole resolution to itself. Moreover, the concept of market-determined price was unclear and was not directly related to the contents of the resolution. Prices determined only by the market could fluctuate very rapidly, with negative effects on employment and the well-being of people. This was a different question from a sensible price policy, and it would have to be expressed differently if included in the text. Referring to the question of entrepreneurship, he noted that this had been covered in a careful manner in the previous resolution and should not be included in the present text.

121. The Employers' Vice-Chairman emphasised that in order to achieve employment growth and overall development, it was important to take into account all relevant aspects, and not just select ones.

122. The Government member of Denmark pointed to a number of problems in the proposed text, including the fact that many industrialised countries did not apply a policy that was based entirely on market-determined prices. It might be better to refer in the text to prices oriented to market conditions.

123. The Government member of the Netherlands proposed to sub-amend the text to read as follows: "to develop a market-oriented macroeconomic environment with private entrepreneurship as a means of resolving unemployment problems and developing overall growth."

124. The Workers' Vice-Chairman found the above proposal to be helpful, but further proposed to delete the words "with private entrepreneurship" so that the paragraph would read: "to develop a market-oriented macroeconomic environment as a means of solving problems of unemployment and developing overall growth."

125. The Employer member of Germany, speaking on behalf of the Employers' group, although very much regretting that the reference to private entrepreneurship had been dropped, confirmed that the Employers' group could agree to the above wording.

126. Amendment D.8, as sub-amended by the Workers' Vice-Chairman, was adopted.

127. The Committee agreed to examine together amendments D.25 and D.9, which both referred to paragraph 2(a).

128. Amendment D.25, submitted by the Employers' group, sought to replace paragraph 2(a) by the following text: "encourage member States to take the necessary policy measures that would lead to increased economic activities in order to promote full, productive and freely chosen employment and to provide advice to member States in this respect;"

129. Introducing the amendment, the spokesman of the Employers' group, speaking on behalf of the Employers' group, explained that the order of the ideas expressed in the original paragraph needed correcting. It was necessary to increase economic activity before employment would grow.

130. Amendment D.9, submitted by the Government members of the Netherlands, Switzerland, the United Kingdom and the United States, sought to replace the words "to increase employment substantially", by the words "to establish a framework within which employment can increase substantially", and to replace the words "the necessary" by the word "appropriate".

131. Introducing the amendment, the Government member of the United Kingdom noted that its purpose was to take account of the fact that it was not always within the power of governments to increase employment, but that it was their role to create an environment in which employment could grow. In some cases, government intervention might not be the best way of addressing the issue, and therefore the word "appropriate" would cover a broader range of situations than "the necessary".

132. The Workers' Vice-Chairman expressed a preference for amendment D.9, which he proposed to sub-amend so that the beginning of paragraph 2(a) would read: "encourage member States to establish a framework for substantial employment

growth". He accepted the replacement of "the necessary" by the word "appropriate".

133. The spokesman of the Employers' group, agreed to withdraw amendment D.25 in favour of amendment D.9, as sub-amended by the previous speaker.

134. Amendment D.9, as sub-amended by the Workers' Vice-Chairman, was adopted.

135. Amendments D.26, D.28 and D.13 addressed paragraph 2(b).

136. Amendment D.26, submitted by the Employers' group, sought to replace paragraph 2(b) by the following text: "take particular account of the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in November 1987 when planning future activities in support of employment growth;".

137. Introducing the amendment, the spokesman of the Employers' group explained that in the view of his group the World Employment Programme had already been inappropriate in 1976 and had not improved over time. However, the conclusions of the High-Level Meeting were more appropriate to the current situation and should be reflected at this stage in the resolution.

138. Amendment D.28, submitted by the Government members of Denmark, Finland, Norway and Sweden, sought to replace paragraph 2(b) by the following text: "prepare an assessment of developments since the World Employment Conference of 1976, with particular reference to the planned second High-Level Meeting on Structural Adjustment, keeping in mind the transition to a market economy and the introduction of new technologies, and submit it to the Governing Body;".

139. Introducing the amendment, the Government member of Finland recalled that much had changed since the World Employment Conference in 1976 and it would therefore be more appropriate to assess development since then and allow the Governing Body latitude to decide how to proceed further. It was also appropriate to make reference to a second High-Level Meeting, which had already been proposed.

140. Amendment D.13, submitted by the Government members of Switzerland, the United Kingdom and the United States, sought to replace, in the first line of paragraph 2(b), the word "update" by the word "review", and also to replace the words "to submit a draft update" by the words "to consider submitting a draft update".

141. Introducing the amendment, the Government member of the United Kingdom agreed with previous speakers that it was not desirable to update something which was now no longer relevant. A review should be carried out so that action appropriate to the present circumstances could be taken.

142. The Workers' Vice-Chairman, in seeking a compromise text, noted that there were three important elements that should be included, namely: the need to make an assessment of developments since the World Employment Conference; the necessity to take into account the conclusions of the High-Level Meeting on Employment and Structural Adjustment; and the question of what should be submitted to the Governing Body. He therefore suggested that members of the Committee might support a text that read as follows: "to assess the developments since the adoption of the World Employment Programme, taking especially into account the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in November 1987 and submit relevant proposals for action to the Governing Body at an early date;".

143. The spokesman of the Employers' group expressed his agreement in principle with the proposed text. However, mention had already been made in the programme and budget for 1992-93 for a second High-Level Meeting. Reference should therefore be made to that meeting in the text of the resolution. However, he could accept the proposed text provided that it was understood that it covered the second High-Level Meeting.

144. The text proposed by the Workers' Vice-Chairman, on the basis of amendments D.26, D.28 and D.13, was adopted.

145. Amendement D.27, submitted by the Employers' group, proposed to add to the end of paragraph 2(d), the words, "taking fully into account the process of structural adjustment and the transition to a market economy".

146. Introducing the amendment, the spokesman of the Employers' group, said that it was important not only to describe the objectives to be attained, but also to refer to the methods that should be followed in achieving them. It was therefore important for the processes of structural adjustment and the transition to a market economy to be taken into account. He added that the phrase had been taken from the original resolution co-authored by the Workers' Vice-Chairman.

147. The Workers' Vice-Chairman noted that reference had been made to structural adjustment earlier in the text and could not see the need for adding such a mention to the present paragraph. Moreover, the proposed addition changed the content of the whole paragraph.

148. The Government members of Denmark, the Netherlands and Finland agreed that the process of structural adjustment had already been taken fully into account throughout the resolution. Including the reference at this point ran the risk of being interpreted as a limitation on the areas in which the ILO should cooperate with other organisations of the United Nations system.

149. At the next sitting of the Committee the Employers' Vice-Chairman withdrew amendment D.27 noting that it had received insufficient support in the Committee.

Adoption of the resolution

150. The resolution concerning employment promotion as an essential component of overall development was adopted by consensus as amended.

RESOLUTION CONCERNING THE ROLE OF THE ILO IN THE PROTECTION AND PROMOTION OF THE RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES

Presentation of the three original texts

151. In presenting the resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families, the Worker member of France noted that the text before the Committee proposed a constructive approach for the harmonious integration of migrant workers into the economic and social life of the receiving countries. These objectives would contribute to new growth, involving as major elements both the elimination of any discrimination on the grounds of race, language or opinion (irrespective of whether they were philosophical or religious) and the respect of the economic, social and cultural rights and dignity of migrant workers. Several aspects of the proposed text were related to another draft resolution concerning the protection and promotion of the rights of migrant workers, which would be presented in due course. The text responded to three requirements: the need to combat social marginalisation, inequality, and the sources of racism, the development of human resources and the economic potential of each country; the achievement of a new relationship between sending and receiving countries with a view to achieving an effective distribution of the wealth that was produced.

152. Presenting the resolution concerning the protection and promotion of the rights of migrant workers, the Worker member of the United States said that the text was in effect a call for action for social justice and basic human rights, which were frequently denied to migrant workers which, as a group, are among the most exploited workers in the world and least able to defend their own rights. The text was more concise than the one proposed the previous year and took up the terms of the resolution adopted by the Eleventh Asian Regional Conference of the ILO, held in Bangkok. In paragraph 1(d) of its operative part, it invited governments and, where appropriate, employers' and workers' organisations to apply strictly laws and regulations to combat all forms of racism and xenophobia. Another important provision, paragraph 2(b), called for the Committee on Discrimination to examine on a regular basis the conditions of migrant workers. The draft text contained other fundamental provisions which merited careful examination by the Committee with a view to putting them into practice.

153. Presenting the resolution concerning the future role of the ILO with respect to the situation of migrant workers and their families and the causes of migratory flows, the personal substitute of the Workers' delegate of Belgium explained that the text had been inspired by three factors: the worrying situation of developing countries and Eastern European countries; the rise of the extreme right, of racism and of ethnic conflicts; and the unequal treatment to which migrant workers were subjected in receiving countries. The ILO had an essential role to play in this context. However, there were gaps in international labour standards due to the fact that some standards were not sufficiently well applied, that others encountered persistent problems in their implementation, such as Convention No. 111, or because certain Conventions relating to migrant workers had not been widely ratified. The objective of this resolution was to make a constructive contribution to the problems encountered by migrant workers.

General discussion

154. The Workers' member of the United States expressed his satisfaction at being able to submit to the Committee a concise and eminently practical draft resolution, as a result of the concerted efforts to merge the three initial texts. The resolution was not limited to any particular category of workers or geographical area, since the problems arising in the protection of migrant workers were of a universal nature and of crucial importance for workers, as well as for employers and governments. The text set out a thoughtful and meaningful plan of action for the ILO. It had the support of the whole of the Workers' group and deserved to be supported by the other members of the Committee.

155. The Government member of Turkey congratulated the authors of the three original draft texts on their success in submitting a merged resolution. The references to racism and xenophobia appearing in the resolution were relevant to him. However, these terms were relatively imprecise and more specific reference should therefore be made to the racial discrimination, harassment and violence of which migrant workers were the victims.

156. The Workers' member of Chile considered that, in view of the far-reaching economic changes in the world, and in particular in Latin America, the ILO should strengthen its activities in relation to migrant workers and that the proposed resolution contributed to that objective. He referred to several countries in his region in which migrant workers experienced many problems and were the victims of a manifest lack of social justice. The Committee should give its support to the resolution, which would be a positive instrument for millions of workers throughout the world.

157. The Government member of Italy emphasised that the issue of migration for employment was becoming increasingly complex. His country had signed and ratified the majority of the instruments referred to in the preamble of the draft resolution. The basic rights of equality of treatment, freedom of association and good working conditions should apply to all migrant workers who were legally resident in the receiving country. But serious difficulties arose with workers who could not be considered to be migrant workers in the sense envisaged in the resolution, because they were not legally resident in the host country. Illegal immigration caused serious problems as much for workers as for receiving countries in respect of employment, unemployment and housing. Although his Government supported the text in principle, he expressed reservations regarding the wording of several paragraphs in the preamble and operative part of the text. In particular, references to the Maintenance of Social Security Rights Convention, 1982 (No. 157), and the role of the ILO as mentioned in paragraph II of the preamble posed problems. In

the operative part paragraphs 2(a) (which would raise financial problems that would be difficult to reconcile with the Organisation's zero-growth budget), 2(b) (in which the reference to the Committee against Discrimination should be eliminated), 2(c) which should be eliminated, 2(e) (as well as 1(f)) (which should mention not only the rights but also the duties of migrant workers), 2(h) and 2(i) should be modified. Appropriate amendments would be submitted.

158. The Government member of the United Kingdom recognised that the question of migration for employment was a very important issue and that it legitimately fell within the mandate of the ILO. The Organisation had done valuable work in this area in its promotion of equality of treatment and in helping in the repatriation of migrant workers under special circumstances, such as the Gulf War. However, the current text of the resolution raised considerable problems. Some of the language was inappropriate, particularly when all member States were called upon to apply too many instruments, some of which were not ILO instruments. The financial implications of some of the proposed activities would also need careful examination. Although she expressed support for the thrust of the resolution, she indicated that its text would require considerable changes before it could be adopted.

159. The Workers' member of Tunisia recalled the profound changes which were occurring in the world, the consequences of which affected migrant workers, and particularly those in developing countries. The resolution had been submitted at an appropriate time and sought to protect and promote the rights of migrant workers and their families. It applied to all ILO member States and should therefore be adopted.

160. The Employers' Vice-Chairman recognised that the situation of migrant workers undoubtedly posed problems. However, a number of initiatives had already been taken in this connection, both by the ILO and by other United Nations bodies. The resolution as proposed raised some hesitation in his mind. The relevance of the multiplicity of references to legal instruments contained in the preambular paragraphs needed to be reviewed, especially in the case of instruments not adopted by the ILO. Moreover, the meaning of a number of the paragraphs needed clarification. By calling for increased resources for ILO activities in respect of migrant workers, the resolution also raised problems concerning the identification of priorities, in the light of the tight financial situation of the Organisation. The setting of a higher priority for migrant workers was not necessarily justified. He also questioned the need for the Governing Body Committee on Discrimination to examine the conditions of migrant workers on a regular basis and for the convening of a tripartite advisory meeting, when two meetings had already been held on that subject.

161. The Government member of the Syrian Arab Republic noted that the ILO was the United Nations agency which was at the forefront in defending the rights of migrant workers. He pointed out that in Arab countries the national legislation reflected the principle of the equality of all human beings and said that migrant workers were treated in the same way as all other workers.

162. The Workers' member of the Russian Federation observed that the problem of migrant workers had increased in urgency due to the developments in Eastern Europe. The simplification of visa systems had enabled large groups to move across national frontiers in search of jobs. Often these workers encountered problems because of their lack of familiarity with foreign languages and laws and as a result of competition on the labour market from local workers. The number of people migrating for employment was constantly increasing, and it was time that the ILO addressed this issue before it was too late. The adoption of the resolution would stengthen the position of migrant workers on the basis of social justice and freedom of association.

163. The Workers' member of Iraq drew attention to the fact that many migrant workers and their families suffered from a low standard of living and were among the most underprivileged categories of the population in receiving countries. He expressed his support for the proposed resolution, with the exception of paragraph 2(h) of the operative part, which should be reformulated in more general terms in order to protect the rights of migrant workers during periods of armed conflict without referring to a specific situation.

164. The Government member of the Netherlands recognised the importance of the resolution, the thrust of which was acceptable, subject to some minor amendments which he would submit.

165. The Workers' member of Sri Lanka called upon ILO member States to ratify Conventions Nos. 97, 118, 143 and 157 in order to protect the rights of migrant workers and their families. He emphasised the need for equal treatment between nationals and migrant workers in respect of remuneration, working and living conditions, particularly in the case of women, who were often the victims of the gravest inequalities of treatment.

166. The Government member of Saudi Arabia stated that his Government respected all migrant workers. National labour legislation was very clear in this regard. It provided for equal treatment and protection for migrant workers and nationals. His Government had no objection to the adoption of a resolution. However, he made a number of comments and expressed some reservations on its contents, which could be improved through the adoption of amendments, which he would submit to the Committee.

167. The Government member of Russian Federation welcomed the role played by the ILO in relation to migrant workers and said that its activities should be strengthened in the years to come in anticipation of an influx of migrant workers from Eastern and Central Europe. The ILO should monitor and analyse migratory flows and assist member States in dealing with labour migration problems with due respect to the provisions of relevant ILO instruments, as well as to the United Nations Convention on migrants. Furthermore, the ILO could assist member States in the conclusion of bilateral agreements on migration for employment and could provide them with information on the experiences of other coun-

tries. He concluded by affirming his Government's support for the resolution.

168. The Government member of Namibia supported the resolution, which would contribute to the application of international conventions on the protection of the rights of migrant workers and their families. However, he drew attention to paragraph 2(h) and the operative part, which dealt with a specific situation and which should be redrafted in a more general way which omitted any reference to the United Nations Compensation Commission.

169. The Government member of the United States stated that migrant workers were frequently the victims of abuse and ill-treatment and that women in particular were the most disadvantaged of all migrant workers. Her Government believed that the protection of migrant workers should be the concern of all States, which should take the necessary steps to promote and protect their human rights. Furthermore, States should take steps to inform migrant workers of their rights, so that they were better able to protect themselves. The ILO, because of its mandate and expertise, was the most appropriate forum in which to consider questions relating to migrant workers. While the resolution contained many good points, her Government found it difficult to support some of its provisions. For example, she could not support the financial consequences that the resolution would have if it were adopted at a time when the ILO's budget was undergoing a period of zero growth and the Office had been requested to refrain from establishing new programmes. Speaking on behalf of the Government member of Switzerland and her own Government, she stated that the resolution did not make a sufficiently clear distinction between issues relating to migrants and those concerning refugees. She would submit the appropriate amendments.

170. The Government member of the United Arab Emirates, while recognising the importance of the resolution, considered that the wording of some paragraphs went too far. The text placed too much emphasis on the interests of labour exporting countries and too little on those of receiving countries. The preamble should be shortened by omitting certain qualifications which were not necessarily exact and which could prejudice cooperation between sending and receiving countries. Nor was the tone of the operative part appropriate, because it did not pay sufficient attention to the complex nature of the economic, social and cultural issues surrounding migration; nor did it distinguish between permanent and temporary migrations. Migrant workers enjoyed excellent working conditions in his country, and they were respected and well treated. However, they had to conform to national laws. For this reason, migrant workers came from all over the world to work in his country. His Government had no difficulty in supporting the resolution, provided that it was modified through the acceptance of amendments.

171. The Workers' member of Italy expressed the hope that the Committee would adopt the resolution in order to improve the situation of migrant workers. The ILO was the ideal forum in which to adopt international instruments with a view to ensuring the equality of migrant workers in respect of their working conditions. As a result of recent profound political and economic changes, and armed conflict, massive population movements would take place; the absence of international rules for the protection of migrant workers could come into dramatic focus. He also proposed that the migration and cultural policies of receiving countries should be more closely coordinated.

172. The Government member of Canada observed that, although his country had a long-standing policy of accepting permanent immigrants, rather than temporary migrant workers, the problem of migrant workers had taken on worldwide dimensions, and his Government favoured the adoption of a resolution on this subject. However, the draft text contained provisions that would have unwelcome financial consequences for the ILO. He would be supporting some amendments on this aspect.

173. After having noted the importance of the issues dealt with by the resolution, the Employers' member of Kuwait said that one of the major problems of migrant workers concerned employment agencies in their countries of origin. These agencies often sent workers who did not have the required qualifications to the receiving countries. In certain cases, the agencies were themselves illegal. Illegal migration gave rise to related problems, which should be taken into account in the draft resolution. He drew attention to the underlying facts referred to in operative paragraph 2(h) which he considered ambiguously worded.

174. The Government member of France supported the observations made by the Government member of Italy. His Government supported the spirit of the resolution, although certain terms would have to be re-examined. He referred, in particular, to paragraph 2(b) of the operative part, which called for the Committee on Discrimination of the Governing Body to examine migrant labour questions, which might give rise to competition with the International Migration for Employment Branch and therefore result in a dispersion of effort.

175. While noting the importance of the draft resolution, the Government member of Japan expressed concern about some of its provisions. These included the financial implications of the draft text in an environment of zero growth, proposed activities for the Committee on Discrimination and the request to place migrant workers' issues on the agenda of a forthcoming session of the International Labour Conference. He considered that such an intitiative would perhaps be premature and said that it would be preferable first of all to seek solutions at the national level in consultation with all the organisations concerned.

176. The Government member of Denmark observed that the subject of migrant workers was of crucial importance and was clearly within the mandate of the Organisation, which had already done very valuable work in that area. However, the resolution, which was the result of the merger of various texts, was too long and its content could be improved. For example, he raised the issue of the allocation of resources to activities relating to migrant workers. In the light of the zero-growth budget, the choice among priorities was inevitably restricted. However, an interdepartmental project on migrant

workers was under preparation for the 1994-5 biennium, which might open up more favourable prospects for activities in this area. On the other hand, he did not consider it advisable to establish new standards on migrant workers, since several already existed. He stated his willingness to contribute to the development of a text that would be acceptable to the Committee and which could be adopted.

177. The Workers' member of France recalled that massive migrations were part of a permanent global process, the causes of which were closely related to the different levels of development in the various countries and regions. It was important not to permit the growth of parallel economies which resulted in "social dumping" and failed to address either employment or housing prolems, or family or cultural issues. The best weapon against racism and xenophobia was the harmonious integration of migrants in the receiving country. He gave his support to the resolution, which would contribute to achieving equality of rights and opportunities for migrant workers.

178. The Government member of Qatar said that his country was a receiving country and expressed his belief that many of the bilateral agreements that it had concluded with sending countries were fully compatible with the sentiments expressed in the draft resolution. However, some of its terminology raised a number of problems. He referred to the call that was made in the preamble for uniform guarantees and protection for migrant workers and their families and the reference to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which should be removed. Referring to the operative part, he considered that the reference to freedom of association should be omitted. He agreed with previous speakers that the financial implications of the resolution raised difficulties in relation to the allocation of resources. Although he supported the resolution, its text would need amending.

179. The Workers' Vice-Chairman announced that his group would not submit amendments to the draft resolution. He noted that none of the members of the Committee denied the resolution's importance and that there therefore appeared to be a consensus that it was appropriate. The issue was now to produce a text which could be adopted. He systematically reviewed the comments and objections raised during the general discussion and indicated that on many points the Workers' group was willing to consider revising some of the terms or expressions in question. Regarding the financial implications of the resolution, he stated that the Committee's role was to provide policy guidance and that this matter had not been raised when the first resolution had been adopted, despite the fact that it, as any other resolution, had such implications. The Committee's terms of reference should not be confused with those of the Programme, Finance and Administration Committee of the Governing Body. With reference to the proposal that the Committee on Discrimination deal with questions relating to migrant workers, he noted that the idea was not new and that there were already precedents. The convening of a tripartite advisory meeting was justified so that the experts could provide guidance on future ILO policies. Operative paragraph 2(h) could be re-examined taking into consideration the views expressed during the general discussion. As regards the inclusion of the issue of migrant workers on the agenda of a forthcoming session of the Conference, the Worker's group was not specifically advocating the formulation of new standards. There were already many standards, although in many cases they had received few ratifications. The examination of the issue by the Conference could take other forms, for example it could be covered by the Director-General's Report, or by a general discussion.

Consideration of amendments

180. Eighty-four amendments, numbered from D.30 to D.113, were submitted for examination.

Amendment to the preamble

181. The Committee adopted the title and paragraph 1 of the preamble of the resolution without amendment.

182. Amendment D.68, submitted by the Government members of Germany, the United Kingdom and the United States, sought to replace paragraph 2 by the following text: "Noting the standards embodied in the relevant ILO Conventions, including the Migration for Employment Convention (Revised), 1949 (No. 97), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and in the accompanying Recommendations,".

183. Introducing the amendment, the Government member of the United Kingdom made the general observation that, although a large number of amendments had been submitted by various members of the Committee, their purpose was not to impede the adoption of the resolution, but rather to remove difficulties from the text and to make it more focused and streamlined. The purpose of amendment D.68 was to take into account the fact that ILO member States were not under any obligation to ratify Conventions. They were obliged, however, to have regard to the standards embodied in international labour Conventions, not all of which were widely accepted or ratified.

184. The Workers' Vice-Chairman wondered what problems the members of the Committee could find in noting Conventions which had been adopted by the Conference. It was important to retain the reference in the paragraph to all five Conventions referred to therein. In order to accommodate the difficulties of some of the members of the Committee, he indicated that the Workers' group could accept the replacement of the phrase "Noting the protection guaranteed by", by the words "Noting the standards embodied in", as set out in amendment D.68.

185. The Government member of Australia informed the Committee that an exhaustive examination had been carried out of ILO Conventions in his country, and that three of five Conventions listed in the text of the original paragraph were among those which his country would be unlikely to ratify. However, he could accept the wording put forward by the previous speaker.

186. The Government member of the United Kingdom, while supporting the wording suggested by the Workers' Vice-Chairman, proposed that the first lines of the paragraph should read: "Noting the standards embodied in the relevant ILO Conventions, including", followed by the list of the five Conventions contained in the original text.

187. The Government member of Belgium, who had submitted amendment D.46, which referred to the same paragraph, stated that in his view the original paragraph went too far in its references to Conventions. A large number of countries had not ratified Conventions Nos. 118, 143 or 157, including his own country. Conventions Nos. 97 and 111 were, however, more closely related to the subject-matter covered in the draft resolution, as were the corresponding Recommendations. Reference to these instruments should therefore be retained.

188. In response to a question by the Workers' Vice-Chairman and a number of government members, the Chairman ruled that where a number of amendments had been submitted to the same paragraph, the Committee would consider them one at a time. If an amendment to replace or delete a paragraph were adopted, the remaining amendments to the paragraph in question would be dropped on the grounds that the Committee would not wish to call into question a decision that it had only just made.

189. Amendment D.68, as sub-amended by the Government member of the United Kingdom, was adopted. As a result, amendment D.46, submitted by the Government member of Belgium, fell.

190. Amendment D.49, submitted by the Government member of France and seconded by the Employers' Vice-Chairman, sought to replace, in the first line of paragraph 3, the word "Endorsing" by the word "Noting".

191. Introducing the amendment, the Government member of France explained the most of the members of the Committee had not been present at the Eleventh Asian Regional Conference in Bangkok in 1991 when the resolution referred to in the text had been adopted. It was not the role of the Committee to "endorse" a resolution adopted by an ILO regional conference. Moreover, the resolution in question gave some of the members of the Committee a number of difficulties.

192. The Employers' Vice-Chairman said that some of the members of his group who had been present at the Asian Regional Conference strongly disagreed with a number of provisions of the resolution that had been adopted there. Although he understood that the Governing Body had taken note of the resolution in question and had called for it to be circulated to employers' and workers' organisations, he was very much opposed to this Committee doing more than "noting" the text concerned.

193. Amendment D.49, which was identical to amendment D.61 submitted by the government member of the United States and amendment D.83 submitted by the Employers' group, was adopted.

194. Amendment D.48, submitted by the Government member of Nigeria, sought to add to the end of paragraph 3 the words "and the resolution on African migrant workers adopted by the 15th OAU Labour Commission in Addis Ababa, 11 to 16 May, 1992.".

195. In the absence of its author the amendment was seconded and moved by the Government member of the United Kingdom. Following a number of observations to the effect that the members of the Committee were unaware of the contents of the resolution in question, amendment D.48 was not adopted.

196. Amendment D.69, submitted by the Government members of Germany, the United Kingdom and the United States, sought to replace paragraph 4 by the following text: "Recalling previous relevant resolutions concerning migrant workers adopted by the Conference in 1967 and 1971.".

197. Introducing the amendment, the Government member of the United Kingdom said that the purpose of the amendment was once again to make the resolution shorter and more focused.

198. The Workers' Vice-Chairman agreed to support the amendment on the understanding that its underlying purpose was brevity.

199. The Employers' Vice-Chairman also supported the amendment and as a consequence withdrew amendment D.84, which had addressed the same paragraph.

200. Amendment D.69 was adopted.

201. Amendment D.70, submitted by the government members of the United Kingdom and the United States, sought to delete paragraph 6.

202. Introducing the amendment, the Government member of the United Kingdom noted that her delegation had a number of problems with the present paragraph. In the first place, she doubted that States were able to create employment directly. She also questioned the use of the term "countries of emigration" and had difficulties in accepting the phrase "the need to migrate".

203. The Workers' Vice-Chairman felt that the present paragraph went to the root of the problem. Although his group could accept a different wording for the original text, it rejected the present amendment and wondered whether amendment D.85 might be acceptable.

204. The Government member of the United States pointed to the words "underlining the importance of" as a source of concern to her delegation. She would be more prepared to accept a term such as "noting".

205. Having received assurances from both Vice-Chairmen of a willingness to discuss amendment D.85, the Government member of the United Kingdom withdrew amendment D.70.

206. Amendment D.85, submitted by the Employers' group, sought to add at the end of paragraph 6 the words "and to ensure that international migration takes place under conditions designed to promote full, productive and freely chosen employment.".

207. Introducing the amendment, the Employers' Vice-Chairman explained that in the view of his group the current text of the paragraph needed com-

pleting. They had therefore proposed an addition which included language from the Employment Policy Convention, 1964 (No. 122).

208. The Government member of the Netherlands proposed to sub-amend the text by replacing the words "Underlining the importance of" by the word "Noting".

209. Amendment D.85 was adopted as sub-amended.

210. Amendment D.71, submitted by the Government member of the Netherlands, the United Kingdom and the United States, sought to replace paragraph 7 by the following text: "Considering that with increased economic and labour market integration, countries should consider questions relating to migrant workers and may need to cooperate in tackling any problems;"

211. Introducing the amendment, the Government member of the United Kingdom noted that although she could accept the underlying idea in the original text of increased integration and appropriate cooperation, she had some difficulties with the language used. In particular, the word "interdependence" was rather strong, and she was not convinced that the word "necessitates" was appropriate. Individual countries had a right to formulate and adopt their own policies, which might well differ from those of other countries. In order to accommodate other views, she proposed to sub-amend the amendment by adding the words "more effectively" after the words "to cooperate".

212. The Workers' Vice-Chairman, although not opposed to clarifying the original text, explained that the term "interdependence" was broader than "integration" and denoted, not the formal links signified by integration, but a *de facto* linkage between economies and societies. The use of the term "integration" in this context indicated more binding institutional arrangements.

213. The Employers' Vice-Chairman drew the attention of the Committee to the language used in the amendment which his group had submitted to the same paragraph and which sought to avoid the term "interdependence". After a brief discussion in which a number of Government members expressed their support for the language used in the amendment submitted by the Employers' group, the Employers' Vice-Chairman proposed to sub-amend amendment D.71 to read as follows: "Considering that with increasing economic integration and the movement of workers between countries, countries should consider questions relating to migrant workers and may need to cooperate more effectively in tackling any problems,".

214. Amendment D.71 was adopted as sub-amended by the Employers' Vice-Chairman. As a consequence, amendment D.86 submitted by the Employers' group and amendment D.101 submitted by the Government members of Belgium, Germany, Switzerland, the United Kingdom and the United States, which addressed the same paragraph, both fell.

215. Amendment D.102, submitted by the Government members of Germany, Switzerland and the United Kingdom, sought to delete paragraph 8.

216. Introducing the amendment, the Government member of the United Kingdom explained that the original text was extremely negative. The authors of the amendment believed that it was better to delete the negative references from this part of the resolution and to place emphasis in the rest of the resolution on the need for fair treatment for migrant workers.

217. The Workers' Vice-Chairman did not agree with the purpose of the amendment. The text, which was almost quoted directly from a report of the Director-General to the Governing Body, referred to problems which were very real and which called for urgent action. However, his group would be willing to improve the wording of the original text.

218. The Government member of the Netherlands expressed a preference for retaining the paragraph and improving its formulation.

219. On the understanding that the Committee would discuss the other amendments submitted to the paragraph, the Government member of the United Kingdom withdrew amendment D.102.

220. Amendment D.62, submitted by the Government member of the United States and seconded by the Government member of Germany, sought to replace paragraph 8 by the following text: "Endorsing the need for international labour standards to be applied uniformly to all workers in all regions and condemning discrimination for migrant workers and their families wherever this occurs,".

221. The Government member of the United States informed the Committee that the purpose behind her amendment was to replace a rather negative text by a more positive wording. The original text had the defect of passing judgement on certain unspecified regions. Moreover, it would be difficult to ensure "uniform guarantees".

222. The Workers' Vice-Chairman once again expressed a preference for retaining the original wording of the paragraph.

223. The Employers' Vice-Chairman preferred amendment D.72, which also addressed paragraph 8.

224. The Government member of the Netherlands also found the proposed wording contained in amendment D.72 to be more appropriate.

225. The Government member of the United States withdrew amendment D.62 in favour of amendment D.72.

226. Amendment D.72, submitted by the Government members of Germany, the United Kingdom and the United States, sought to replace paragraph 8 by the following text: "Reaffirming the need for fair treatment of all workers, including migrant workers, and condemning discrimination against migrant workers and their families wherever this occurs,".

227. The Government member of Germany, introducing the amendment, stated that the original text of paragraph 8 was very negative in tone. Moreover, the situation referred to in the original text existed only in certain countries and it was therefore inappropriate to make a general comment on it. The proposed amendment attempted to set out a more positive approach.

228. After an exchange of views between several members of the Committee, the sponsors of amendment D.72 agreed to withdraw it in favour of amendment D.87.

229. Amendment D.87, submitted by the Employers' group, also addressed paragraph 8, in which it proposed to: (i) replace, in the first line, the word "Deploring", by the word "Concerned"; (ii) replace, in the first line, the word "regions" by the words "countries may"; (iii) replace, in the second and third lines, the words "international labour" by the words "relevant ILO"; (iv) replace, in the fifth line, the word "those" by the word "such"; (v) replace, in the sixth line, the words "ensure uniform guarantees and" by the word "extend"; and (vi) add, at the end of the paragraph, the work "everywhere".

230. The Workers' Vice-Chairman, believed that the text could be acceptable to his group if it were sub-amended to read as follows: "Concerned that migration can embody practices which are not in keeping with the principles embodied in relevant ILO standards and considering that there is need to ensure that the conditions of recruitment and employment of migrant workers are in line with those principles,".

231. The Employers' Vice-Chairman supported the above sub-amended text.

232. Amendment D.87, as sub-amended by the Workers' Vice-Chairman, was adopted.

233. Amendment D.32, submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, which also addressed paragraph 8, was withdrawn by its authors.

234. Amendment D.33, submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, sought to replace paragraph 9 by the following text: "Expressing concern about the discrimination in employment to which migrant workers are often exposed,".

235. Introducing the amendment, the Government member of Kuwait said that the original text included much strong language, such as the terms "condemning", "racism" and "xenophobia", which were less appropriate than a mention of discrimination. He referred to various definitions of these terms and noted that the Gulf States were among one of the main areas of labour-receiving countries in that part of the region and did not allow practices such as those referred to in the original text. Their labour laws protected the labour relations and rights of migrant workers. Moreover, in the event of disputes, migrant workers were entitled to seek remedies from appropriate courts.

236. The Government member of Turkey expressed some difficulties in accepting that the text proposed in amendment D.33 was indeed an amendment to paragraph 9, since its text and contents were completely different from the original. It could not therefore be regarded as an amendment.

237. The Workers' Vice-Chairman, although sympathising with the views expressed by the previous speaker, wondered whether both the original text and the wording proposed in the amendment could not be combined. He also noted that the concepts of "racism" and "xenophobia" were very clear. The original text did not specify where these phenomena occurred, but it was well known that migrant workers were often exposed to them.

238. The Government member of Germany agreed that amendment D.33 introduced a totally new idea. He noted that to a very large extent the treatment of migrant workers was free of discrimination in employment and that the only difference between migrant and national workers was the need for a work permit. He could not therefore accept the amendment as it stood.

239. The Employers' Vice-Chairman explained that his group had certain difficulties with the text of paragraph 9 and did not believe that the term "xenophobia" was very widely understood.

240. The Government member of the Netherlands expressed reservations concerning the manner in which the terms "racism" and "xenophobia" were employed in the original text. The paragraph should express concern about acts of discrimination based on racism and xenophobia.

241. The Government member of Pakistan agreed with the previous speaker that the paragraph should refer to discrimination against migrant workers. The two terms contained in the original text, namely, "racism" and "xenophobia", although different from discriminations, also referred to important problems. The final wording of the text should, therefore, combine the two ideas. He also confirmed that the terms "racism" and "xenophobia" were in common use in the United Nations system and stated that it was important to condemn them.

242. The Government members of the United Arab Emirates and Qatar reaffirmed their objections to the use of the term "condemning", which should only be employed after investigations had been undertaken to ascertain whether such practices occurred. They also objected to the use of the terms "racism" and "xenophobia".

243. The Government member of the Syrian Arab Republic suggested that the text should condemn any attempts related to racism and xenophobia encountered by migrant workers.

244. The Government member of the Philippines believed that the ideas expressed in both the original text and the proposed amendment could be combined. The terms "racism" and "xenophobia" were accepted United Nations phraseology, although she would be able to support a change in the term "condemning" in the spirit of compromise.

245. After a number of variations on the wording of the amendment had been suggested, the Employers' Vice-Chaiman proposed to sub-amend it to read as follows: "Expressing concern about acts of racism and xenophobia and the discrimination in employment to which migrant workers may sometimes be exposed,".

246. The Government member of Denmark reaffirmed that racism and xenophobia occurred frequently and needed to be condemned at every opportunity.

247. The Government member of the United Arab Emirates supported the proposal made by the Employers' Vice-Chairman.

248. The Government member of Turkey preferred to retain the term "condemning", since any act of racism needed to be condemned.

249. The Government member of the United States agreed that the terms "racism" and "xenophobia" were used in the United Nations system to denote phenomena which existed throughout the world and should be condemned.

250. The Workers' Vice-Chairman expressed deep concern that members of the Committee found it difficult to condemn such practices as racism and xenophobia. The Workers' group could not accept a weakening of the text in the manner proposed. He called for a vote on the amendment.

251. Amendment D.33, as sub-amended by the Employers' Vice-Chairman, was put to a vote by show of hands. There were 5,985 votes for and 567 votes against. As the total number of votes exceeded the required quorum of 6,048, amendment D.33, as sub-amended, was adopted.

252. As a result of the adoption of amendment D.33, as sub-amended, amendment D.30 submitted by the Government member of Turkey and amendment D.103 submitted by the Government members of Belgium, Germany, the Netherlands and Switzerland, which addressed the same paragraph, both fell.

253. Amendment D.73, submitted by the Government members of the United Kingdom and the United States, sought to delete paragraph 10.

254. Introducing the amendment, the Government member of the United Kingdom described the original paragraph as very negative in tone. Its wording did not convey a fair description of the problem and did not recognise that migration was sometimes illegal and that sanctions needed to be taken against illegal migrant workers as well as those who employed and recruited them. The whole question of illegal migration was an area in which it would be very difficult for the ILO to achieve any direct results. However, in response to a suggestion by the Workers' Vice-Chairman, she agreed to withdraw amendment D.73 on the understanding that a more acceptable text could be negotiated on the basis of D.88.

255. Amendment D.88, submitted by the Employers' group, sought in paragraph 10: (i) to replace the word "suppliers" by the words "labour recruiting agents in sending countries"; (ii) to replace the word "users" by the word "employers"; and (iii) to replace the word "labour" with the words "migrant workers".

256. Introducing the amendment, the Employers' Vice-Chairman explained that its purpose was to propose language that was appropriate to the ILO without diminishing the fact that effective means were needed to combat the problem in question.

257. The Government member of the United Kingdom proposed to sub-amend the amendment to read as follows: "Calling for effective means to eliminate illegal migration, including through measures against labour recruiting agencies, intermediaries and employers of illegal migrant workers,"

258. The Government member of Nigeria proposed to add to the above text, after the words "including through", the word "effective".

259. The Workers' Vice-Chairman further sub-amended the above text by adding the words "for employment", so that the paragraph would read as follows: "Calling for effective means to eliminate illegal migration for employment, including through effective measures against labour recruiting agents, intermediaries and employers of illegal migrant workers,".

260. Amendment D.88, as sub-amended, was adopted. As a result, amendment D.34, submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, which addressed the same paragraph, fell.

261. Amendment D.74, submitted by the Government members of Germany, the United Kingdom and the United States, sought to replace paragraph 11 by the following text: "Convinced that the ILO has an important and valuable role to play in international efforts, including those of the United Nations system, concerning the welfare of migrant workers and their families,".

262. Introducing the amendment, the Government member of Germany noted that the first part of the original text of the paragraph exaggerated the role that the ILO would be called upon to play in the United Nations system in this context and might have the effect of restricting initiatives by other United Nations agencies. The second part of the original text referred to persons displaced by hostilities rather than migrant workers. Those displaced by hostilities were more properly covered by the mandate of the United Nations High Commissioner for Refugees. ILO action in this respect should be confined to migrant workers and their families.

263. The Workers' Vice-Chairman explained that his group could support the proposed amendment provided that the words "and the fundamental rights of all" were included before the words "migrant workers", and if the words "including those displaced by hostilities" were added at the end of the paragraph.

264. In response, the Government member of Germany was prepared to accept the first part of the above sub-amendment, but not the second, which was totally unacceptable. It was not the place of the text before the Committee to define why migrant workers had left their countries of origin. He repeated that ILO action should be for all migrant workers and should not be confined to certain categories of them.

265. The Employers' Vice-Chairman also supported the first part of the sub-amendment proposed by the Workers' Vice-Chairman, but not the inclusion of the reference to migrant workers displaced by hostilities.

266. The Government member of Denmark noted that if all migrant workers were covered by the resolution, then those displaced by hostilities were in-

cluded whether or not they were mentioned specifically.

267. The Workers' Vice-Chairman explained that there had been a misunderstanding and that the words "those displaced by hostilities" were intended to refer to workers who already had migrated for employment and had been forced to leave the receiving countries as a result of hostilities. However, his group would be prepared to accept the text as sub-amended to read: "Convinced that the ILO has an important and valuable role to play in international efforts, including those of the United Nations system, concerning the welfare and the fundamental rights of all migrant workers and their families;".

268. The Government member of Pakistan believed that the purpose behind the original text of the paragraph was to promote the welfare of migrant workers displaced by hostilities. Although the UNHCR was clearly responsible for looking after refugees, the rehabilitation of workers and the provision of long-term assistance to them lay within the mandate of the ILO.

269. Amendment D.74, as sub-amended, was adopted. As a result, amendment D.50 submitted by the Government member of France, amendment D.89 submitted by the Employers' group and amendment D.104 submitted by the Government members of Germany, Italy, the Netherlands and Switzerland, which addressed the same paragraph, all fell.

270. Amendment D.75, submitted by the Government members of Germany, the Netherlands, the United Kingdom and the United States, sought to replace paragraph 12 by the following text: "stressing the need for employers' and workers' organisations to be associated where appropriate in the work of nationals, regional and international bodies concerned with questions affecting migrant workers and members of their families;".

271. Introducing the amendment, the Government member of the Netherlands said that its purpose was to make it clear that employers' and workers' organisations should only be associated with the work in question where appropriate.

272. The Workers' Vice-Chairman agreed to accept the amendment if the words "where appropriate" could be replaced by the words "wherever relevant".

273. Amendment D.75, as sub-amended, was adopted. As a result, amendment D.90 submitted by the Employers' group, amendment D.105 submitted by the Government members of Germany, the Netherlands, Switzerland and the United States, and amendment D.55 submitted by the Government members of Italy, the Netherlands and the United Kingdom, which addressed the same paragraph, all fell.

274. The preamble, as amended, was adopted.

Amendments to the operative part

275. Amendment D.35, submitted by the Government members of Bahrain, Kuwait, Quatar, Saudi Arabia and the United Arab Emirates, sought to replace, in paragraph 1(a), the words "to take all", by the words "to consider the possibility of taking".

276. Introducing the amendment, the Government member of the United Arab Emirates said that its purpose was to remove the obligatory nature of the paragraph. He emphasised that the terms and conditions of employment of migrant workers were related essentially to their wages and the legal framework of their employment. He also noted that migration for employment was often of a temporary nature. It would also be more appropriate for the text to be confined to mentioning the ILO instruments which were relevant to migrant workers.

277. The Workers' Vice-Chairman proposed to sub-amend amendment D.35 by replacing the words "to consider the possibility of taking" by the words "to take all appropriate".

278. Amendment D.35 was adopted as sub-amended.

279. Amendment D.63, which proposed a similar change to paragraph 1(a), was withdrawn by the Government member of the United States.

280. Amendment D.44, submitted by the Government members of Belgium and Italy, sought to make one change which affected only the French text and to add, after the words "provisions of" in the last line, the word "certain".

281. Introducing the amendment, the Government member of Belgium said that the text should refer only to the relevant ILO Conventions.

282. In response, the Workers' Vice-Chairman proposed to sub-amend the text by adding the word "the" before the words "relevant ILO instruments".

283. Amendment D.44, as sub-amended, was adopted.

284. Amendment D.76, submitted by the Government members of Germany, the Netherlands, Switzerland and the United Kingdom, sought to delete Operative paragraph 1(b).

285. Introducing the amendment, the Government member of Germany explained that the original text was particularly unacceptable for a number of reasons. It called upon member States to ratify and implement fully a series of ILO Conventions as well as the International Convention and the Protection of the Rights of All Migrant Workers and Members of Their Families. He reaffirmed that governments took very seriously their obligations under articles 19 and 22 of the Constitution to examine the instruments adopted by the International Labour Conference and to consider and review periodically the question of their ratification. However, some of the instruments referred to in the paragraph were relatively old and had received very few ratifications. It was not therefore appropriate for the resolution to seek to influence the manner in which governments carried out their obligations under the ILO Constitution. With regard to the international Convention on migrant workers, he emphasised that it was totally unacceptable to his Government and that any reference to it in the text of the resolution would encounter severe resistance from his and a number of other Government delegations. In response to a suggestion by the Workers' Vice-Chairman, he stated that al-

onpletely convinced by the text
ient D.64, he would be able to
t D.76 in its favour.

D.64, submitted by the govern-
United States, and seconded by
e-Chairman, sought to replace
ne following text: "to consider
nt ILO Conventions concerning
workers and their families;".

D.64 was adopted. As a result,
ubmitted by the Government
amendment D.36 submitted by
mbers of Bahrain, Kuwait, Qa-
l the United Arab Emirates, and
ubmitted by the Employers'
sed the same paragraph, all fell.

D.106, submitted by the Govern-
ermany and Switzerland, sought
1(c) by the following text: "to
in the field of international as-
o eradicate migrationary pres-

ne amendment, the Government
raised concerns similar to those
d in relation to paragraph 1(b).
entirely clear how Convention
ntrolling migrationary pressures.
policies in many other areas
olicy could be effective in this
proposed text left the possibility
ange of measures that could be
ration with other organisations.

' Vice-Chairman said that the
be acceptable to his group if it
y the addition at the beginning
words "to pursue actively pol-
tive and freely chosen employ-

ne Government member of Ger-
the replacement of a reference
ention No. 122 by some of its
eptable.

yers' Vice-Chairman, although
p had been prepared to accept
its original form, in the spirit of
d to sub-amend it to read: "to
onal measures and to cooperate
d of international assistance, de-
nigrationary pressures:".

D.106, as sub-amended, was

) was adopted without amend-

D.37, submitted by the Govern-
Bahrain, Kuwait, Qatar, Saudi
ed Arab Emirates, sought to de-

ne amendment, the Government
explained that the terms "all
d xenophobia" were unaccept-
odes in the countries of those
dment made no distinction with-
orkers; the religious practices in

those countries required all concerned to refrain from making any discrimination. Although there would always be isolated acts of racism, the manner of approaching the problem should not be through the formulation and strict application of rigid rule, but rather through undertaking studies and surveys at the workplace and through information campaigns. These latter measures were likely to be more effetive than those called for in the original text. In the Gulf States, many migrant workers stayed for a very long time. They suffered no discrimination based on unfair treatment. In response to a suggestion by the Workers' Vice-Chairman that amendment D.92 would be a more suitable basis for a compromise text, the Government member of Kuwait agreed to withdraw amendment D.37.

297. Amendment D.92, submitted by the Employers' group, sought to replace in paragraph 1(e) the words "formulate and apply strictly laws and regulations", with the words "take appropriate action", and to replace the words "racism and xenophobia", with the words "discrimination against migrant workers".

298. Introducing the amendment, the Employers' Vice-Chairman said that his group was not convinced that the mere formulation and application of laws was the correct manner of changing attitudes. The proposed wording covered all forms of action. The reference to discrimination also covered all forms of discrimination against migrant workers and not only racism and xenophobia.

299. The Workers' Vice-Chairman proposed to sub-amend amendment D.92 to read as follows: "to formulate and apply relevant legislative and other action to prevent all acts of racism and xenophobia against migrant workers, and to intensify information and educational activities to this end;".

300. The Government member of the United Kingdom found the above formulation acceptable, but preferred to use the term "combat", rather than "prevent".

301. The Employers' Vice-Chairman proposed a further sub-amendment, so that the first phrase would read "to take appropriate action, which may include legislation, to combat".

302. The Government member of the Netherlands, in supporting the above sub-amendments, withdrew amendment D.107.

303. The Government member of Turkey, who also supported the above sub-amendments, withdrew amendment D.31.

304. The Government member of the United Arab Emirates also agreed with the proposed text.

305. Amendment D.92 was adopted as sub-amended to read: "to take appropriate action, which may include legislation, to combat all acts of racism and xenophobia against migrant workers, and to intensify information and educational activities to this end;".

306. Amendment D.77, submitted by the Goverment members of Germany, the Netherlands and the United Kingdom, sought to replace paragraph 1(f) by the following text: "to ensure that migrant workers

have access to information on their rights, including where appropriate in their own languages;".

307. Introducing the amendment, the Government member of the United Kingdom explained that its purpose was to emphasise that information on the rights of migrant workers should not only be available, but should also be accessible to those concerned. It should also be in a language that they understood.

308. The Workers' Vice-Chairman proposed to replace the words "where appropriate", by the words "where necessary".

309. Amendment D.77, as sub-amended by the Workers' Vice-Chairman, was adopted. As a result, amendment D.38 submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, amendment D.108 submitted by the Government members of Belgium, Germany, the Netherlands, Switzerland and the United States, amendment D.45 submitted by the Government members of Belgium and Italy and amendment D.93 submitted by the Employers' group, which addressed the same paragraph, all fell.

310. Amendment D.94, submitted by the Employers' group, sought in paragraph 1(g) to: (i) replace the words "ensure the involvement" in the first line, with the word "consult"; (ii) delete the words "and implementation" in the second and third lines; and (iii) replace in the third to last lines the words "regarding the recruitment, employment, working conditions and integration of migrant workers", by the words "designed to protect migrant workers and their families".

311. Introducing the amendment, the Employers' Vice-Chairman explained that his group's difficulty with the original text concerned the expression "ensure the involvement of workers' and employers' organisations" in the formulation and implementation of all the policies concerned. His group proposed that it was more appropriate for the organisations concerned to be consulted on these matters. Moreover, they doubted whether it was correct to speak of their "involvement" in the implementation of such policies. The proposed amendment had the merit of broadening the scope of the paragraph.

312. In response, the Workers' Vice-Chairman proposed to sub-amend amendment D.94 to read as follows: "to involve through apropriate means workers' and employers' organisations in the formulation and the monitoring of the effects of policies which cover recruitment, employment and the working conditions of migrant workers".

313. The Employers' Vice-Chairman noted that the word "implementation" had been replaced by the phrase "monitoring the effects of", and could accordingly support the proposed wording.

314. Amendment D.94, as sub-amended by the Workers' Vice-Chairman, was adopted. As a consequence, amendment D.39 submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates and amendment D.109 submitted by the Government members of Germany, Switzerland and the United States, which addressed the same paragraph, both fell.

315. Operative paragraph 1 was adopted as amended.

316. Amendment D.56, submitted by the Government members of Canada, Germany, Italy, the Netherlands and the United Kingdom, sought to replace paragraph 2(a) by the following text: "to make appropriate provisions in his programme and budget proposals for the 1994-95 biennium for activities for the protection of the rights of migrant workers".

317. Introducing the amendment, the government member of the United Kingdom said that the authors of the amendment had found that the original paragraph tended to prejudge the positions that could be taken by the Director-General and the Governing Body in the allocation of resources in the programme and budget proposals for 1994-95. It also included terms, such as "due", "increased" and "commensurate" which tended to prejudge the action that was called for.

318. The Workers' Vice-Chairman noted that he had listened carefully to the concerns expressed on this point in the general discussion of the resolution and therefore proposed to sub-amend amendment D.56 to read as follows: "to make the necessary provisions in his programme and budget proposals for the 1994-95 biennium for activities which can adequately address the need for the protection and promotion of migrant workers' rights;".

319. While welcoming the above wording, the Government member of the United Kingdom proposed to delete the word "adequately".

320. In response, the Workers' Vice-Chairman proposed to replace the word "adequately" by the word "appropriately".

321. Amendment D.56, as sub-amended by the Workers' Vice-Chairman, was adopted. As a result, amendment D.65 submitted by the Government member of the United States, D.78 submitted by the Government members of Germany, the Netherlands and the United Kingdom, D.51 submitted by the Government member of France, D.95 submitted by the Employers' group and D.110 submitted by the Government members of Germany, the Netherlands and Switzerland, which addressed the same paragraph, all fell.

322. Amendment D.40, submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, and amendment D.52, submitted by the Government members of Belgium, France, Germany, Italy, the Netherlands, Switzerland, the United Kingdom and the United States, both sought to delete paragraph 2(b).

323. Introducing amendment D.40, the Government member of the United Arab Emirates explained that its purpose was to reduce the financial burdens on the ILO budget, which was now established on the basis of zero growth.

324. The Government member of Germany, introducing amendment D.52, agreed with the previous speaker and added that he entertained serious doubts that the issue of migrant workers should be turned into an institutional part of the terms of reference of the Governing Body Committee on Discrimination. He noted that the Conference Committee on

the Application of Standards and the ILO supervisory machinery were entirely competent in matters pertaining to the application of international labour standards and the proposed action by the Committee on Discrimination would tend to duplicate their activities.

325. The Workers' Vice-Chairman emphasised that the original paragraph did not call for an increase in expenditure by the ILO. He expressed the readiness of his group to discuss the contents of amendment D.96, if their authors were prepared to withdraw amendments D.40 and D.52.

326. The Government member of Germany, taking into account the assurance given by the previous speaker, withdrew amendment D.52.

327. The Government member of the United Arab Emirates withdrew amendment D.40 under the same understanding.

328. Amendment D.96, submitted by the Employers' group, sought to replace in paragraph 2(b) the words following "Governing Body" by the words "a report on the conditions of migrant workers, and to make proposals regarding any appropriate action that may need to be taken where these are not in conformity with ILO instruments;".

329. Introducing the amendment, the Employers' Vice-Chairman explained that many of the reasons described by the previous speakers applied to amendment D.96.

330. The Workers' Vice-Chairman, in response to the concerns voiced by the Government member of Germany, proposed to subamend amendment D.96 to read as follows: "to present to an early session of the Governing Body a report on the conditions of migrant workers, to make proposal regarding any appropriate action to be taken when these are not in conformity with the principles embodies in relevant ILO instrument, and to keep the Governing Body informed at regular intervals on matters pertaining to these issues;".

331. The Employers' Vice-Chairman said that his group was prepared to agree to the above text if it met with the approval of the rest of the Committee.

332. Amendment D.96, as subamended by the Workers' Vice-Chairman, was adopted.

333. Amendment D.41, submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, and amendment D.53, submitted by the Government member of Canada, France, Germany, Italy and the Netherlands, both sought to delete paragraph 2(c).

334. Introducing amendment D.41, the Government member of the United Arab Emirates explained that it had been inspired by the same reasons as amendment D.40.

335. The Workers' Vice-Chairman proposed that it might be more productive for the Committee to base its discussions on amendment D.111. He therefore called for their authors to withdraw amendments D.41 and D.53 on the understanding that their concerns would be noted in a text based on amendment D.111.

336. The Government member of Germany withdrew amendment. D.53.

337. The Government member of the United Arab Emirates withdrew amendment D.41.

338. Amendment D.111, submitted by the Government members of Germany, the Netherlands and Switzerland, sought to replace paragraphs 2(c), (f) and (g) by the following text: "2(c) to continue the ILO's dialogue with the other international institutions concerned and to intensify cooperation with these institutions on matters affecting migrant workers to provide guidance on future policies and activities in this field;".

339. Introducing the amendment, the Government member of Germany said that one of the principle reasons for seeking a change in the original text of paragraph 2(c) was that it called for another large meeting to be convened on the subject of migrant workers. Many such meetings had been held and were continuing to be held, and he doubted the utility of convening another. The proposed wording placed emphasis on the continuation of the ILO's dialogue and cooperation with other international institutions.

340. The Workers' Vice-Chairman saw the merits of combining the ideas contained in various paragraphs. However, the original text of paragraphs 2(f) and (g) had contained some important ideas which should be retained. He proposed to subamend amendment D.111 to read as follows: "to intensify ILO cooperation with other international institutions concerned on policies affecting migrant workers, including social and economic policies and employment creation in all countries, and to provide guidance for this by convening at an early date an ad hoc tripartite advisory meeting of representatives from both sending and receiving countries, as well as the relevant international institutions;".

341. The Government member of the Netherlands was prepared to accept the above wording with the addition of the phrase "including the International Organisation for Migration". However, he doubted that the meeting proposed in the second part of the suggested paragraph would be successful. Reference to such a meeting should therefore be deleted.

342. The Government members of Germany and Italy supported the above speaker. The Government member of Germany added that an idea expressed in amendment D.111 had been omitted from the proposed new wording; the ILO was already undertaking good work in this context which should be continued. He therefore suggested that the paragraph should commence with the phrase "to continue and where appropriate to intensify".

343. The Employers' Vice-Chairman expressed concern about the meeting referred to in the second part of the wording proposed by the Workers' Vice-Chairman. If the meeting was similar in intent to the World Employment Programme, his group was opposed to it.

344. In order to take into account the concerns voiced by the previous speaker, the Workers' Vice-Chairman proposed that the second part of the paragraph shoud read: "and to consider appropriate

measures to provide the necessary tripartite guidance for the ILO input in this area".

345. Amendment D.111, as subamended, was adopted. Paragraph 2(c) therefore read as follows: "to continue and where appropriate intensify ILO cooperation with other international institutions concerned, including the International Organisation for Migration (IOM), on policies affecting migrant workers, including social and economic policies and employment creation in all countries, and to consider appropriate measures to provide the necessary tripartite guidance for the ILO input in this area;".

346. As a result, amendment D.97 submitted by the Employers' group, which also addressed paragraph 2(c), amendment D.58 submitted by the Government members of Germany, Italy, the Netherlands and the United Kingdom, amendment D.67 submitted by the Government member of the United States, and amendment D.80 submitted by the Government members of Germany, the Netherlands and the United Kingdom, which all addressed paragraph 2(f), and amendment D.81 submitted by the Government members of the Netherlands and the United Kingdom, which addressed paragraph 2(g), all fell.

347. Amendment D.57, submitted by the Government members of Italy, the Netherlands and the United Kingdom, sought to delete paragraph 2(d).

348. Introducing the amendment, the Government member of the United Kingdom said that it was motivated by many of the considerations underlying the previous amendments that she had proposed. The paragraph in question was prescriptive in tone and called for an increase in the provision of services. However, she withdrew the amendment on the understanding that a compromise text could be negotiated on the basis of amendment D.79.

349. Amendment D.79, submitted by the Government members of the Netherlands and the United Kingdom, sought to replace paragraph 2(d) by the following text: "to provide advisory services, monitoring and technical cooperation on migration issues, with the aim of helping governments and, where appropriate, employers' and workers' organisations to devise and apply effectively regulations to protect the rights and policies to promote the welfare of migrant workers;".

350. Introducing the amendment, the Government member of the Netherlands said that its purpose was to streamline the original paragraph. Moreover, advisory services should be given when asked for and where appropriate.

351. The Workers' Vice-Chairman was prepared to accept amendment D.79 if the word "adequate" could be added before the words "advisory services".

352. The Employers' Vice-Chairman drew attention to a problem area for his group to which he had alluded previously in the discussion, namely language which called upon employers' and workers' organisations to be involved in devising and applying regulations. This language was very similar to the implementation of regulations, which was not the role of employers' and workers' organisations. He therefore proposed to replace the words after "organisations" by the words "to formulate policies to protect the rights of migrant workers and to promote their welfare".

353. The Workers' Vice-Chairman upheld the view that the implementation of policies could also involve workers' and employers' organisations and therefore proposed that the relevant wording should be "to formulate and apply effectively".

354. In reply, the Employers' Vice-Chairman agreed to accept the wording "to formulate and apply effectively" provided that it applied only to policies and not to regulations.

355. Amendment D.79, as subamended, was adopted. The paragraph now read as follows: "to provide adequate advisory services, monitoring and technical cooperation on migration issues, with the aim of helping governments and, where appropriate, employers' and workers' organisations to formulate and apply effectively policies to protect the rights of migrant workers and to promote their welfare;". As a result, amendment D.66 submitted by the Government member of the United States, amendment D.98 submitted by the Employers' group, and amendment D.112 submitted by the Government members of Germany and Switzerland, which addressed the same paragraph, all fell.

356. Amendment D.42, submitted by the Government members of Bahrain, Kuwait, Watar, Saudi Arabia and the United Arab Emirates, sought in paragraph 2(e) to delete the words ", and specifically on their right freely to join the trade union of their choice".

357. Introducing the amendment, the Government member of Saudi Arabia emphasised that all the various aspects of the rights of migrant workers were very important, including social security and severance pay. No single right should be singled out in the text of the paragraph. The fact that all the rights concerned were not mentioned meant that the draft resolution was not sufficiently operational.

358. The Workers' Vice-Chairman emphasised that the proposed amendment was completely unacceptable and expressed outrage that any member of the Committee should wish to omit this reference to the right of migrant workers freely to joint the trade union of their choice.

359. The Employers' Vice-Chairman, although stressing that his group was not against the right of workers to join trade unions, wished to point out that the present text did not refer to the right of migrant employers to join associations. He proposed that such a reference should be included in the text, since many employers had also migrated for the purposes of their activity.

360. The Government member of the United Kingdom expressed extreme concern that the Committee was even discussing the idea of taking out of the text of the resolution a reference to freedom of association. However, she could agree with the point made by the Employers' Vice-Chairman.

361. The Workers' Vice-Chairman said that any change in the text would weaken it.

362. The Government member of Denmark, although fully agreeing with the remarks made by the

Workers' Vice-Chairman, felt that a reference to the rights embodied in ILO freedom of association instruments could also be included in the text. He proposed to add at the end of the text the words "as well as other rights of employers and workers embodied in ILO standards on freedom of association".

363. The Government member of the Syrian Arab Republic expressed the view that, since employers who had migrated were in the situation of employing other workers, they were no longer in a weak position and hardly needed protection. Moreover, the original paragraph concerned the promotion and protection of the rights of migrant workers.

364. The Government member of Romania said that he would support a reference to the right of freedom of association and the defence of the rights of migrant workers in the text, which should then cover migrant workers who also became employers.

365. Although expressing a preference for the original text, the Workers' Vice-Chairman proposed to replace the words in the original text "their right freely to joint the trade union of their choice", by the words "their right to freedom of association".

366. Paragraph 2(e), as modified by the subamendment proposed by the Workers' Vice-Chairman, was adopted.

367. Amendment D.59, submitted by the Government members of Germany, Italy, the Netherlands and the United Kingdom, sought to delete paragraph 2(h).

368. Introducing the amendment, the Government member of the Netherlands explained that the paragraph was out of place and that its deletion would make the resolution more concise and would focus it on issues relating only to migrant workers.

369. The Workers' Vice-Chairman expressed the belief that it was important to include a specific and real example that could help in comparable situations in the future. He therefore supported the retention of the paragraph, although his group would be prepared to discuss the proposal contained in amendment D.99.

370. The Government member of Iraq noted that the draft resolution was of a general nature and related to a persistent problem. The ILO had undertaken valuable work for the protection of migrant workers, irrespective of their national origin and the country in which they worked, in accordance with international labour standards. The Gulf conflict had been temporary situation concerning which the United Nations Security Council had adopted resolutions, of which the Compensation Fund was one illustration. Since the resolution was general in scope, he supported the deletion of the paragraph in question.

371. After the Employers' Vice-Chairman had expressed a preference for retaining the paragraph with the changes put forward in amendment D.99, the Government member of the United Kingdom noted that amendment D.59 did not enjoy the support of either the Employers' or the Workers' group and therefore withdrew it.

372. Amendment D.99, submitted by the Employers' group, sought in paragraph 2(h): (i) to delete the words ", in respect of the particular case of the Gulf conflict,"; (ii) to replace the word "done" by the word "undertaken"; and (iii) to replace in the fifth line the word "conflict" by the words "Gulf conflict of 1990-91".

373. Introducing the amendment, the Employers' Vice-Chairman stated that its purpose was to give more focus to the text. He noted that the Gulf conflict of 1990-91 was an event which had occurred and needed to be taken into account.

374. The Employer member of Kuwait believed that the original paragraph needed to be strengthened. The Government member of Iraq had omitted to mention that his Government had not paid the compensation that was due.

375. Amendment D.99 was adopted.

376. Amendment D.54, submitted by the Government member of France and seconded by the Government member of Germany, sought to delete from paragraph 2(h) the words ", and to make similar provisions in any other such cases as may arise in the future".

377. Introducing the amendment, the Government member of France warned that the present wording of the paragraph might commit the Organisation to activities in the future of which it was impossible to gauge the scope or magnitude.

378. The Workers' Vice-Chairman proposed to replace the words referred to in amendment D.54 by the words "and to draw conclusions from this experience for situations which may arise in the future".

379. Amendment D.54, as subamended by the Workers' Vice-Chairman, was adopted. Paragraph 2(h) was adopted as amended.

380. Amendment D.60, submitted by the Government members of Canada, Italy, the Netherlands, the United Kingdom and the United States, and amendment D.100 submitted by the Employers' group, both sought to delete paragraph 2(i).

381. Introducing amendment D.60, the Government member of Canada emphasised that decisions concerning the items to be included on the agenda of the Conference needed to be taken by the Governing Body in the context of a wide-ranging discussion of all the available options. It served no useful purpose to burden the Governing Body with a proposal for a single item.

382. The Workers' Vice-Chairman prefaced his comments by an expression of irritation that some Government members had sponsored more than one amendment to the same paragraph. He said that there was nothing wrong with proposing to discuss the subject of migrant workers at a future session of the International Labour Conference. Indeed, the suggestion of future items for the Conference was a very normal role for a resolution. The wording of the current text left sufficient flexibility for the subject to be considered in a variety of ways, such as in the Director-General's report. He suggested that the Committee might wish to base its deliberations on amendment D.82. However, he opposed the deletion of the paragraph.

383. Introducing amendment D.100, the Employers' Vice-Chairman said that the concern of his group was that the Governing Body should wait for the Director-General to study the matter in question before considering putting it on the agenda of the Conference. Amendment D.82 responded to these concerns, and he therefore withdrew amendment D.100.

384. The Government member of Denmark emphasised that governments were not a homogeneous group, but that they were very serious in submitting their amendments.

385. The Government member of Canada, noting that neither the Employers' nor the Workers' groups supported the deletion of the paragraph, withdrew amendment D.60.

386. Amendment D.82, submitted by the Government members of Germany and the United Kingdom, sought to replace paragraph 2(i) by the following text: "to continue to examine relevant migration issues and problems, and ways of tackling them, in appropriate fora of the ILO".

387. Introducing the amendment, the Government member of the United Kingdom said that it had been motivated by similar reasons to those expressed by similar reasons to those expressed by the authors of the other amendments to the paragraph. The proposed wording attempted to broaden the text by including the possibility of the examination of the question in other appropriate ILO fora, though it did not rule out the possibility of these including the International Labour Conference.

388. The Workers' Vice-Chairman was prepared to accept the amendment provided that the words "all the" were included before the words "appropriate fora".

389. The Government member of the Syrian Arab Republic suggested that a reference should be made to encouraging governments to adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, in response to the comments of a number of Government members, she withdrew her suggestion.

390. Amendment D. 82, as subamended by the Workers' Vice-Chairman, was adopted. As a consequence, amendment D.43 submitted by the Government members of Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, and amendment D.113 submitted by the Government members of Germany and Switzerland, which addressed the same paragraph, both fell.

391. The Operative part of the resolution was adopted as amended.

Adoption of the resolution

392. The resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families was adopted, as amended, by consensus.

RESOLUTION CONCERNING THE DEVELOPMENT OF DEMOCRACY, THE INTERNATIONALISATION OF THE ECONOMY AND THE PROMOTION OF TRIPARTISM

Presentation of the resolution

393. In presenting the resolution concerning the development of democracy, the internationalisation of the economy and the promotion of tripartism, the personal substitute of the Workers' delegate of Belgium pointed out that his group was the only one to propose a resolution on this subject. Its aim was to reinforce the role of employers' and workers' organisations in the development of democratisation and the internationalisation of the economy. The speaker highlighted four cases: in countries moving to a market economy, employers' and workers' organisations were not yet sufficiently well structured; in the formation of supranational structures in regions outside Europe, the role and impact of employers' and workers' organisations should be taken into account, as it had been in the social model established by agreement between employers and workers in the EEC; structural adjustment at national and international level should take account of social dialogue and tripartism; and employers' and workers' organisations in particular, and tripartism in general, should play an important role in the internationalisation of the economy. In these areas the ILO should take concrete action to reinforce the role of tripartism at national and international level.

General discussion

394. The draft resolution was seconded by the Workers' Vice-Chairman.

395. The Workers' member of Belgium indicated that the draft resolution sought to reinforce tripartism in a totally new context. The new context was characterised by an unprecedented growth in democracy and was one of the greatest challenges of the end of the twentieth century. Frequently, it seemed that the growth of democracy went hand in hand with the application of market liberalism which failed to take into account the role of the social partners. The resolution also emphasised another new challenge that was often ignored: the role of tripartism in the internationalisation of the economy through multinational enterprises on the one hand, and in the internationalisation of financial systems on the other. Even the question of the environment had become internationalised, as demonstrated at the recent United Nations Conference on Environment and Development in Rio de Janeiro. Internationalisation tended to threaten national sovereignty, within which tripartism was exercised. To preserve tripartism, new mechanisms would be needed. In some regions new political and economic groupings were being formed, like that foreseen by the Maastricht agreement, which would exercise sovereignty in economic and social affairs at regional level. At that level tripartism was far from being established and applied. Workers demanded that, in the European Communities under the Maastricht agreement, tripartism should not be limited in any way and the laws of the relevant national legilsation should be respected. Tripartism had to be revitalised

to counterbalance the market liberalism associated with national democratisation and political and economic internationalisation, and it was therefore necessary to take action. Nowhere had trade union rights been offered freely; they had always had to be won. In the light of this, operative paragraph 2 of the resolution asked the ILO to examine: the development since reforms had been introduced in central and eastern Europe; structural adjustment policies in the various continents, and particularly the organisation and representation of groups or activities in the informal sector; the effects of the internationalisation of the economy, the internationalisation of numerous economic and financial operators and the creation of supranational entities; the ways and means of promoting tripartism as well as bipartism through all ILO activities, especially technical cooperation; and the strengthening of the human and financial resources required for the Organisation to assume these crucial tasks. The ILO should be able to play its role fully in all international forums, such as the International Monetary Fund, the World Bank, the OECD, the G-24, the European Communities and the Lomé Convention, to communicate its philosophy of a new revitalised tripartism, adapted to the present time.

396. The Workers' Vice-Chairman informed the Committee that he would discuss the draft resolution with his group and propose amendments.

397. The Workers' member of Lithuania expressed his pleasure at being able to address the Committee on behalf of Lithuanian workers after 52 years of compulsory silence. He noted that the resolution was particularly important for "young" countries like his, which were "young" in the sense of democracy and labour relations. Resolutions adopted by the Conference would serve as guidelines for the development of democratic labour relations and democracy as a whole. In some cases, resolutions of the International Labour Conference and other ILO instruments were the only legal tools available for the development of democracy, as few laws and national practice existed. He supported the resolution on behalf of the workers of Lithuania. However, he asked the Committee members, when submitting amendments to the resolution, that they refrain from using the words "according to national law and practice", for, in the case of Lithuania, this would imply continuing the national practice of the former USSR of the past 52 years, and this could not be called "democratisation".

398. The Employers' Vice-Chairman observed that, at first impression, the resolution appeared to be concerned with theoretical matters and that the balance between ILO and non-ILO issues was out of kilter. Many of the subjects covered, such as internationalisation and the creation of supranational entities, did not appear to fall within the ILO's terms of reference. Secondly, the wording was unclear and demanded clarification. What for example was the meaning of "social efficiency" and what was, and how could one measure, "labour relations of a high calibre"? Thirdly, he queried the idea of the democratisation of economic and social life, particularly in public administration and in private enterprise, as it was not up to individuals to change the manifestos of democratically elected governments, nor should joint decision-making in private enterprise take the place of managerial responsibility. As for problems within the EEC and with the Maastricht agreement, mentioned by a previous speaker, an agreement between employers and workers on the development of social policy in the EEC had been reached on 31 October 1991. The protocol to the agreement had taken into account almost *in toto* the proposals made by the social partners. In his view, there was no lack of consultation within the OECD, where there were many committees which dealt with such issues as multinational enterprises and social policies. Furthermore, he wondered exactly where the "marginalisation" of social partners and "unbridled deregulation" had occurred, as mentioned in preambular paragraph 7. In response to the Workers' member of Lithuania, he mentioned the resolution concerning structural adjustment, industrial relations and economic and social development that had been adopted by the Conference in 1991. The idea of democratisation had also been developed by the Director-General in his Report to the Conference, but even that report was totally lacking in balance as it mentioned the protection of workers' rights and the need to provide a remedy for poverty but did not mention the role of enterprises in correcting these problems. He saw no reason for paragraph 2(a) of the operative part which called for the establishment of an ad hoc committee to evaluate the activities of the ILO and wondered if this was an attempt to create a supervisory committee for the Governing Body as well. While a resolution on democratisation might be acceptable, this particular text would need to be subtantially rewritten.

399. The Government member of Syria stated that democracy meant individual freedom of choice. It was therefore necessary to prepare people for democracy through increased consciousness, freedom from exploitation and a political environment in which the individual could develop and laws could be applied to help the community. In the Syrian Arab Republic training for democracy was given in popular organisations, trade unions and organisations representing young people, farmers and other professional groups. These groups worked together, within the framework of laws establishing their relations with society, towards equality of opportunity, equality between men and women, fighting unemployment, and improving working conditions and the well-being of workers. Thus tripartism formed the basis of democracy. The ILO's role should be to give advice to these social partners, provide training for their members and help them to play an active role in implementing the economic and social policy of government. Democracy would only succeed in an environment that allowed it to be exercised in a healthy manner.

400. The Government member of the United States said that his Government was naturally in favour of democracy. He called the Committee's attention to the address by the United States Secretary of Labor to the Conference, where she had stated that, as the current global movement toward democracy was, without question, the most significant event of our time, the Director-General could not have selected a more fitting topic or a more timely theme for the present session. The ILO's commitment to the idea of democracy was well known, and tripartism

itself reflected democratic pluralism. He noted with pleasure the Director-General's emphasis on democracy in his Report to the Conference and at the February Session of the Governing Body. But however much he was in favour of the idea of democracy, the proposed resolution was flawed in many respects and contained paragraphs that were not particularly relevant to the subject under discussion. He would therefore present a number of amendments.

401. The Government member of the United Kingdom, while having no doubt that everyone believed in the development of democracy and the promotion of tripartism, indicated that her Government had serious reservations on some aspects of the text. For example, preambular paragraph 7 contained the words "fosters unbridled deregulation", which caused significant problems. Furthermore, the ILO could not be expected to do everything that was proposed in the operative part of the resolution. She was against the establishment of a new committee to do work that appeared complicated and was not clearly defined and pointed out that the ILO was already arranging a meeting in Poland to follow up on an earlier ILO symposium on tripartism in Europe. A number of amendments would therefore be necessary before the resolution could be adopted.

402. The draft resolution was discussed but, for lack of time, it was not possible to consider any amendments.

Consideration and adoption of the report

Consideration of the report

403. The Committee considered its draft report at its 11th sitting.

404. Corrections to specific paragraphs were submitted by various members for incorporation in the report.

Adoption of the Report

405. At its 11th sitting the Committee unanimously adopted its report subject to a number of changes.

Geneva, 19 June 1992.

(Signed) Ateker EJALU,
Chairman and Reporter.

Resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment

The General Conference of the International Labour Organisation,

Recalling the obligation of the ILO to further programmes which will achieve, inter alia, full employment, the raising of standards of living, and a just share of the fruits of progress to all,

Recalling the Employment Policy Convention, 1964 (No. 122) and Recommendation, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169),

Recalling also the conclusions of the High-Level Meeting on Employment and Structural Adjustment, held in November 1987,

Recalling that the standards of the ILO relating to employment address all forms of productive activity which provide means of earning a livelihood,

Considering that continuing structural adjustment in the context of technological developments and changes in world markets requires intensified efforts to maximise employment opportunities in all countries,

Recognising that a key element in solving the problems of unemployment and underemployment faced by many countries lies in the creation of a favourable climate for the efficient utilisation of human skills including entrepreneurial and management skills, and the exercise of these skills by individuals, within the framework of policies that encourage the creation and growth of enterprises, especially small and medium-sized ones, that are competitive nationally, regionally and internationally,

Considering that there is a need for tripartite cooperation in the creation of an environment that would stimulate enterprise and investment, and through that, employment growth and improved living standards and working conditions, freedom of association and free collective bargaining,

Considering also that the full use of consultation between governments and the social partners, at all appropriate levels, greatly facilitates such cooperation and the achievement of these objectives,

Convinced of the need for government policies which provide the appropriate infrastructure and framework for economic and employment growth, investment and active labour market policies:

1. Calls upon governments and employers' and workers' organisations to:

(a) promote economic, industrial, investment and employment policies, including active labour market policies, that provide an environment in which enterprise can develop and flourish and new small and medium-sized enterprises are established, so that self-sustaining new jobs, offering full, productive and freely chosen employment can be created, and living standards and working conditions can be improved;

(b) make full use of consultation in the formulation of such policies;

(c) encourage constructive industrial relations systems, including collective bargaining systems where relevant, in order to facilitate the implementation of these policies;

(d) improve employment services and training and retraining programmes;

(e) take appropriate measures to encourage an entrepreneurial approach and the necessary skills for enterprise development, in particular through training and retraining programmes;

(f) devote particular attention to measure which will assist the most marginalised sections in society, such as women and rural workers, to find employment opportunities.

2. Invites the Governing Body of the ILO to instruct the Director-General:

(a) to give special emphasis, when implementing the programme of the ILO and when planning future activities, to:

(i) activities that promote the development of appropriate economic and employment policies that would:

    (A) encourage an entrepreneurial approach and the necessary skills for enterprise development, especially in small and medium-sized enterprises, with a view to expanding sustainable and productive employment;

(B) enhance the potential of enterprise in the creation of full productive, and freely chosen employment; and

(C) help to improve living standards and working conditions;

(ii) training and retraining programmes directed towards enabling unemployed people, including new entrants to the workforce, those displaced by structural adjustment and those in marginalised sections of society, to acquire the necessary skills and qualifications to find employment or re-employment or to start their own economic activities;

(iii) activities fostering the creation of new enterprises as a significant means of re-employing people who may lose their jobs in the process of structural adjustment, as well as providing employment for new entrants to the workforce;

(b) to promote and organise exchanges of experience among countries adopting as essential elements of their economic and employment policies, in order to increase opportunities for sustainable and productive employment:

(A) a diversified and efficient market economy;

(B) the promotion and encouragement of the creation and development of enterprises without unnecessary regulation and excessive bureaucratic interference;

(C) the promotion of freedom of association and free and voluntary collective bargaining;

(D) facilities for, and the promotion of, adequate consultations between the social partners, at all appropriate levels, on how to cope with and facilitate the implementation of structural adjustment in the labour market;

(E) the full incorporation of adequate social considerations into economic programmes.

Resolution concerning employment promotion as an essential component of overall development

The General Conference of the International Labour Organisation,

Considering that the Universal Declaration of Human Rights provides that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment",

Recalling the ILO's responsibility, according to the Declaration of Philadelphia, to promote programmes which will achieve full employment, and the fact that the Preamble to the Constitution of the Organisation advocates the prevention of unemployment and the provision of an adequate living wage, and reaffirming continuous support for the Employment Policy Convention, 1964 (No. 122),

Considering that the International Labour Organisation affirmed in the Declaration of Philadelphia that "the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy", and further affirmed that it was the responsibility of the Organisation "to examine and consider all international economic and financial policies and measures in the light of this fundamental objective",

Recalling the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in November 1987,

Recalling also ILO standards on employment policy,

Noting with concern the decline in employment opportunities in various regions of the world and the increase in unemployment and underemployment in several industrialised countries as well as in developing countries and countries in transition,

Recognising the need to ensure respect for the principles contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Workers' Representatives Convention, 1971 (No. 135), and the Rural Workers' Organisations Convention, 1975 (No. 141),

Recognising the responsibility of governments in the field of development policy and in the promotion of an environment which stimulates growth and employment and the importance of consultation with employers' and workers' organisations in the formulation of relevant policies in these areas;

1. Urges governments and, where appropriate, employers' and workers' organisations:

(a) to formulate and apply, as a matter of priority, an active policy to promote full, productive and freely chosen employment, through sustained economic growth and development, and thereby raise the standard of living of the population;

(b) to adopt policies which encourage job-creative economic activities, in line with national policies and development criteria; to develop employment and vocational guidance services so as to facilitate access to the labour market;

(c) to continue and intensify efforts to devise coherent training systems and policies;

(d) to develop social, employment and training programmes that would help to prepare the entry of young people into working life and the reintegration in the labour market of the long-term unemployed, workers displaced by restructuring or reconversion and workers who have interrupted their working life for various reasons, such as family responsibilities;

(e) to take appropriate measures to ensure that employment conditions in all categories of establishments respect the principles of ILO labour standards;

(f) to increase economic cooperation between countries which are at different stages of economic development;

(g) to promote long-term development of world trade on a fair basis, as a means of increasing economic activity and thus to increase employment opportunities, improve living standards and eliminate hunger and poverty;

(h) to develop a market-oriented macroeconomic environment as a means of solving problems of unemployment and developing overall growth.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:

(a) encourage member States to establish a framework for substantial employment growth, in both quantitative and qualitative terms, and to take the appropriate economic and social policy measures at the national and international levels and, for this purpose, to advise member States on the means of achieving their objectives as regards employment and the meeting of basic needs;

(b) assess the developments since the adoption of the World Employment Programme, taking especially into account the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in November 1987, and submit relevant proposals for action to the Governing Body at an early date;

(c) continue and strengthen training activities at the national and regional levels, ensuring the optimum distribution and enhanced effectiveness of these programmes;

(d) cooperate fully with other organisations of the United Nations system in the search for solutions to problems of employment and the meeting of basic needs.

Resolution concerning the role of the ILO in the protection and promotion of the right sof migrant workers and their families

The General Conference of the International Labour Organisation,

Guided by the recognition in the Preamble to the ILO Constitution of the urgent need to protect the interests of workers when employed in countries other than their own,

Noting the standards embodied in the relevant ILO Conventions, including the Migration for Employment Convention (Revised), 1949 (No. 97), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Maintenance of Social Security Rights Convention, 1982 (No. 157), and by the accompanying Recommendations,

Noting the resolution on migrant workers in Asia adopted by the 11th Asian Regional Conference of the ILO (Bangkok, 26 November-2 December 1991),

Recalling previous relevant resolutions concerning migrant workers adopted by the Conference in 1967 and 1971,

Recalling also the adoption by the United Nations General Assembly in December 1990 (resolution 45/158) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which the ILO made a positive contribution,

Noting the terms of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), which calls on Members to create more employment opportunities and better conditions of work in countries of emigration so as to reduce the need to migrate to find employment, and to ensure that international migration takes place under conditions designed to promote full, productive and freely chosen employment,

Considering that with increasing economic integration and the movement of workers between countries, countries should consider questions relating to migrant workers and may need to cooperate more effectively in tackling any problems,

Concerned that migration can embody practices which are not in keeping with the principles embodied in relevant ILO standards and considering that there is need to ensure that the conditions of recruitment and employment of migrant workers are in line with those principles,

Expressing concern about acts of racism and xenophobia and the discrimination in employment to which migrant workers may sometimes be exposed,

Calling for effective means to eliminate illegal migration for employment, including through effective measures against labour-recruiting agents, intermediaries and employers of illegal migrant workers,

Convinced that the ILO has an important and valuable role to play in international efforts, including those of the United Nations system, concerning the welfare and the fundamental rights of all migrant workers and their families,

Stressing the need for employers' and workers' organisations to be associated, wherever relevant, in the work of all national, regional and international bodies concerned with questions affecting migrant workers and members of their families;

1. Invites governments and, where appropriate, employers' and workers' organisations:

(a) to take all appropriate measures to ensure that the terms and conditions of employment of migrant workers respect the principles of freedom of association and non-discrimination, and the provisions of the relevant ILO instruments;

(b) to consider ratification of relevant ILO Conventions concerning the rights of migrant workers and their families;

(c) to take appropriate national measures and to cooperate effectively in the field of international assistance, designed to eradicate migrationary pressures;

(d) to take duly into account all pertinent national and international standards when concluding bilateral agreements on migration;

(e) to take appropriate action which may include legislation to combat all acts of racism and xenophobia against migrant workers, and to intensify information and educational activities to this end;

(f) to ensure that migrant workers have access to information on their rights, including, where necessary, in their own languages;

(g) to involve, through appropriate means, workers' and employers' organisations in the formulation and monitoring of the effects of policies which cover recruitment, employment and the working conditions of migrant workers;

2. Requests the Governing Body of the Intenational Labour Office to instruct the Director-General:

(a) to make the necessary provisions in his programme and budget proposals for the 1994-95 biennium for activities which appropriately address the need for the protection and promotion of migrant workers' rights;

(b) to present to an early session of the Governing Body a report on the conditions of migrant workers, to make proposals regarding any appropriate action to be taken when these are not in conformity with the principles embodied in relevant ILO instruments and to keep the Governing Body informed at regular intervals on matters pertaining to these issues;

(c) to continue and, where appropriate, intensify ILO cooperation with other international institutions concerned, including the International Organisation for Migration (IOM), on policies affecting migrant workers, including social and economic policies and employment creation in all countries and to consider appropriate measures to provide the necessary tripartite guidance for the ILO input in this area;

(d) to provide adequate advisory services, monitoring and technical cooperation on migration issues, with the aim of helping governments and, where appropriate, employers' and workers' organisations to formulate and apply effectively policies to protect the rights of migrant workers and to promote their welfare;

(e) to promote the dissemination of information on the rights of migrant workers and members of their families that are recognised in the relevant international instruments, and specifically on their right to freedom of association;

(f) to cooperate closely with the United Nations Compensation Commission so as to ensure that the work already undertaken by the ILO to register migrant workers displaced by the Gulf conflict of 1990-91 is put to use in ensuring that proper compensation reaches the largest possible number of those with just entitlements and to draw conclusions from this experience for situations which may arise in the future;

(g) to continue to examine relevant migration issues and problems, and ways of tackling them, in all the appropriate fora of the ILO.

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Sixth item on the agenda: Adjustment and human resources development

Report of the Committee on Human Resources

1. The Committee on Human Resources was set up by the Conference at its second sitting on 3 June 1992. It was originally composed of 145 members (60 Government members, 41 Employers' members and 44 Workers' members). In order to ensure equality of voting strength, 451 votes were allocated to each Government member, 660 to each Employers' member and 615 to each Workers' member. The composition of the Committee was subsequently modified 11 times and the number of votes allotted accordingly.[1]

2. The Committee elected the following officers:

Chairman: Mr. Piotrowski (Government member, Poland);

Vice Chairmen: Mr. Owuor (Employers' member, Kenya) and Mr. Douglas (Workers' member, New Zealand);

Reporter: Mr. Jonzon (Government member, Sweden).

3. The Committee appointed a Working Party composed of the Government members of Fiji, Nicaragua, United Kingdom, United States and Zimbabwe; the Employers' members Messrs. Cornacchio, Krishna, Owuor, Rojas Lopez and Mrs. Westerhof, and substitutes Messrs. John, Johnston and Scarth; and the Workers' members Messrs. Douglas, Grantham, Mrs. Janerus, Messrs. Osunde and Requena Martinez, and substitutes Mrs. Ade Angoran and Messrs. Momeni and Sweeney.

4. The Committee held 13 sittings.

5. The Committee had before it Report VI, prepared by the Office, on the sixth item on the agenda of the Conference, "Adjustment and human resources development".

Introduction

6. The representative of the Secretary-General introduced the report on "Adjustment and human resources development", noting the ILO's long-standing concern for the development of vocational skills for freely-chosen and productive employment. The importance that the ILO places on human resources development in general and vocational training issues in particular was reflected in the Conventions and Recommendations on the subject[1], and supported by references in the Preamble of the Organisation's Constitution and the Philadelphia Declaration.

7. He noted the vital role of training in facilitating structural change and adjustment, by enhancing economic performance and increasing the ability of individuals to adapt to change, safeguard their employment and improve the quality of their working conditions. The report reflected two broad areas of concern: how training could be made to promote structural adjustment and long-term economic growth, and how to protect workers and ensure social equity in the process. Underlying both themes

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[1] The modifications were as follows:

(a) 5 June: 157 members (65 Government members with 210 votes each; 42 Employers' members with 325 votes each; 50 Workers' members with 273 votes each);

(b) 8 June: 148 members (68 Government members with 399 votes each; 42 Employers' members with 646 votes each; 38 Workers' members with 714 votes each);

(c) 9 June: 149 members (68 Government members with 817 votes each; 43 Employers' members with 1,292 votes each; 38 Workers' members with 1,462 votes each);

(d) 10 June: 148 members (68 Government members with 99 votes each; 44 Employers' members with 153 votes each; 36 Workers' members with 187 votes each);

(e) 11 June: 150 members (68 Government members with 209 votes each; 44 Employers' members with 323 votes each; 38 Workers' members with 374 votes each);

(f) 13 June: 149 members (68 Government members with 407 votes each; 44 Employers' members with 629 votes each; 37 Workers' members with 748 votes each);

(g) 16 June: 134 members (69 Government members with 1,036 votes each; 37 Employers' members with 1,932 votes each; 28 Workers' members with 2,553 votes each);

(h) 17 June: 119 members (69 Government members with 589 votes each; 31 Employers' members with 1,311 votes each; 19 Workers' members with 2,139 votes each).

(i) 18 June: 109 members (70 Government members with 187 votes each; 22 Employers' members with 595 votes each; 17 Workers' members with 770 votes each);

(j) 19 June: 108 members (70 Government members with 88 votes each; 22 Employers' members with 280 votes each; 16 Workers' members with 385 votes each);

(k) 20 June: 104 members (70 Government members with 72 votes each; 18 Employers' members with 280 votes each; 16 Workers' members with 315 votes each).

[1] These include, for example:

Indigenous and Tribal Peoples' Convention, 1989 (No. 169).
Safety and Health in Construction Convention, 1988 (No. 167).
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).
Occupational Safety and Health Convention, 1981 (No. 155).
Nursing Personnel Convention, 1977 (No. 149).
Human Resources Development Convention, 1975 (No. 142).
Paid Educational Leave Convention, 1974 (No. 140).
Employment Policy Convention, 1964 (No. 129).
Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
Employment Service Convention, 1948 (No. 88).
Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169).
Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168).
Vocational Training (Seafarers) Recommendation, 1970 (No. 137).
Special Youth Schemes Recommendation, 1970 (No. 136).
Vocational Training (Fishermen) Recommendation, 1970 (No. 126).
Plantations Recommendation, 1958 (No. 110).
Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99).

was the crucial role of the social partners in ensuring desirable social and economic outcomes.

8. He then explained that structural adjustment was defined broadly in the report to include factors such as changes in technology, consumer preference and work organisation, often omitted in narrower definitions emphasising macro-economic solutions to structural imbalances.

9. The report attempted to respond to the concerns expressed by the Governing Body in selecting this topic for general discussion at the 79th International Labour Conference. These included the important role of tripartism in developing training policies, the impact of reductions in social expenditures on the more vulnerable groups of the population, and the protection of working conditions, especially for informal sector workers. Emphasis was also placed on the contribution of training and retraining in the transition economies. The Governing Body had expressed the hope that the general discussion would contribute significantly to the development of an ILO Human Resources Development Policy. The report also continued the deliberations on a number of significant topics initiated in the High-Level Meeting on Employment and Structural Adjustment and the subsequent symposia organised in the regions, as well as in meetings of the Employment Committee.

10. The representative of the Secretary-General then explained the organisation of the report which comprises two parts. The first summarised the effects of adjustment on training systems and on particular groups, while the second provided details of responses by governments, firms and institutions. He noted that much less attention had been given to the role of the social partners in formulating and implementing responsive training policies, and indicated his hope that this topic would be developed further in the discussions. In addition, more detailed accounts by the Committee members of specific national approaches to training would be a valuable addition.

11. He then suggested seven areas which could guide the discussion. First, in the context of adjustment, there was a need to identify how training could be made responsive to rapidly changing labour markets. Second, measures were required to ensure the limited resources available for training were used effectively. Third, issues of equity and the needs of the most vulnerable groups should be safeguarded as opportunities for training arose. Fourth, while acknowledging the important role of training in raising productivity, the potential of training to enhance workers' individual capacities and opportunities should also be maximised. Fifth, both the willingness and ability of employers to provide training and the motivation of workers to undertake training should be enhanced. Sixth, particular attention should be paid to the integration of tripartism into the processes of training policy formulation and implementation. Finally, the Committee could recommend priorities for the ILO in assisting member States to establish efficient and equitable training systems.

General discussion

12. The Employers' Vice-Chairman commended the Office on preparing a concise text which encapsulated the essential issues related to the impact of structural adjustment on human resources development. While appreciating the points for discussion raised by the representative of the Secretary-General, the Employers' group hoped that the discussion would not be restricted to these points.

13. He then indicated several issues of central concern to the Employers' group. In assessing the impact of structural adjustment processes on education and training, he stressed the importance of distinguishing between specific national, regional and global contexts. While considerable differences could be found between countries and regions, certain global trends provided a basis for joint international action. The Employers' Vice-Chairman welcomed the efforts of the Office to focus attention on the provision of training and retraining of displaced workers, rather than on only providing compensation. They also appreciated the shift in emphasis from training for declining industries and sectors to the provision of skills for entrepreneurship development and self-employment. In view of increased privatisation, management training should also be given greater emphasis especially in developing countries. The Employers' group was of the opinion that, until recently, education had focused more on literacy than on preparing youth for the labour market. Finally, the Vice-Chairman pointed out that the financing of basic education was the social responsibility of governments, which should regard education and training as a strategic investment. However, he noted that employers were willing to share some of the costs as long as it was within their means, the training was considered relevant and they were involved in establishing the objectives and designing the programmes.

14. He next elaborated on the nature of structural adjustment and its impact on education and training in different contexts: industrialised and newly industrialised countries, countries moving from centralised to pre-market economies such as in Eastern and Central Europe, and developing countries saddled with heavy external debts. Analyses of the effect of adjustment should also distinguish between different groups of workers, such as youth, women, older workers and the disabled persons. He noted that while policy initiatives might have certain commonalities, there would also be major divergencies. For example, regarding the first category of countries, he noted that adjustment occurred largely in the context of accommodating technological change and shifts in the international division of labour following the replacement of traditional industries and the expansion of the service sector. The central concern in training would be to ensure flexibility and responsiveness to the new and rapidly changing demands for skills. The changes entailed in Central and Eastern European countries however, as they moved from centrally planned to market-oriented economies, had resulted in the closing of many state enterprises and the resultant laying-off of workers as attempts were made to rationalise production and improve productivity. Combined with a critical shortage of funds, training in this context would be geared primarily to adapting to new conditions, moving away from those industrial and agricultural trades which were in decline and transforming training systems to cater to the growing service sector. In addition, training policies

and systems should provide skills for entrepreneurship development, self-employment and increased managerial capability. Developing countries, he noted, unlike the other two categories, were confronted by a lack of basic skills and technological know-how. These deficiencies had been exacerbated by structural adjustment programmes and globalisation processes that had opened up countries to increased international competition, liberalised trade, reduced subsidies, resulting in increased informalisation as well as reduced investments in the education and training sectors.

15. The Employers' Vice-Chairman drew the Committee's attention to the Declaration of the 14th Annual Meeting of representatives of the African, Caribbean and Pacific (ACP)/EEC, which emphasised the impact on public expenditure in education of the financial crisis of the 1980s in developing countries. Due to the contraction of public administration as a result of adjustment programmes, there was now a large sector of the population unprepared for alternative employment. Training should be directed towards promoting entrepreneurship and enterprise development and enterprise-based training schemes geared to training in excess of specific enterprise needs in order to create a reserve of skills. In addition, relevant training for the informal sector should be provided with the aim of improving efficiency and facilitating linkages to formal sector activities. Training and education must also respond to workers' needs to cope with technological and structural change, by ensuring computer literacy, developing competencies in the use of new technologies, modernising science and technical education to build a new "technological culture" and providing training aimed at creativity and flexibility. In this context, he noted the need to use regional and international training facilities such as the ILO International Training Centre in Turin. In closing, the Employers' Vice-Chairman pledged the readiness of the Employers' group to cooperate with the Workers' group in ensuring that the Committee's work would be constructive and beneficial.

16. The Workers' Vice-Chairman associated himself with the previous speaker in congratulating the Office on preparing a positive and future-oriented report, and confirmed the full cooperation of the Workers' group in seeking solutions. He opened his statement by emphasising the importance of moving beyond ideological statements about the dignity of humankind, the rights of labour, and the need for interaction of the social partners for the continuous expansion of democratic practice, to practical programmes and outcomes. He emphasised four points made in the 1987 High-Level Meeting on Employment and Structural Adjustment as additional guidance for the deliberations of the Committee: protection of the poorest, especially women; full respect for ILO standards; tripartite consultation and cooperation; and the promotion of collective bargaining. In this context, the Workers' group disagreed with the tendency to consider structural adjustment and development apart from the issue of international solidarity and the provision of concrete economic and technical support in the field of human resources development by the industrialised countries to developing countries. Without such support the "new world order" would hold little promise for many millions of workers. The success of structural adjustment programmes was directly linked to the extent to which the social dimension of change was an object of concern. In this context, the value of achieving social consensus could not be underrated and should be a major aspect of the Committee's conclusions.

17. The Workers' Vice-Chairman noted that the situation in developing countries required special mention, in that they had little choice on the structural adjustment policies and programmes to be implemented. They had often been introduced as a package, with little regard for the social repercussions and the economic impact on the poor and vulnerable groups. Structural adjustment programmes implemented under these circumstances should be re-evaluated, in particular in terms of the pace at which they were being implemented and the distribution of costs and benefits, with a view to maintaining basic social standards and preventing greater inequities. The ILO should take a lead role in recommending such action.

18. He then outlined several points of central concern to the Workers' group. He emphasised the need for training to be certifiable and to ensure common recognition of qualifications. This would facilitate the matching of demand and supply of skills. He noted the right of workers to continuing education and training, as well as the importance of basic literacy and numeracy education in developing countries. In this context, as an incentive to undertake training, workers should be paid while being trained. He also pointed out that strategies which aimed at upgrading of skills and personal development often functioned to break down hierarchical working relations that prevented groups such as women, migrants and young workers from assuming more responsible positions.

19. He stressed that primary responsibility for economic growth resides with governments. Since future economic prosperity was inextricably linked with investments in education and training, governments should ensure that the short and long-term needs of the economy were fully met. Training and education should figure as a critical element in a government's active labour market policy. He drew the attention of the Committee to a recent meeting of the OECD Council of Ministers (18-19 May 1992) which stressed the complementarity between active labour market and human resources development policies.

20. The Workers' group was concerned with the use of adjustment programmes to reduce wages, casualise labour, de-unionise, and drive parts of the formal sector back into the informal. The Workers' Vice-Chairman stressed the need to acknowledge the reality of the informal sector as being in transition to formal status and to bring its components back into the formal sector rather than accepting its continued existence and expansion. In this context, he drew attention to the conclusions of the Committee of Employment, in particular paragraph 65 of the November 1991 report to the Governing Body. The ILO had a critical role to play in supporting and promoting "practical solidarity" in carrying out training and education programmes. To this end, the Organisation should promote a greater role for the social partners in consultations between governments and the IMF/World Bank on the design and introduction of struc-

tural adjustment programmes. He emphasised the central role of the promotion of standards in ILO activities, and suggested that technical assistance should not be extended where workers' rights were violated.

21. In conclusion, he mentioned a point in the report (page 20) with which the Workers' group disagreed, concerning the " power " of employers in determining skill requirements. The Workers thought that employers should be able to influence the range and specificity of training; however, in view of their tendency to take short-term perspectives, they should not have sole responsibility. Governments, with the social partners, must establish priorities and policies for training and education which provided long-term benefits to the population and the economy.

22. In the general discussion of the report several members emphasised the importance of considering the impact of structural adjustment on human resources development within a national economic, social and education context. Some members distinguished between different types of structural adjustment. The Government member of the United States pointed out that it was important to differentiate between the effects of adjustment and the economic factors that made it necessary, as well as between adjustment processes aimed at redressing macroeconomic imbalances (stabilisation) and those involving policy and institutional reforms to promote rapid growth. The representative of the Organisation of African Trade Union Unity (OATUU) emphasised that structural adjustment could be either " voluntary " or " imposed ". Adjustments in industrialised and newly industrialising countries fell in the first category. In contrast, indebted developing countries, especially in Africa, were subject to structural adjustment measures imposed on them by the IMF and the World Bank. In his view the provisions set out in the latter case had violated human and trade union rights, increased hardship and poverty, and resulted in the disintegration of the African middle class. The Employers' member of Algeria felt that the report gave insufficient weight to the influence of the world economy, a view supported by the Government members of the Libyan Arab Jamahiriya and Nicaragua, who described situations in their countries where external interventions and internal factors such as civil war had necessitated very specific responses and treatment. In particular, the Government member of Nicaragua insisted that adjustment could not be confined to vocational training and stressed the paramount importance, in his view, of putting order into the world economy and reducing the protectionism of the developed countries. The Employers' member of Australia observed that structural adjustment was generally considered at the macro-level; however, micro-level reforms were also required to cope with the impact of change.

23. Both positive and negative aspects of structural adjustment were identified. Several members of all three groups called attention to the negative factors. The Government member of Turkey noted the widening gap between the " haves " and the " have nots ", and increased levels of poverty. In the view of the Workers' member of Guatemala, structural adjustment programmes often violated ethical, cultural and human rights, produced a deterioration of living standards and undermined democratic processes, in particular trade union activity. The Employers' members of Guyana and India and the Government members of Fiji, Nicaragua, Zimbabwe and the Syrian Arab Republic noted with concern that budget cuts and wage freezes had led to a brain-drain from their countries, representing a significant wastage of scarce resources invested in education and training.

Other members emphasised some positive aspects of structural adjustment. The Employers' member of Algeria noted that the structural adjustment processes *per se* were not necessarily negative; however, the situation of economic crisis in which such reforms took place generally compromised the ability of countries to carry them out in coordinated and effective ways. The Employers' member of Germany emphasised that only a functioning economy could make the " right to education " a reality. Structural adjustment measures increased public resources and provided the means for high quality education and training in both developing and industrialised countries. The Employers' member of New Zealand added that the deregulation of markets as part of structural adjustment programmes could function to stimulate the provision of training and education by removing legislative rigidities and barriers such as non-wage labour costs. The Government member of the United States felt that while the report was well done, it placed too much emphasis on the negative social impact of adjustment and referred to recent work of the OECD that indicated certain positive trends in social indicators. He sought more information on ILO's work on policies to minimise negative social consequences, especially as regards the informal sector.

24. Employers' members of Japan and Mauritius and the Government members of Malaysia and Fiji described the contribution of education and training, in particular the value of long-term planning and investment, to economic growth and development in their countries. The Employers' member of the Syrian Arab Republic drew attention to the newly industrialised countries in South-East Asia as examples of countries which had overcome a lack of natural resources through the development of their human resources. A number of members from all three groups noted with concern the negative effect on training and education of specific adjustment measures such as budget cuts and devaluation. The Government member of Germany suggested that the report's portrayal of the influence of budget restrictions might be overly generalised. The Employers' member of Australia pointed out that successful training relied on the quality of basic education and its relevance to employment needs; however, the insufficient or irregular flow of financial resources had brought about a situation whereby the opportunities for education and training of the most vulnerable groups and the poor had been reduced. The Employers' member of Kenya suggested that education and training policies and programmes under circumstances of adjustment must be planned in response to the needs of specific groups, in particular the most vulnerable such as women, disabled persons, older workers and migrants. The Government member of China emphasised the importance of meeting the needs of rural workers. The Government member of

the Islamic Republic of Iran stressed that human resources development policies should be formulated giving priority to reducing poverty and unemployment and improving the living and working conditions of the most vulnerable groups of workers.

25. The financing of education and training was a concern shared by members of all three groups. The Employers' Vice-Chairman pointed out that while responsibility resided primarily with governments especially for basic education, employers were willing to share the cost of training their employees. He added that governments should provide an environment favourable to learning, emphasising life-long learning, adaptation to change and self-help. Employers should be responsible for the training and retraining of their employees. The Workers' group differed in opinion and suggested that since employers tended to take a short-term perspective on training, decisions concerning investments in education and training should remain the overall responsibility of governments but taken in consultation with the social partners. In response, the Employers' member of the United Kingdom agreed that some employers, as well as some governments, often took a short-term view of investment in training, but others realised the need to be forward-looking if they were to survive. He cited the case of his own country, which had experienced considerable under-investment and lack of coordination in the past. The Government member of the United Kingdom supported the view that when confronted with scarce resources, cost-sharing between governments and the private sector was a possible solution. The Employers' member of the United Kingdom added that their experience with training levies, as one kind of cost-sharing arrangement, had not been positive. Rather than encouraging employers to invest in training systematically, he pointed out that levy systems had created excessive bureaucracy and therefore had had somewhat the opposite effect. The Employers' member of Germany shared this view explaining that neither employers nor workers in his country favoured a training levy. Other members, however, including the Government members of Zimbabwe and Fiji and the Employers' member of Mauritius, cited examples of levy systems, primarily in developing country contexts, which had been successful in terms of stimulating awareness and investment in training among employers.

Cost-effectiveness in training was also raised as an area of special concern. In view of the scarce resources available for vocational training, several Government and Employers' members stressed the need to set priorities carefully and focus on high quality training outputs. The Employers' member of India pointed out that quality of training was not necessarily linked to resource levels and cited examples of low-cost methods which were highly effective in reaching large numbers of people.

26. Members from all three groups recognised the relationship between education and training on the one hand, and building more democratic values, institutions and processes, in which citizens assumed a greater role on the other. The Government member of Portugal stressed the need for adjustment processes to be managed by people rather than the reverse. He regretted what he interpreted as a premise of the report that workers should be adjusted to the needs of the economy and that education and training should be the instruments to bring about this situation. The Government member of Namibia saw vocational education and training as a means of promoting the productivity of labour, eliminating inequalities in society and maintaining social justice and democracy. He suggested that the Committee recommend assisting workers' and employers' organisations to contribute more meaningfully to the provision of vocational training. The Government member of Poland observed that the democratisation of the political and socio-economic system in his country had been accompanied by major changes in the objectives and content of the education and training system. In this context, the Workers' member of Guatemala raised the question of the kind of society one is trying to build and the role of training and education in this process. Members from all groups recognised the need for concerted efforts by governments and the social partners to create the conditions under which democratic processes would prevail. The Employers' member of Switzerland pointed out the role of training and intellectual development in preparing citizens to press for respect for human rights and democratic processes. Several members emphasised the significance of an "enterprise culture" as an "antidote against bureaucracy" and as a means of stimulating economic activity, creativity, motivation, and greater worker-employer consultation in the workplace. The Employers' member of Australia and the Government members of Portugal, Zambia and Australia suggested that the perspective on training and education in the report be broadened to take a more comprehensive view of capacity building in the sense of creating the motivation among workers and employers to identify new work structures, organisation and practices which would lead to greater worker participation, employment opportunities and self development. The Employers' member of Zambia suggested that greater inter-agency collaboration, especially between the ILO and UNESCO, could promote a more comprehensive view of education and training.

27. Government and Employers' members of the United Kingdom and the United States suggested ways in which education and training could facilitate adjustment while responding to the needs of workers and the economy, mainly by devolving responsibility and decision-making to local and community levels to ensure responsiveness to local problems and greater equality of access to education and training. The Government member of Uganda noted that the implementation of structural adjustment measures had brought hardship to the population but action at the grassroots level, in particular the decentralisation of training to the district level, had helped to alleviate some of the problems. Several Employers' and Government members provided country experiences demonstrating how training and education had facilitated change as a result of adjustment and become more responsive to the needs of students, workers and the market. The Government member of Australia described the ongoing reform of the education and training system in his country, which involved consultation at all levels of government, with the social partners, and in the community. Financial support was given for specific sectoral and community level training. A training levy was established to en-

sure a more equitable distribution of training costs, which resulted in many enterprises identifying for the first time their level of investment in training. The development of curricular and competency standards were conducted at national level but also reflected a high degree of local level involvement to respond to local needs. The Government member of Senegal observed that the move towards a more open and efficient economy had required his government to formulate a new training policy placing priority on equality of opportunity, greater access to training for vulnerable groups and adaptation of training to market needs. Meeting these policy objectives required increased resource allocations and the orientation of training programme content and delivery mechanisms. The Employers' member of Germany explained the dual system practised in Germany, Austria and Switzerland, which involved a significant commitment by employers and resulted in training according to the needs of employers and the market, as only one-third takes place in schools but two-thirds in company training institutions. The result was a youth unemployment rate lower than the overall rate of unemployment in Germany, and a much lower rate of youth unemployment than in countries which took a more academic approach. The Government member of Malaysia stated that the structural reforms adopted in his country had been accompanied by reforms in the education and training systems. Decision-making was decentralised and some training shifted to the enterprise level which was further facilitated by the introduction of a levy system to support training and upgrading of workers' skills as a complement. In comparison, the Employers' member of Mauritius observed that human resources development should have been part of the structural adjustment programme put in place in 1979 in his country, but had been neglected until much later, by which time enterprises were suffering from deficits in skilled labour. He recommended that the integration of an explicit training policy in structural adjustment programmes would provide a framework in which employers could operate and would ultimately speed up economic recovery. The Government member of Poland noted that, as a result of labour market restructuring and the resulting unemployment and changes in demand, vocational training had become an essential aspect of the structural adjustment programme. As training objectives and content changed, so had the institutional structure through which training was planned and delivered. Responsibility was devolved to the local level and a major role in training had been assumed by new partners, in particular, local non-governmental training institutions, as well as employers' and workers' organisations. Tripartite employment councils were established at the local level to coordinate labour market policy. The Government member of Czechoslovakia noted similar issues in his country. The training system was decentralised although responsibility for formulating training policy and setting certification and performance standards was maintained at national level. Closer linkages between the education and training sector and labour market services were required as well as an appropriate labour market and training information system. Private training institutions should be stimulated and a greater role for employers identified. Finally the training and education systems which operated in isolation of each other should be coordinated. He also disagreed with the report's analysis that training resources should be redirected, since the real need was a major increase in the total level of funding. The Employers' member of Venezuela presented the main features of the vocational training system in his country as cooperative, tripartite in character, and financed by both companies and workers. This system had produced substantial effects as regards the intake of a great number of people into the labour market. However, he felt that structural adjustment, by raising training costs, had reduced the impact of this system. The Government member of Cyprus, noting the severe economic problems since 1974, explained that training was provided by the Government, private agencies and employers through an Industrial Training Authority, which was under tripartite governance. The Authority had strengthened enterprises through the provision of training subsidies to employers and allowances to trainees, financed by a levy on employers' payrolls. He felt that the cornerstones for any training system included meeting the requirements of the economy, creating awareness among employers of the need to train, and motivating workers to increase their knowledge and skills. Tripartite cooperation must be encouraged in the design, implementation and evaluation of training systems.

28. A number of speakers noted with satisfaction the support of the ILO in such areas as: the provision of training programmes including those of the ILO International Training Centre in Turin, reinforcement of the role of the social partners and small enterprise and management development. Other members indicated a need for ILO assistance in promoting the exchange of experiences in training between countries; developing information systems linking training institutions, social partners and policy makers; training in management and small enterprise development; and vocational training for vulnerable groups, including the development of low cost training methods. The Workers' Vice-Chairman emphasised that the promotion of standards should play a central role in ILO activities and that no economic exigency could ever justify the violation of labour standards. He suggested that ILO technical assistance should be withheld in cases of violation of human rights. Other members advised caution on this issue and felt that careful reflection was required before taking such a position. One member pointed out that such a policy might have negative repercussions for vulnerable groups. Numerous members of all groups saw the need for the ILO to monitor more closely the impact of structural adjustment. In particular, the Workers' member of Ghana called on the ILO to renew its leading role among the United Nations agencies in promoting greater tripartite participation in setting national priorities and implementing structural adjustment policies and programmes.

EFFECTS OF STRUCTURAL ADJUSTMENT ON TRAINING

29. The Workers' Vice-Chairman began the discussion by drawing the attention of the Committee to Chapter 1 of the report, which examined how education and training had been affected by structural

adjustment. The Workers' group noted that this section focused on the situation in developing countries, while adjustment policies had been implemented throughout the world. In many countries, spending on education and training had fallen as a result of a deliberate policy of reductions in taxes and public sector spending in the belief that the "invisible hand" of the free market would stimulate economic recovery. The Workers' group believed that reliance on the market alone was inadequate.

The Workers' group stressed that education and training were the key to long-term economic viability and social stability. Therefore, spending on education should not be treated as an "optional extra" that could be expanded and contracted according to the dictates of the market. Observing that the IMF and the World Bank had belatedly recognised the importance of expenditures on education, the Workers' Vice-Chairman stated that this new emphasis on maintaining spending levels on education was especially welcomed. Nevertheless, it had not yet had an impact on many developing countries which were still under immense pressure to cut education spending in the course of implementing adjustment programmes. The Workers' Vice-Chairman suggested that where necessary, structural adjustment should be carried out at a slower pace, in order to maintain basic expenditures on education. He also called for additional resources from industrialised countries and consideration of reducing or cancelling the debt of developing countries.

Referring to the speech by the IMF Managing Director to the United Nations Economic and Social Council in July 1990, the Workers' group supported the proposal to consider increasing taxes on wealthier citizens on the grounds of equity and impact on the economy: equity because it was justifiable that the most able should assume a greater share of the costs of adjustment, and economically because government spending would have an expansionary effect on the economy. The Workers' group also supported the call for governments to cut military expenditures noting that in some countries such expenditures accounted for a much greater share of the national budget than education or health. The distribution of resources within the education and training sector should not be modified during structural adjustment. Governments should establish clear goals and training policies, through a process of tripartite consultation, taking into account short and longer-term skill needs of the economy and providing for equity in education and training, in particular for women and girls. In closing, he re-emphasised the priority attached by the Workers' group to education and training, which were essential for long-term growth and development of the economy.

30. The acting Vice-Chairman of the Employers' group noted the importance of recognising investment in education as being limited to those expenditures which have a return in the market. This is especially important because education and training expenditures can become a bottomless sink if not properly targeted. He also pointed out the desirability of moving beyond analyses of the effects of adjustment, in particular stabilisation policies, and focusing on specific responses to adjustment. In this context, he noted that enterprises had turned to education and training as a way of staying competitive, meeting consumer demands and maintaining employment levels. Another major response had been an increased appreciation of the need for entrepreneurial and managerial expertise to create enterprises which would provide new employment opportunities for displaced workers and the growing number of entrants to the labour market. In addition, reductions in budgets and demographic factors including migration had squeezed education and training budgets. In some countries, this had led to the emergence of pressure groups to maintain or increase public expenditures in training. It had also encouraged novel approaches to pooling resources and forming partnerships to increase the efficiency of training institutions. He noted that the new mix of skills and competencies required by the labour markets of today and tomorrow focused attention on the urgent need to restructure and reorient general educational institutions, curricula and teacher training. Changes had taken place at all levels of vocational training and education and in the emphasis placed on entrepreneurship and management skills.

He then identified a number of actors and responses to structural adjustment and solicited additional examples from the Committee. For instance, cooperative efforts between governments, public training institutions, workers' and employers' organisations, community groups and individuals included: private sector inputs into school curricula; business-education partnerships; business-labour education and training programmes; community training institutions; targeted programmes for disadvantaged groups; and efforts to establish minimum standards, core skills and competencies for general education. Private education and training institutions had also responded to adjustment with package programmes for business creation and support; renting unused public institutions; developing correspondence, open and distance learning and multi-media programmes; and providing management training and entrepreneurship development. Initiatives by employers and their organisations included multi-skilling; training of suppliers and customers; courses for members of employers' organisations; and "employee empowerment" programmes. The efforts of workers and their organisations had in some cases improved apprenticeship programmes; provided job-related training after hours and workers' education programmes; and had increased workers' ability to transfer between trades.

31. The interventions of other Committee members emphasised the critical importance of education and training in situations of adjustment. However, while the demand for increased provision of training was clear, so were the problems confronting governments in implementing responsive and effective programmes. The Government member of the United Republic of Tanzania described the destabilising effect of adjustment and noted that the development and utilisation of human resources in his country were contingent on major investments in technology, management capability, resources and time, all of which were unavailable under existing IMF conditions. The Workers' member of India explained how reduced expenditures, devaluation and privatisation had led to unprecedented numbers of unemployed and a shift to the informal sector. The existing training infrastructure, with institutions closing and teach-

ers' salaries falling due to budget cuts, was unable to cope. He also noted, as did the Government member of the Syrian Arab Republic, the brain-drain from his country to others offering better employment conditions. This represented a major loss in training investment. The Government member of United Republic of Tanzania and the Employers' member of Ethiopia indicated the magnitude of the problem facing their countries which were undergoing a transition to a market economy. Unprecedented levels of unemployed school-leavers, retrenched civil servants and ex-military personnel posed problems in terms of training and employment creation but also a major threat to democratisation and peace processes. In Africa, adjustment had clearly brought about a shock to national economies resulting in "chaos" as one member put it. Governments could not wait for the eventual results of training and retraining but needed short-term solutions to alleviate a crisis situation.

32. The Employers' member of China pointed out that structural adjustment was not a one-way process. Major reforms were also required to make the education system, in particular, responsive to needs of the economy and society. Greater attention should be paid to rural producers. Several other members noted that training was not meeting the requirements of informal sector workers. Developing countries, according to the Employers' member of India, could not afford conventional ways of training which were not only costly, but applied individual rather than mass learning approaches and were institution or enterprise based. These factors limited the capacity to reach the informal sector. Other members cited the lack of trainers and teachers and the inadequate resources for entrepreneurship and enterprise development. While education and training systems clearly required closer linkages between supply and demand, some members also voiced caution as regards the exclusive reliance on the "profit motive" implicit in a market orientation. The Government member of the Netherlands stressed that reliance on the provision of vocational and technical skills would not fulfill the skill requirements of the future. Motivation, flexibility, creativity and changes in attitude were also needed. The Workers' Vice-Chairman added that if training was geared only to the needs of the market, there would be fewer students in subjects such as music, art and literature, areas having less direct economic benefit perhaps but crucial for the development of national culture and society.

A few members noted lessons to be derived from training experiences in their countries. The Workers' member of the United States referred to the de-skilling of the work force and the negative impact on incentives to provide and to undertake training. In this context, he suggested that worker participation and training were more effective when carried out in a union context. The Government member of the United States stressed the central role of education and training in restructuring, suggesting an expanded concept of vocational training to include "citizen education" and an enhanced recognition of market dynamics. Increased knowledge of the institutional arrangements under market economies, for example education in the rule of law and property rights, would be especially important to transition economies. The clear linkage between productivity and investment in education and training in his country was recently confirmed by the findings of a national survey of business managers. The quality of education was singled out as the most significant social issue affecting their organisations. This view, he explained, was also reflected in a recent OECD Ministerial Communiqué which endorsed efforts to improve the efficiency of labour markets, including actions to strengthen and modernise education and training systems.

NATIONAL TRAINING POLICIES IN SUPPORT OF STRUCTURAL ADJUSTMENT

33. The Employers' Vice-Chairman identified several major features of a national training policy to support adjustment: strategic priorities should be set by governments in consultation with the social partners; objectives should be geared to the market and should adjust according to demand; and incentives should be provided to workers, employers and training institutions. He then suggested that tax rebates for training costs and reimbursements from training levy schemes could be used, as appropriate, to motivate employers to provide training. Incentives for workers might include employee empowerment schemes, increased pay for increased levels of skill, and multi-skilling to increase worker flexibility and adaptability. For displaced workers, entrepreneurship development programmes could facilitate business start-up. Management training including leadership skills could contribute to career development and mobility. For fee-charging training institutions to survive budget cuts, they should be permitted to retain their fees and encouraged to gear training to flexible client-oriented programmes.

In the view of the Employers' group, it was the role of governments to provide general education to a basic standard and to provide training for displaced workers. Employers had primary responsibility for training and retraining their employees, including the provision of literacy and numeracy, where needed, to increase worker adaptability. Employers' organisations should provide their members with courses to train trainers and develop entrepreneurial and supervisory skills. They could also raise awareness among employers and the general public of the benefits of training their work force, as well as mobilise international assistance in support of training. Both employers' and workers' organisations should be encouraged to set up training institutions to supplement government efforts.

Governments should promote efforts of the private sector and community self-help initiatives to provide training. Facilities could be shared among contiguous institutions and audio-visual methods and mass media could be used to counterbalance the shortage of teachers. In closing, the Employers' Vice-Chairman re-emphasised the need to place training at the centre of structural adjustment reforms instead of leaving it as a "residual beneficiary or victim as the case may be".

34. Noting the imposition of structural adjustment programmes on many countries, the Workers' Vice-Chairman indicated that his group could support only those forms of adjustment which were capable of achieving workers' goals. Restricting the discussion to national training policies did not adequately

reflect other aspects of human resources development which were fundamental to democracy and to the sustainability of development programmes. In particular, he noted the vital role of processes of consultation and decentralisation. Consultation should begin at the enterprise level and extend to the national level. Improving employer-employee relationships contributed to higher productivity and better human resources development and utilisation. He reaffirmed that the social partners needed to be involved and to agree on the parameters of national policy in both specific areas, such as education and training, and on broader questions of structural adjustment. If there was no collective ownership of the problem, there could be no collective ownership of the solution.

He noted that while substantial areas of agreement had emerged between the Workers' and Employers' groups, the Workers' group did not accept that the market was able to determine complex questions regarding long-term education and training needs of society in a satisfactory manner. Competent national authorities should determine these needs through democratic processes which would most likely entail decentralisation and coordination at local and, where appropriate, sectoral levels. Governments should avoid short-term solutions, such as reducing the length of courses and encouraging shifts from humanistic to technological education, which superficially responded to market needs but in the long run jeopardised diversity and creativity.

He then indicated that the financing of training should be through a mix of public and private resources. His group supported a system of applied education and training as found in the German dual system, which would provide workers with the ability to adapt to the rapid changes occurring in the workplace. He noted that a training levy on enterprises might contribute to the fair distribution of training costs. It could be reduced for enterprises providing high-quality in-house training and in cases where training was of a particularly high quality appropriate incentives could be envisaged. However, many enterprises were not in a position to provide training, for example, micro-enterprises. He suggested that a training levy to pay for public training facilities appeared to provide the best solution. Facilities such as paid educational leave should be provided to enable workers to pursue their interests including in subject areas which might have limited direct vocational application. He emphasised that multinational enterprises should pay special attention to the provision of training in developing countries to provide a transfer of technology and skills. He drew particular attention to the need for education and training to increase productivity in the rural sector of developing countries. Turning to the question of skills certification, the Workers' Vice-Chairman noted that there would be an increasing need for standardisation and accreditation of qualifications by independent authorities at the national as well as the international levels. This might best be undertaken on a tripartite basis in each sector of the economy. On the basis that free universal education and training was a basic human right, the Workers' group opposed the cost-recovery measures favoured by the World Bank, which required students to pay for their own education. The Workers' group also objected to structural adjustment measures which involved a reduction in expenditure on education. Governments should make education a major priority since successful training depended upon a sound education. In this context, the Workers' Vice-Chairman also stressed that only the public sector could ensure training for the unemployed and equal access to training for groups such as women or youth.

35. Concerning the major features of a training policy and framework, Employers' (Canada, Germany, Mauritius, Australia, United Kingdom), Workers' (Cyprus, United Kingdom) and Government members (Germany, Japan, Malaysia) described for training policy development and implementation in their countries. Several members described the tripartite basis and the active cooperation which existed between the social partners at national, local and institutional levels. Several members further identified tripartite consultations as a key element in successful national education and training policy development which had contributed to the creation of effective training systems. The Government member of the United Kingdom stressed the potential benefits of establishing Training and Enterprise Councils (TECs) in which employers and local education authorities are represented to enable public funds to be focused more effectively on meeting the needs of employers and local level markets. The Workers' member of the United Kingdom however reported a conflicting view which indicated the extent to which government impeded the work of these local authorities, due to such things as vacillation in setting targets and insufficient financial support. He argued for greater tripartite involvement to prevent "wasteful" decisions which reflected political "tinkering" rather than a concern for meeting local level needs. The Government member of Japan and the Employers' member of Canada noted that regional considerations were an important feature of national training policy in their countries. Regions were encouraged to plan their own training programmes in order to respond to the diversity of regional training needs. The Government member of Cyprus pointed out that the ability of national training systems to support or facilitate structural adjustment depended on its training needs assessment and planning. He described the procedures followed under the aegis of a tripartite training authority in his country and stressed that overall effectiveness was due to the close ties between training and enterprise authorities. The Government member of the United States attributed the ability to adjust to several factors including: early intervention and rapid delivery of programmes; emphasis on early return to work rather than income maintenance measures; broad-based eligibility; full range of services to meet the needs of a spectrum of dislocated workers; and most importantly, worker involvement especially at the planning stage. With regard to the context of training, the Employers' members of Mauritius and the United Kingdom emphasised the need for "political will" on the part of governments to make training policy and investments in training an integral element of long-term strategic planning and national economic policy. In Mauritius, the Government had adopted a policy and special budget for training, as part of its economic programme, in order to facilitate the transition from a labour- to a capital-intensive economy. The Employers' member of Australia noted that his

Government had identified training system reform as fundamental to economic development. This decision led to the creation of a tripartite National Board of Education and Training with responsibility for coordinating training in the country.

36. Many Government (Algeria, Japan, Malaysia, United States), Employers' (Australia, Canada, Germany, Mauritius) and Workers' (Cyprus) members described examples of incentive schemes to stimulate employers and training institutions to provide training. In Canada, industrial sector training objectives and programmes were planned and prioritised according to the needs of the industry and financed by government from contributions from employers (2/3) and employees (1/3) through an unemployment insurance fund. In Australia, training levy funds were retained at enterprise level, in conformity with legislative provisions, to facilitate training to meet the needs of the enterprise. Two enterprise level programmes, "workplace reform" and "best practice", provided funding for innovative projects and for the adoption of best international practice, respectively, to help create a climate for improved enterprise performance. In Cyprus, the Industrial Training Authority levy on payrolls financed partly or wholly the cost of special training needs of industry as determined by bipartite (employers, workers) technical committees for each sector of the economy. In Japan, the Government provided subsidies for the establishment of training programmes within enterprises.

37. The Government member of Germany described incentives which had proven effective in encouraging workers, including women re-entering the labour force after a break, to engage in training, retraining and further training. These include better employment opportunities for those already employed and, for those seeking employment, payments for participation in training which was greater than unemployment benefits. The Government member of the United Kingdom explained that young people obtained training credits which permitted them to choose among skill training programmes. Established employees could obtain career development loans to undergo more expensive training. The Government member of Japan noted that paid leave for employees, partially subsidised by government, was available for "self-improvement through training". The Government member of Malaysia described various incentives to encourage workers to undertake training and retraining, including tax rebates, training grants, low-cost loans and salary increases for increased skills.

38. The Workers' member of Chile emphasised that most adjustment policies and programmes failed to take account of the self-employed and the informal sector. In his country, only 15 per cent of the active labour force worked in large enterprises. There was an explicit need to support the informal sector. Other members mentioned training and related policies and programmes which had served to promote productive self-employment and enterprise development. The Government member of Nigeria described the work of the National Directorate of Employment which was recently established to stimulate self-employment and small enterprise development. The Directorate had organised programmes for school-leavers and graduates of tertiary institutions to develop business skills and entrepreneurial aptitude. These programmes covered all stages of business project development, following which loans were provided at favourable rates to facilitate business start-up. In addition, the Directorate supported open apprenticeship and agricultural training programmes which emphasised self-employment for school-leavers. The Government member of the United Kingdom mentioned a recent scheme in which local education authorities collaborated with enterprises to reorient the curricula in secondary level schools to develop vocational skills which were relevant to local labour markets and to encourage entrepreneurial attitudes and an interest in careers in self-employment. This programme had already had a marked effect on students' attitudes and had strengthened ties between training and education institutions and enterprises.

39. Several members from all three groups elaborated on the respective roles in training of government, public and private sector training institutions, and enterprises. Government should provide for basic education and initial vocational training. Its fundamental role, however, was to provide for basic education and to create a supportive training environment through appropriate policy guidance, tripartite consultations, legislation, financial commitment and the promotion of equity. Governments should function in a catalytic manner, stimulating innovative training programmes to meet the needs and objectives of the labour market and the economy. Employers should assist training institutions in identifying the skills and competencies required by enterprises, and provide training, retraining and further training to present and prospective employees. Examples of collaboration were cited for Canada, Cyprus, Mauritius and the United Kingdom, where employers were members of governing boards or technical committees of training institutions, and represented on local training councils.

The Government member of Germany noted that his government had a major role to play in training the unemployed and those with learning difficulties. Young people with learning difficulties, women, injured workers, and the unemployed were given an opportunity to be trained and to join or return to the labour market through state-financed training programmes outside the framework of the dual system of enterprise training. The Employers' member of Australia said that the need to increase training opportunities for disadvantaged groups was a priority of the tripartite training boards. The Government member of the United Kingdom noted that the local Training and Enterprise Councils involved representatives of community organisations which included groups having difficulties or disabilities. The Government member of Japan described specific measures used for the retraining of older workers, noting the need for long-term worker training programmes.

THE SOCIAL COSTS OF ADJUSTMENT AND EQUITY ISSUES

40. The Workers' Vice-Chairman opened the discussion on the social costs of adjustment by observing that members from all groups supported the proposal that the ILO should be more actively involved

in influencing the IMF and the World Bank as regards the planning and implementation of structural adjustment programmes. In particular, the ILO should make known the views of the social partners and intensify its promotion of their engagement at all stages. He characterised a decade of adjustment experience as demonstrating the market's inability to yield an adequate solution. In the opinion of the Workers' group it was clear that the laissez-faire approach of governments to adjustment was not tenable. Governments should actively pursue policies to assist vulnerable groups and depressed regions, in particular in rural areas, by providing special measures in education and training as a means of redressing the deterioration of their economic status. While expressing support for employment generation and retraining schemes established under the Social Dimensions of Adjustment Programme, he criticised the inadequate level and the use of funds on expensive external expertise, and noted the lack of tripartite participation in setting priorities, and in programme design, implementation and evaluation.

Turning to the issue of equity, the Workers' Vice-Chairman emphasised that training should be seen as part of the wider issue of human resources development. Enormous scope existed for better utilisation of human resources, in particular, measures to promote the full participation of women in society. The pursuit of equality of opportunity and treatment for women in education, training and vocational guidance was essential. To ensure their career options were equal, girls should receive the same education as boys, particularly in non-traditional subjects, and unbiased vocational guidance. He noted, however, that in all regions, significant disincentives persisted, such as: the lack of equal pay for work of equal value; the absence of equal parental rights such that women's careers tended to suffer as a result of their child-caring responsibilities; stereotypes concerning women's roles and capabilities; and discriminatory practices in the workplace. Governments should also seek to provide universal free child care. Such facilities could also be provided by enterprises as a result of collective bargaining. Interventions were necessary to eliminate discrimination as regards promotion and other conditions of employment, to provide equal parental rights and to conduct educational campaigns against sexual harassment. The active intervention by governments was imperative on all of these matters, and measures should be established and subsequently supervised by a tripartite body such as an Equal Opportunity Commission. He noted that the same principles would be applicable to other potentially disadvantaged groups such as ethnic and other minorities, migrant, disabled and older workers. Ensuring the full development and utilisation of these resources, however, would require adequate social protection, health care and other services to increase the ability of these groups to take advantage of education, training and employment opportunities. In this context, he recommended that the ILO undertake a study of the access of migrant workers to education and training to be presented to the Governing Body Committee on Discrimination. He pointed out that specific attention should also be paid to the needs of the rural poor as adjustment programmes had exacerbated urban-rural inequalities. He also pointed out the particularly vulnerable position of workers in the informal sector. With the aim of progressively integrating the informal into the formal sector, they should be given greater access to training. Labour standards and other forms of social protection should gradually be applied. In the opinion of the Workers' group, priority goals of human resources development should include the prohibition of child labour and the gradual formalisation of the informal sector.

41. The Employers' Vice-Chairman noted the importance of anticipatory programmes for the retraining and redeployment of displaced workers. He specifically emphasised the effectiveness of early interventions which would combine retraining with a range of services comprising counselling and placement or job search assistance. Such support would usually entail strengthening public and private employment bureaux and taking steps to reorient vocational training from skills required by declining sectors and industries to those needed in emerging ones. In this regard, he suggested that the dual system as practised in Germany be considered as an effective means of matching supply and demand for skills. He also supported the practice in some countries of requiring employers to give advance notice of anticipated redundancies to facilitate the process of finding alternative employment. While the provision of unemployment benefits to displaced workers genuinely seeking employment might be helpful, he cautioned against too much support of this kind which might discourage an early return to work. Levy schemes and tax rebates could also be used to help enterprises to provide training and skills upgrading courses for workers affected by redundancies. He pointed out the need for surveys of occupational profiles of jobs to provide information on trends in skill requirements in particular emerging skills according to regions and industries.

For workers considering self-employment, the Employers' Vice-Chairman underscored the need for management and entrepreneurship development. Given the importance of the informal sector, he suggested comprehensive programmes of assistance that combined training in business and entrepreneurial skills with access to credit. A fund could also be established to facilitate business start-up. Noting the need for targeted assistance to other vulnerable groups, he singled out the problems confronting displaced workers in rural areas, who should be provided with training and inputs that reflected the technological advances in that sector. Finally, he supported the establishment of high-level national tripartite boards to formulate and review policies to ameliorate the social impacts of structural adjustment. He emphasised, in this regard, the need to adjust the timing of structural adjustment programmes according to a country's needs and capacities. Unnecessarily tight timetables exacerbated the social disruption which ensued.

On the question of equity, the Employers' Vice-Chairman proposed the enactment of legislation to ensure equal opportunity between women and men in both public and private sectors regardless of enterprise size. Such measures would cover training and retraining, job placement and treatment in all aspects of employment, including the criteria for selecting employees to be laid off. He singled out two groups of women requiring specific attention: those re-entering the labour market after a long break and those in rural areas of developing countries whose work in agriculture and home-based cottage industries should be improved. He also noted the need to provide relevant training to older workers who may have wished to continue working.

The Employers' Vice-Chairman then responded to several points made by the Workers' Vice-Chairman. In particular he noted that the poor record of structural adjustment programmes in the last decade should not be seen as a failure of market forces but as an outcome of excessive State interventions and mismanagement and the lack of accountability among public enterprises. Furthermore, as regards the impact of adjustment in rural areas, he argued that one of the basic goals of adjustment was to correct rural-urban imbalances by rewarding farmers for their labour by removing price controls which served to discourage agricultural output. Concerning employers' obligation to provide training or retraining of workers, he pointed out that not all enterprises were in a position to do so, and with privatisation new owners would understandably have the prerogative to do what they considered best. He also pointed out that temporary work might be better than no work at all, and one of the possible ways of improving employment had been through work-sharing arrangements. As regards legislating for parents' rights to return to work after a period of child care, while it might be desirable he wondered whether governments would be in a position to make such a guarantee.

42. Several members described measures taken in their countries to mitigate the social costs of adjustment. The Government member of the United States summarised several programmes designed to enhance labour market efficiency and ensure equitable access of disadvantaged groups to training and employment. He emphasised the importance of returning dislocated workers to work as soon as possible and explained that in his country flexible and comprehensive legislation had contributed significantly to the achievement of this objective. In one programme, unemployment insurance provided a temporary wage replacement that allowed eligible unemployed workers to participate in job skills training. Another programme brought together business, education and labour leaders to define the skills and levels necessary to obtain entry-level jobs. Another initiative focused on the vocational training and education system to provide workers with skills for the future. Three groups were targeted: new labour force entrants who required basic job training, persons on public assistance, and displaced workers. The Employment Services programme served as a clearing house for labour market information and provided job counselling and job placement services. He added that many of these programmes involved authorities at the national, state and local levels.

The Employers' members of the United States and the United Kingdom cited initiatives of the business community to collaborate with local level and community education and training institutions to stimulate a greater awareness among students of the world of work and career options. The Employers' member of the United States emphasised the ability of market forces to address long-term needs of education and training, noting the involvement of many enterprises in primary school education. The Government member of Japan explained that a cultural tradition of avoiding dismissal of workers had minimised the negative effects of adjustment in her country. The availability of free, publicly-funded, skills training programmes, together with efforts by some employers' organisations and enterprises to train redundant workers had also helped.

Several members, including the Workers' member of Nigeria, the Government member of Zimbabwe and the Employers' member of Zimbabwe, described successful measures in their countries for training and retraining laid-off workers. The Employers' member of New Zealand cautioned against targeting support programmes to particular skills or industries which he felt would inevitably lead to the exclusion of some important areas of skill development. Priority should be given to the needs of the long-term unemployed. Job search, mobility assistance and work experience programmes, as well as training needs analysis and a qualifications framework which enhanced mobility and recognised achievement were all important. The Government members of the United Republic of Tanzania and India placed priority on efforts to provide self-employment since, in their view, some economies were unable to absorb the people who were completing vocational and technical training. In this context, the Government member of the United Republic of Tanzania argued that structural adjustment programmes designed for industrialised countries having large formal sectors were not appropriate for countries such as his where 80 per cent of the work force was found in the informal sector. Consequently, he felt that most of the training initiatives being described in this Committee would reach and benefit only a minority of workers in his country. Programmes were needed which would be appropriate for informal sector workers having low literacy levels and would make use of adult education and mass media techniques and out-of-school contexts such as public meetings, church or mosque groups. Government members of the United Republic of Tanzania, India, Ethiopia and Zimbabwe also argued that without increased and sustained levels of financial and technical support, the ability of many African countries to bring about the desired reforms and changes would be seriously jeopardised. They stressed the fact that the collapse of the Eastern and Central European economies had also influenced certain countries in Africa, both directly and indirectly, as a result of the shifting of financial support by the industrialised countries.

Other members then described safety net programmes or social funds established under structural adjustment programmes to provide for the social welfare needs of vulnerable or disadvantaged groups usually combined with training and retraining initiatives. The importance of integrating these different yet mutually supportive measures was emphasised. The Government member of Malaysia described the Human Resources Development Fund in his country will operate from a levy from employers and will provide assistance to workers who will be laid off in the future. Training and skill upgrading aimed at enhancing job flexibility.

43. Members of all three groups stressed the importance of efforts to ensure equitable and non-discriminatory access to training and employment opportunities. Equality of opportunity was seen as not

only fundamental to social justice, but critical to the full utilisation and development of human resources. It was noted, however, that without special targeted measures the disadvantages experienced by vulnerable groups could be exacerbated in the context of adjustment.

The Employers' member of New Zealand described provisions made in his country under an Equal Opportunities Fund to conduct research, disseminate information and raise awareness among employers of equal opportunity issues. It also provided support for the implementation of enterprise-based programmes to redress the problems identified. The Government member of the United Kingdom added that the key to providing equity in training for disadvantaged groups was to focus on access issues and the obstacles experienced by those groups. Once identified, steps could be taken to remove the barriers. She provided examples of several support services designed to enable specific disadvantaged groups to take advantage of training opportunities, including a communication service for hearing-impaired trainees; a readership service for visually-impaired trainees; and adapted or specialised equipment. In addition, she pointed out that many groups had specific training needs, such as for literacy and numeracy skills, or required special outreach programmes to participate, such as persons living in rural or isolated areas. Another target group needing specific tailored assistance would be women returning to the labour market after a long break who might lack confidence as well as job-related skills.

The access of women to training was a matter of considerable concern in the United Kingdom in view of the need for skilled labour and the unprecedented number of women returning after a career break. Training and Education Councils were responsible for the local delivery of government-funded training and enterprise development programmes. Other efforts focused on making training flexible and responsive to women's domestic responsibilities and included special entry routes, part-time training and support for child care. The Government member of the United States summarised an initiative by his government for women and minority groups, aimed at promoting equal opportunity and "good corporate conduct". It had already demonstrated positive results in terms of identifying the systemic, enterprise-based obstacles to women's career advancement and eliminating them through concrete measures worked out between government and employers.

Many other members including the Government members of Fiji, India, Malaysia, New Zealand and Zimbabwe, referred to policies or programmes in their countries to enhance the access of women to training and noted that special targeted measures were essential to ensure women's access to resources and services. The Workers' member of the Netherlands reported that the rate of long-term unemployment in her country was twice as high for women as for men, due primarily to inequalities in education and training. Despite non-discriminatory legislation and education policies, women did not attain the same levels as men and tended to enter fields of study which were not valued in the labour market. In addition to the measures to be taken by governments and the social partners, the responsibilities of individual employers and the role which might be played by local level work councils deserved attention. Women were disadvantaged in the workplace, including in their access to training, due in part to perceptions of their family responsibilities. The joint employer/worker Labour Foundation in her country encouraged collective bargaining to make specific provisions to improve the position of women workers in jobs where they were currently under-represented. She added that the dual system of training as found in Germany was also successfully implemented in the Netherlands, not only for young workers but for women re-entering the labour market. Finally, she underscored the need for greater attention to be paid to training for older workers and migrant workers. In this context, other members (Employers' member of China; Government members of Fiji and the United Republic of Tanzania) drew specific attention to the need to enhance the opportunities and access to basic education and training of the rural poor, older workers, racial or ethnic minorities and disabled workers and noted that programmes for these groups had to overcome certain social and cultural practices and prejudices.

THE ROLE OF THE SOCIAL PARTNERS

44. The Workers' Vice-Chairman emphasised the special role of workers' organisations in ensuring a workplace environment which provided for the needs of workers and guaranteed equal opportunity and treatment. The development and efficient utilisation of human resources could be best achieved in work environments where morale was high, working conditions were good and workers were committed to their work. The type of dynamic, creative workplace capable of responding to the rapid changes and demands of the future depended on the full participation of workers in decisions concerning work organisation and processes. He then commented on the extent to which workers' organisations were engaged in training. They were primarily responsible for bargaining for greater investments in training in the workplace. They also provided a means of channelling the employees' viewpoint on such issues as course content, timing, the participation of workers having family responsibilities, and links to other forms of training. He also noted many examples of courses organised by workers' organisations on occupational safety and health issues, vocational skills, basic literacy and numeracy. He noted that far greater use could be made of workers' organisations in the provision of training, including training for workers in the informal sector.

He emphasised that where training was concerned, governments should seek the involvement and expertise of the social partners, in particular at the local and sectoral levels where they were best placed to articulate the needs to which training should respond. He noted the effectiveness of certain school-to-work transition programmes where employers' and workers' organisations were involved in the development of training programmes for youth carried out in the school system. At the national level, tripartite consultation should be arranged to determine education and training curricula and accreditation to ensure common recognition of qualifications.

45. The Employers' Vice-Chairman emphasised the role of governments in providing an environment

conducive to the provision of education and training which met the long and short-term requirements of the economy and society. To do so they should integrate human resources management into their strategic economic and social plans, so that adequate training policies and infrastructure were put in place. Governments should not, however, create bureaucratic barriers to the effective development of human resources in the workplace. The task of defining the training needs of enterprise workers and the programmes to meet these needs should be the role of employers. However, he agreed that workers should have a say in the determination of their training needs and that employers should be responsive to these needs. Training should ideally be conducted at the enterprise level to facilitate a transfer of skills among workers. He added that employers' organisations had an important role to play in stimulating training by enterprises through the provision of information and technical services on the design and implementation of courses. They had also been effective in supporting and providing management and entrepreneurship development programmes.

46. Several members, including the Government member of Fiji and the Workers' member of Australia, noted the need for greater collaboration and consultation between training and education authorities and the social partners to ensure the provision of training and education relevant to the needs of employers and workers. Tripartite training bodies, such as training councils, boards and authorities, offered an appropriate institutional framework for collaboration at national and local levels. The Employers' member of the United States emphasised the contribution that could be made by greater cooperation and consultation between education and training institutions and enterprises to ensure the relevance of education and training to the market. The Government members of Cyprus, Fiji, Japan, Malaysia and Poland described examples of tripartite structures in their respective countries. Although the specific form differed, these bodies were generally responsible for establishing national training policies and systems of skill certification; specifying the content of training courses; and monitoring and evaluating policy and programme implementation. Other members (Workers' member of Australia, Government member of Belgium) indicated a need to ensure acceptable levels of professionalism and good working conditions of teachers and trainers. Several members of Governments (Nicaragua, Algeria, Portugal) emphasised the importance of tripartite cooperation in training needs identification so that both market and societal needs were adequately reflected. They cautioned against restricting training to the specific needs of occupations or enterprises, as it could diminish worker flexibility and mobility. The Government member of Belgium reiterated that adjustment entailed redirecting responsibilities and processes and, therefore, a certain degree of initiative must be given to employers despite the central role of governments. He supported the view that employers had a responsibility to train their personnel, but to safeguard the concerns of workers, training needs should be determined in consultation with workers' organisations. Other members pointed out that the introduction of new forms of work organisation, including participatory forms of management, could contribute to more equitable and efficient structural adjustment at the enterprise level. In this context, the social partners could play an important role in ensuring attitudes, work organisation and incentives that encourage the best use of human capabilities.

The role of the ILO

47. The Workers' Vice-Chairman stressed that the ILO should assume a leading and catalytic role in promoting the participation of the social partners in all stages of structural adjustment. He also reiterated the ILO should withhold economic assistance from countries violating trade union, human and political rights. ILO actions in this area should be backed up by a strengthened research capacity on the effects of structural adjustment and effective policies and programme responses. The ILO should also assist the social partners in developing their own capacity to analyse adjustment processes and should provide a compendium of policy approaches to mitigate the social costs, particularly for use in developing countries and countries whose economies are in transition. National tripartite conferences should be organised to evaluate adjustment programmes. In this context, he also requested the Committee to consider recommending a second High Level Meeting on structural adjustment. As regards technical cooperation projects in the field of training, emphasis should be placed on the promotion of relevant ILO standards, tripartite cooperation, and safety and health in the workplace. Training and retraining should contribute to improving workers' overall situation. To this end, modules on workers' education could be integrated into vocational training courses and curricula. Following the interest expressed concerning the usefulness of levies, he suggested the ILO prepare a comparative study of national experiences as a basis for advising governments of most cost-effective strategies. Similarly the ILO could provide advice on tripartite processes for establishing standard qualifications for training. Assistance in selecting the appropriate mix of skills training and basic education to prepare qualified workers and on cooperative approaches to preparing youth for the transition from school to work were also requested. These efforts would entail assisting trade unions and employers in jointly developing educational materials for use in schools and training institutions. The ILO could also help governments and the social partners ensure equal access for disadvantaged groups to all education and training programmes. In this regard, he noted particular attention should be given to the rural and urban informal sectors and the needs of women. Finally, he suggested the ILO take stock of national training schemes which were initiated and carried out by non-governmental organisations, including community and other local level groups.

48. The Employers' Vice-Chairman urged the ILO to encourage governments to evaluate the long and short-term training needs of the economy and society and integrate appropriate measures into the national economic and social policy and programme framework. He noted the need to strengthen the support given to small enterprises in the formal and informal sectors. The ILO should play a more forceful role in coordinating information and knowledge on training issues, promoting networking, and building the

requisite capacity within countries and enterprises to develop and implement training programmes. In this context he suggested an increased role for the ILO International Training Centre located in Turin.

49. A variety of priority areas for ILO assistance was also identified by other members of the Committee. The provision of ILO technical assistance for the identification of training needs and the planning of training programmes for retrenched civil servants and vulnerable groups was an area of specific concern. Assistance in the field of management and enterprise development was also stressed. Members urged the ILO to prepare information and training materials in all of these areas in collaboration with governments and the social partners. The Government member of Portugal suggested that the ILO provide assistance in forecasting labour market needs as called for in Convention and Recommendation No. 122 concerning employment policy. Other types of technical cooperation were proposed, including technical advisory missions, the transfer of technical knowledge and expertise between developing countries through fellowships, study tours, consultancies, and the supply of publications and training materials. Greater inter-agency collaboration in the field of structural adjustment was strongly suggested with the ILO taking the lead in seeking the cooperation of regional development banks, UNDP, UNESCO, the IMF and the World Bank in focusing attention on mitigating the social costs of adjustment and increasing consultation with employers' and workers' organisations. Several members called for the ILO to take a more aggressive position as regards the IMF and World Bank to ensure that greater attention was paid to the social impact of structural adjustment policies and programmes and that reductions were not made in investments in education and training. To identify the negative impact of adjustment on education and training, the ILO was urged by the Government member of Zimbabwe to undertake research and to evaluate and closely monitor the effects. The Government member of the United Republic of Tanzania called on the ILO to appoint a study committee to review structural adjustment policies and programmes as advocated by the IMF and World Bank, with a view to reorienting them. Several members stressed the need for ILO to participate in structural adjustment missions organised by the IMF and World Bank. The Government member of the United States characterised the role of the ILO as an "integrator" of tripartite perspectives and experiences. The ILO was urged by several members to take a leading role in social policy and in championing the social dimension of development, particularly in contexts of structural adjustment. The Workers' member of Ghana called for the ILO to renew its commitment to its fundamental principles by assuming a leading role in defending international labour standards throughout the process of adjustment.

Consideration of a working document submitted by the Working Party

50. At the tenth sitting of the Committee, the Reporter introduced the draft Conclusions prepared by the Working Party. There were several clauses on which the Working Party had been unable to reach agreement and these had been placed in square brackets. The Chairman suggested that the Committee proceed paragraph by paragraph to consider the bracketed clauses along with the 196 amendments submitted by members of the Committee.

51. Most amendments were adopted by consensus, rejected or withdrawn following a brief discussion, or in a few cases, referred back to the Office for purely drafting changes. Disputed clauses and amendments are reported in the following paragraphs.

52. The Employers' Vice-Chairman introduced an amendment to paragraph 1 that drew on the conclusions of the High-Level Meeting on Employment and Structural Adjustment (1987) emphasising the need for country-specific responses to the adjustment process. The Workers' group indicated its reluctance to introduce the topic of adjustment with an "overly positive" statement. Put to a vote, the amendment was approved with 52,421 votes in favour, 6,555 opposed and 40,641 abstentions. The Committee then discussed an amendment proposed by the Workers' group, which presented what the group considered to be a more accurate reflection of the impact of structural adjustment and democratic processes. The Employers' group and the Government of the United States favoured the existing text. A vote was called and the amendment was rejected due to failure to reach a quorum (48,769): 43,586 votes in favour, 4,712 against, and 57,243 abstentions. The Committee then considered an amendment submitted by the Employers' group concerning factors to which economic structures must adjust. The Workers' group indicated its acceptance if the phrase "international trading patterns" found in the original text but deleted in the amendment was reinserted as a subamendment. The subamendment was adopted, and the amendment duly subamended was then approved. With a few additional minor amendments, paragraph 1 was adopted.

53. An amendment to paragraph 2 introduced by the Workers' Vice-Chairman sought to include among measures taken to facilitate the adjustment process: "promote participation and dialogue with employers' and workers' organisations." The Employers' Vice-Chairman objected to the wording "participation" and, following the suggestion of the Government member of the United States to employ the language consistent with that used in the Report of the High-Level Meeting on Employment and Structural Adjustment, he proposed a subamendment modifying the clause to read "promote dialogue and cooperation with employers' and workers' organisations". The subamendment was accepted and the amendment then adopted as subamended. Another subamendment, proposed by the Employers' group with support from the Workers' group, to an amendment submitted by the Government of Spain, sought to add "new characteristics of work" to the clause in the original text "shifts in the international division of labour" rather than replace it as proposed in the amendment. The subamendment was approved and the amendment adopted with the subamendment. Paragraph 2 was subsequently adopted with the request that a few minor textual changes be made by the Committee secretariat.

54. Paragraph 3 was adopted with no changes in the text. The Committee then considered paragraph 4 and a proposal from the Employers' group that sought to reflect more completely the conclusions of the High-Level Meeting on Employment and Structural Adjustment as regards "the principles which should guide the formulation and implementation of structural adjustment programmes". The Workers' Vice-Chairman indicated his group's support if the wording were changed slightly to specify "tripartite" consultation and cooperation and respect for basic "ILO" standards as stated in the text of the High-Level Meeting. This subamendment was accepted and the amendment adopted as subamended. Paragraph 4 was subsequently adopted as amended.

55. The Government member of Australia introduced his amendment to paragraph 5 to replace "ensuring new employment opportunities for workers" with "facilitating the redeployment of redundant workers". He pointed out that new employment opportunities could be assumed under situations of adjustment and "redeployment" reflected more accurately the situation. The Workers' Vice-Chairman suggested the proposed clause be added to the existing text as both situations were relevant. The Employers' group, however, agreed with the amendment and it was subsequently adopted. With the approval of one other minor amendment, the paragraph was then adopted by the Committee.

56. The Committee then considered an amendment to paragraph 6 submitted by the Workers' group to replace the word "need" with "right" in the sentence "Governments should endeavour to ensure universal free access to basic education since this is a fundamental human need ...". The same amendment had also been proposed by the Government members of Austria and Algeria. In the opinion of the Workers' group, the change was essential to underscore the universal and fundamental nature of this right. The Employers' group rejected this view, pointing out that some governments may not be able to meet this requirement under structural adjustment, which might bring them under criticism by the ILO. The Workers' group sought Government support. The amendment was approved and the paragraph subsequently adopted with two other minor amendments.

57. The Committee next discussed paragraph 7 on the formulation of training policies and programmes and the determination of training needs, and an amendment submitted by the Employers' group. In considering the responsiveness of training to changing labour market conditions, the Employers' group stressed that the "employers are the ultimate arbiters of market demand for skills and knowledge. In fact they are the market". The Workers' rejected this view as unnecessarily narrowing the focus of training and ignoring other factors which could influence the demand for skills. Several governments, including the Syrian Arab Republic, Nicaragua and the United States, pointed out some of the limitations of restricting the definition of training needs to market demand. A vote was called and the amendment was rejected: 40,641 votes in favour, 45,353 opposed and 15,314 abstentions.

The paragraph was then adopted with two other amendments, one to include training in occupational safety and health in national training programmes and the [illegible]er to replace "expenditures on" with "investments in" training.

58. The Committee then reviewed an amendment to paragraph 8 proposed by the Employers' group to modify a clause in the original text on the relationship between investments in education and training, job loss and the increasing number of low-skilled and low-wage jobs. The Workers' group proposed a subamendment to retain the part of the original text which specified investments in "skill intensive industry". This subamendment was accepted and the amendment subsequently approved as sub-amended. Paragraph 8 was then adopted following several requests for the Committee secretariat to make minor drafting changes.

59. Paragraph 10 raised the importance of governments exercising political will and allocating sufficient resources to training and education. The Government member of the United Kingdom then explained his amendment to delete the word "substantial" in the clause "the reduction of military spending should enable governments to channel substantial resources to productive and socially beneficial activities, such as education and training". The Employers' group supported the amendment. The Workers' Vice-Chairman however pointed out the importance of maintaining the original wording to reflect the expectations of a Committee such as this one. The amendment was rejected. The paragraph was then adopted following several requests for the Committee secretariat to clarify the text.

60. The Committee then proceeded to paragraph 11 and an amendment proposed by the Workers' group to replace the words "employers, workers and where appropriate their representative organisations" with the phrase "the social partners". The Employers' Vice-Chairman pointed out that in some situations the social partners might not exist. The Workers' Vice-Chairman referred to the long debate on this topic in the Working Committee and the principle behind the wording, which in the view of his group was basic to the ILO. The Employers' Vice-Chairman cited the language used in Article 6 of Convention No. 144, "where such organisations exist", and in paragraph 12 of the Conclusions of the High-Level Meeting on Employment and Structural Adjustment, "workers and employers and where appropriate, their representative organisations". The Government member of the United States requested clarification of the view of the Office. The representative of the Secretary-General referred to Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and to the conclusions of recent industrial committees, pointed out the wide variation in the wording used by various committees and suggested that the Committee should establish its own position in the context of the topic it was discussing, giving due weight to the work of other committees. A vote was subsequently called and the amendment was rejected due to lack of a quorum: 42,997 votes in favour, 1,767 opposed and 58,311 abstentions. The Workers' Vice-Chairman then proposed a subamendment to the rejected amendment, which was ruled out of order by the Chairman. Referring to paragraph 54 of the ILO Guide for the Secretariat, the Workers' Vice-Chair-

man then proposed to provide a new amendment. The representative of the Secretary-General was subsequently called on to clarify procedures. He indicated that according to article 63 of the Standing Orders on the timing of submission of amendments, such action was not permissible. The Workers' group disputed the ruling. Advice of the Office's legal adviser was sought and, after consultation, the decisions of the representative of the Secretary-General and the Chairman were sustained. The Committee adjourned for a short period for the Workers' group to deliberate.

61. Paragraph 12 was slightly amended and adopted. The Committee then considered an amendment to paragraph 13 proposed by the Employers' members which was intended to give countries a wider choice in the systems which they established for formulating and reviewing training policies. In the opinion of the Government member of Nicaragua, from a legal perspective the amendment presupposed the creation of a private company rather than a public institution. The Employers' Vice-Chairman withdrew his group's amendment and supported instead an amendment proposed by the Government member of Austria. This amendment was accepted and paragraph 13 was adopted. Paragraphs 14, 15, 16 and 17 were subsequently adopted following minor amendments.

62. The Employers' group proposed an amendment to paragraph 18 to replace a reference to linking "enterprises and unions" with the phrase "employers, workers, and their representatives where appropriate". Put to a vote, the amendment received 46,531 votes in favour, no votes against and 50,654 abstentions. Since the quorum was not reached, the amendment was rejected. The paragraph was adopted without amendment.

63. The Workers' group proposed an amendment to paragraph 19 emphasising the need for "a genuinely collaborative joint approach of employers and unions to raising productivity and wages and improving working conditions". Enterprise reforms to promote this aim and increase staff participation would be duly negotiated between management and unions. The Employers' Vice-Chairman responded that the emphasis should be on training rather than on wages and working conditions and the primary involvement that of employers and workers. He pointed out that unions could be included only where they were already represented in an enterprise. This amendment was rejected. The Committee then considered another amendment which had been proposed by the Workers' group to replace the last sentence of the paragraph, "Empowerment schemes, introducing work in teams and providing workers increased pay for improving their skills and raising productivity can all contribute to the development of a more harmonious enterprise culture", with "The social partners should pursue these objectives through negotiations and improve wages and working conditions as a consequence." This amendment was accepted. Following minor amendments, paragraph 19 was adopted.

64. The Committee then considered an amendment to paragraph 20 proposed by the Employers' members to replace the bracketed text which emphasised financial levies as the main instrument of governments to ensure funding of training on an equitable basis. Reference was made to various measures to achieve this goal which had been introduced successfully in different countries. The Workers' Vice-Chairman proposed a subamendment deleting the clause "as detailed above" which was accepted. The amendment was then adopted. Following three further minor amendments, paragraph 20 was adopted.

65. The Committee proceeded to an amendment proposed by the Government member of Australia to insert in paragraph 21, dealing with the need for information systems, a sentence from paragraph 26 which referred to the need for regular surveys of skill needs. The Government member of Australia explained this amendment widened the scope of reference to cover the importance of such surveys in planning both training and retraining programmes. The Workers' Vice-Chairman supported the amendment. The Government member of Nicaragua emphasised the importance of surveys of skill needs in both Latin America and Eastern Europe to determine training and retraining programmes. The Employers' Vice-Chairman indicated his agreement. The amendment was approved and paragraph 21 was adopted.

66. Paragraphs 22 and 23 were adopted without amendment. Paragraphs 24 and 25 were adopted with minor uncontested amendments. An amendment to paragraph 26 to delete the final sentence following the insertion into paragraph 21 of a similar but broader text as mentioned above was accepted. With one further slight amendment, paragraph 26 was adopted.

67. Paragraphs 27, 28 and 29 were then adopted with minor amendments, while paragraphs 30 and 31 were adopted without amendment.

68. Turning to paragraph 32, the Committee considered and accepted an amendment proposed by the Government member of the United States, to add at the end of the paragraph a reference to the need for "special attention to be given to encouraging an entrepreneurial approach and developing the necessary skills for enterprise development". The paragraph was adopted as amended. Paragraph 33 was adopted with a minor amendment.

69. The Employers' Vice-Chairman introduced an amendment to paragraph 34 aimed at replacing the reference in the first line to the role of employers' and workers' organisations in the formulation of training policies and implementation of training programmes, with a reference to consultation on these matters, according to national law and practice, by "employers, workers and their representatives, as appropriate". The Government member of Nicaragua considered that this proposal ran counter to the ILO's commitment to the role of employers' and workers' organisations. The amendment was subsequently rejected. The alternative bracketed clauses were replaced, following a subamendment proposed by the Workers' group to an amendment which had been put forward by the Employers' group, with a similar reference to "employers' and workers' organisations" while the bracketed words "of their members" were deleted. Further amendments proposed by the Workers' group to recognise equally the role of employers' and workers' organisations in defining training needs were accepted. Finally, on the basis of

a subamendment by the Workers' group to an amendment which had been proposed by the Employers' group, the words "production system" were replaced with "economy".

70. Paragraph 35 was subsequently adopted after being amended to reflect the Committee's decision on paragraph 34 on the need to consult "employers' and workers' organisations" in determining national systems of skill certification and the content of training courses.

71. The Committee subsequently considered an amendment submitted by the Workers' members that proposed replacing the initial wording of "in bargaining for greater investments in training by enterprises . . .", in the square brackets in paragraph 37 with the words "in negotiating better training by enterprises, its extension to workers not adequately covered, and . . .". The Employers' Vice-Chairman stated his group did not accept the amendment. He argued that training was an "organic function of business". Training should not be a bargaining issue and negotiating for investments in training did not augur well. The Government member of Austria asked the Workers' Vice-Chairman whether the amendment implied for example, that in negotiations, training hours would be accepted in place of a reduction in working hours. The Workers' Vice-Chairman replied that the proposed wording covered all aspects of training and was not meant to be prescriptive. The amendment was adopted. Several minor modifications were also accepted followed by the adoption of the paragraph. Paragraphs 36 and 38 were also adopted with minor modifications.

72. The Committee then adopted an amendment submitted by the Workers' members proposing that in paragraph 39 reference be made to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It then referred several editorial changes to the Committee secretariat for review and adopted paragraph 39 with one additional minor modification. Paragraphs 40 (b), (d), (e) and (g) were adopted without change as were 40 (a), (c), (f) and (h) with slight amendments.

73. The Committee then turned its attention to the sentence in brackets at the end of paragraph 41 (a) stating "The ILO should not enter into technical cooperation agreements with governments that systematically violate trade union or other human or political rights." The Workers' Vice-Chairman reiterated his group's position explaining that the conditionality was based on their concern for the systematic and not just random violations of fundamental rights of workers which represent the cornerstone of ILO activities.

The Employers' Vice-Chairman argued that in the opinion of his group, the bracketed clause should be deleted from the text. He noted that the ILO had established its own supervisory machinery to investigate violations of standards. Referring to the discussion of international labour standards and technical cooperation that took place during the 252nd Session of the ILO Governing Body, 2-6 March, 1992, he quoted the report (GB 252/15/1, paragraph 34): "Finally, in the absence of a constitutional basis and precise instructions formulated by the Conference on the Governing Body, it is not within the power of the Office to take a decision to sanction violations of ILO standards by the withdrawal of technical cooperation." He added that the ILO should not place in greater jeopardy the poor and other disadvantaged groups by bringing additional pressure to bear on countries through placing conditions on the assistance it provides.

74. In an effort to find a compromise, the Workers' Vice-Chairman requested clarification from the Government member of the United States concerning his intention to prepare an alternative text. The Government member of the United States subsequently proposed to add, at the end of the brackets, the clause "unless such assistance will further these rights". He explained the rationale behind this clause was to allow the ILO the flexibility to provide the assistance needed by countries to improve their record in regard to compliance with ILO standards and respect of basic human rights.

Indicating his group's support of this subamendment, the Workers' Vice-Chairman subsequently withdrew an amendment his group had submitted, which proposed inserting after the word "agreements" in the bracketed clause the words "except covering humanitarian assistance". He also pointed out the bracketed text did not state that the ILO should "withdraw" assistance but rather "not enter into" agreements.

75. Several members acknowledged their support for respecting fundamental human rights, but expressed concern about creating rigidities which could work against the achievement of the objectives set out in the relevant ILO standards. The Government member of the Netherlands, noting the very sensitive nature of the matter and the extensive Governing Body discussion of the issue in March, proposed as another alternative, the text: "The ILO should bear in mind the discussion in the Governing Body in March 1992 concerning ILO technical assistance". The Government member of Germany indicated his support of the proposal of the Government member of the United States, noting the need to support the poor in countries where governments did not respect human rights. The Governing Body document quoted by the Employers' Vice-Chairman stated that while the Office cannot decide, the Governing Body and the Conference can, and this Committee can suggest a course of action. The Government member of Gabon supported the deletion of the text in brackets, stating that it was better to give people a chance to fight oppression in their countries by becoming educated and trained.

The Workers' Vice-Chairman stated his group was not in favour of the proposal. The Government member of Australia then suggested putting the issue more positively and proposed the following text as an alternative to the bracketed text: "Consistent with ILO objectives and practices, technical cooperation should be provided in a manner which takes account of the particular circumstances of each country and strengthens the capacity of governments in consultation with the social partners, to ratify and implement ILO standards." The Employers' Vice-Chairman expressed his approval if the text were modified to state "technical cooperation in education and training". The Workers' Vice-Chairman responded by saying his group could not agree to the proposal nor the change suggested by the Employers' Vice-Chairman.

76. The Chairman of the Committee proposed to defer further consideration of the bracketed text in paragraph 41 (a) to the end of the session, to permit the Secretariat to try to find a compromise text. This proposal was approved.

77. Paragraph 41 (b) was adopted without change, paragraph 41 (d) adopted with minor amendments and a new paragraph 41 (e) inserted. The Committee then adopted paragraphs 42 (b), (d), (e), and (f) without change, paragraph 42 (a) with a slight modification and 42 (c) with the text in square brackets retained. Paragraphs 43 (a), (b), (c) and (d) were adopted without change.

78. The Committee then returned to the text in square brackets at the end of paragraph 41 (a). The Chairman reported that attempts to find a compromise text that might have been offered as a subamendment had failed and it was therefore necessary to vote on the bracketed text. Since the Employers' and the Workers' groups maintained their respective positions, the outcome of the vote was contingent on the government members. Those voting in favour of deleting the text in brackets were 14, with 5 opposed. With the text in brackets removed, paragraph 41 (a) was adopted without further modification.

79. At its 13th sitting, after several minor changes to the report and to the Conclusions, the Committee adopted its report, the resolution and the Conclusions. The Vice-Chairmen, speaking on behalf of their respective groups, and the Government member of Fiji, praised the spirit of cooperation that prevailed among the three groups and thanked the Chairman for his constructive role and the Secretariat for its effective collaboration.

80. The report, the resolution and the Conclusions are submitted to the Conference for its consideration.

20 June 1992.

(Signed) **B. PIOTROWSKI**
Chairman

B. JONZON
Reporter

Resolution concerning adjustment and human resources development

The General Conference of the International Labour Organisation,

Having taken note of Report VI on adjustment and human resources development:

1. Adopts the following conclusions;

2. Invites the Governing Body to request the Director-General:

(a) to bring these conclusions to the attention of member States and of employers' and workers' organisations;

(b) to take these conclusions into account in preparing future activities of the International Labour Organisation.

Conclusions concerning adjustment and human resources development

INTRODUCTION

1. All countries need to pursue policies that enable adjustment to the changing conditions of an interdependent world economy. Such policies should contribute to an international effort to promote growth, increase investment and overcome the debt crisis. There can, of course, be no general or universal prescription for the achievement of these goals; each country's situation is different and policies need to be designed that are specific to national problems and perspectives. For example, rising interest rates have had a particularly adverse impact on developing countries. Countries at all levels of development, however, have been reviewing and changing policies that have led to stagnation, unemployment and declining competitiveness. They also have had to adjust their economic structures in response to the trend towards democracy, as well as to changes in technology, changes in international trading patterns and to new market forces. Structural adjust-

ment is a corrective process aimed at achieving improved living standards, full employment, competitive and profitable undertakings, and sustainable, non-inflationary economic growth. The magnitude and intensity of these adjustments have varied according to the initial conditions of an economy. Economies that are competitive, and have well-functioning markets, responsive economic and social institutions, and effective social protection have tended to adjust most smoothly. Those countries without these advantages face difficult challenges of adjustment, including the need for major policy and institutional reforms as well as special policies to mitigate the social costs of adjustment. In all countries, securing the highest possible level of education and training for all workers is vital for structural adjustment as well as for economic and social progress.

2. Both the nature of adjustment and its effects differ amongst countries at different levels of development and among regions. In industrialised and newly industrialising economies, adjustment consists primarily of the adaptation of the industrial structure to technological change; improved work organisation and practices; shifts in the international division of labour; new characteristics of work; and the successful development of an entrepreneurial spirit in the economy. In transition economies, the adjustment process is more complex, involving the formulation of new policies to cope with the closure of many uncompetitive industries and the development of institutions necessary for a market economy. In developing countries, adjustment often has to be implemented against a background of a heavy burden of external debt and widespread poverty. This imposes severe constraints on their ability to bring about major reforms necessary for economic recovery and long-term growth while having at the same time to prevent an aggravation of already high levels of poverty. These countries often require external assistance to achieve the objectives of their structural adjustment programmes. Such programmes need to pay special attention to the social dimensions of adjustment and the pace and intensity of reforms have to be framed with these considerations in mind. In all countries, structural adjustment policies should be formulated in agreement with the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in 1987, which suggested, among other things, appropriate measures to encourage sustained, non-inflationary growth, increase the adaptability of the labour force and economic enterprise, overcome the debt burden of developing countries, promote international trade, stimulate fuller employment, promote dialogue and cooperation with employers' and workers' organisations, reduce poverty and mobilise the support of international organisations to facilitate action by governments to these ends.

3. In this context, the conclusions of the ILO's High-Level Meeting on Employment and Structural Adjustment need to be re-emphasised. In particular, it is important to recall the principles which should guide the formulation and implementation of structural adjustment programmes. These include: the need to protect the poorest and most vulnerable groups from the negative effects of adjustment programmes; the maintenance and extension of an open world trading system recognising that protectionism in all its various forms delays needed adjustment; the need to reduce debt; the promotion of tripartite consultation and cooperation; respect for basic ILO standards; and the promotion of collective bargaining.

4. Adjustment programmes should be implemented on the basis of full respect for democratic principles, human rights and social consensus. They should also attempt to ensure a fair distribution of the costs and rewards of the process of adjustment. Successful adjustment requires policies that are complementary and economically, politically and socially sustainable. Labour standards should not be violated and changes in these standards should be introduced only after full tripartite consultations on the issue. Every effort should be made to prevent any excessive widening of social inequalities.

5. Education and training are preconditions for achieving economic growth and vital ingredients for the success of adjustment programmes. In addition, they enhance the ability of enterprises to respond more effectively to their customers' needs. The education process, for which governments have the primary responsibility, should have as one of its main outputs an increase in the ability and motivation of all individuals to learn and to acquire the level of education necessary to play a full and active part in the democratic process. By providing workers with the skills required in new industries education and training support the growth of these industries while at the same time facilitating the redeployment of redundant workers. In addition, by upgrading the skills of the workforce, training enhances the capacity of an economy to adopt new technologies and new forms of work organisation, thereby raising the productivity and international competitiveness of

industries. Training can also make a crucial contribution to enterprise creation, including productive and freely chosen self-employment, a strategic component of economic growth.

6. Raising the general level of education and improving basic skills such as literacy, numeracy, problem-solving ability and communication skills are important social and economic objectives. Governments should consequently endeavour to ensure universal free access to basic education since this is a fundamental human right and an obligation of government. Workers should also be given opportunities for personal development, education and skill upgrading at appropriate stages in their working lives. Education and training also contribute importantly to the attainment of social objectives such as the advance of democracy, broader social participation, greater industrial democracy, improved industrial relations and social stability. Well-educated and trained workers are more employable, better equipped to assume responsibility and accountability, more easily change jobs, and are better able to participate effectively in the affairs of enterprises and society.

7. To realise these potential benefits, education and training policies have to be guided by several important considerations. One basic requirement is that the education and training system should be flexible and responsive to changing labour market conditions. This maximises both the individual and social benefits derived from investments in education and training. Individuals find employment appropriate to their skills, enterprises obtain the types of workers they need and society benefits from fuller employment and higher productivity. However, education and training policies also have to meet important social objectives. Consequently, market forces should not be the only determinant of the educational and training needs of society. These needs should be defined through a democratic process that takes full account of the long-term goals of society, the development of national culture and the preferences of individuals. Equitable and non-discriminatory access to training opportunities is a precondition for equal employment opportunities. Training is also a potentially powerful instrument for improving the integration of disadvantaged groups into economic and social life. Training policies focused on women, the poor, the unemployed, older workers, youth, minority groups and disabled persons can significantly enhance their employability. Training in occupational safety and health is an important component of an integrated national training programme.

EDUCATION AND TRAINING IN RESPONSE TO STRUCTURAL ADJUSTMENT

8. Structural adjustment programmes, especially in their early phase, have often caused declines in levels of economic activity, lower tax receipts and reductions in government expenditures. As a result, many countries have been forced to cut their public expenditures, including expenditures on education and training. The results of those cuts have often been negative, contributing to the erosion of countries' endowment of skills and knowledge and thereby jeopardising their prospects of recovery and sustained, long-term economic development. In some circumstances, budget cuts for education and training may have disproportionately affected poorer groups who have seen their access to education and training and prospects for future employment and income earning opportunities reduced. In some countries, the lack of appropriate investments in education and training and the failure to encourage investment, especially in skill-intensive industry, have contributed to the increase in the number of low-skilled, low-wage jobs and to job loss.

9. It is important for governments to avoid these negative effects and to strengthen the positive contribution that education and training can make to support successful adjustment. Education provides the general literacy, numeracy, communication, scientific and problem-solving skills that improve the individual's ability to adapt to change and learn new skills. Training, when responsive to the changing needs of the labour market, can facilitate the adjustment process by equipping workers with the specific skills needed to shift from declining to expanding sectors of economic activity. It can provide skills necessary to become productively self-employed. By raising the productivity and adaptability of workers, education and training increase enterprises' competitiveness and their ability to adjust to rapidly changing markets and consumer preferences. By increasing the occupational, regional and functional mobility of workers, education and training increase the efficiency of labour markets and allow workers to orient themselves vocationally and choose jobs in which they will be most productive. Experience shows that investments in a good educational system, followed by appropriate training efforts

for workers, when combined with appropriate national policies and enterprise structures, contribute significantly to rapid economic and social development, even in circumstances when natural resources are limited. Education and training therefore constitute an essential element in a virtuous circle consisting of training and skill development, higher work motivation, higher productivity, continuous adjustment of enterprises and workers to change, higher employment and increased incomes and well-being.

10. Governments should have the political will to mobilise all appropriate human, material and financial resources to reverse the negative impact that stabilisation and adjustment have had on education and training in many countries. For example, the reduction of military spending should enable governments to channel substantial resources to productive and socially beneficial activities, such as education and training. Improved targeting and greater cost-effectiveness in the use of public expenditures will also make an important contribution to boosting education and training programmes to adequate levels. Governments should mobilise resources for education and training on the grounds of both equity and impact on the economy: equity because the burden of adjustment should not fall disproportionately on the least educated and least able to pay, and economically because increased investment in human resources would have an expansionary effect on the economy and increase the availability of skills. Where cost recovery measures have been introduced the effect has often been to limit the access of low-income groups to education and training. Safeguards should therefore be established to ensure that the fees charged do not constitute an insurmountable barrier to the poor.

11. The mobilisation of non-governmental sources of funding for education and training should be given high priority. Adjustment has encouraged a variety of actors, including enterprises, trade unions, national and local governments, non-governmental organisations and community groups, to develop innovative responses to the need for education and training in order to cope with adjustment. Government and the social partners should encourage enterprises to engage in business-education partnerships, promote community training institutions and undertake other activities conducive to expanding access to training opportunities. Education and training institutions should be encouraged to support adjustment by expanding their training programmes for business creation and promotion and distance learning. Employers, workers and, where appropriate, their representative organisations should cooperate in establishing comprehensive training programmes, including improvements of existing schemes.

12. The use of low-cost, innovative training methods offers another means of maximising the impact of limited training resources and overcoming the effects of budgetary restrictions. Most conventional training methods are expensive for developing countries and can reach only a small proportion of the population needing access to education and training. Large numbers of workers in the urban informal and rural sectors, as well as the growing number of unemployed workers, require access to training in order to improve their situation. Governments, enterprises, education and training institutions, workers' and employers' organisations and other training providers should therefore give priority to developing and disseminating low-cost training methods that save on scarce resources without compromising the quality of training. These would include audio-visual training methods, training by correspondence, distance learning and new, cost-effective instructional technologies.

COMPREHENSIVE HUMAN RESOURCES DEVELOPMENT POLICIES

13. Comprehensive human resource development policies should be formulated by governments in consultation with the social partners. Governments and the social partners may consider vesting in a tripartite national training authority or other nationwide board the tasks of formulating and reviewing national training policies. A basic objective should be to promote the creation of an institutional framework and infrastructure for implementing these policies.

14. Comprehensive human resources policies should be formulated and implemented within the framework of adherence to democratic principles, tripartism, and consultation between the government, the social partners and community groups. This will ensure maximum popular support for these policies and create a collective ownership of solutions to problems of training and skill development.

15. Under the overall umbrella of comprehensive human resources development policies, a new division of roles in training should be envisaged among

governments, training institutions and the social partners. It is incumbent on governments to create an economic and social climate favourable to learning and skill development, as well as to ensure basic education and training. Governments are responsible for providing the economic and social framework that promotes long-term growth. They should make training policy and investments in education and training an integral element of long-term strategic planning and economic policy-making. Governments should mobilise public and private resources for education and training and create a supportive policy environment that encourages enterprises, training institutions and other actors to invest in training and that promotes and supports the individual's desire for learning and skill development.

16. In the context of comprehensive human resources policies, governments should ensure an effective and supportive infrastructure for training. This infrastructure should be capable of responding quickly to the specific needs of local labour markets by promoting training that meets the demand of enterprises and individuals for skills and employment-related qualifications. Governments should maintain a system of certification of skills and accreditation of institutions in order to ensure the quality and comparability of training. They should also define the desired core competencies required for improved economic and enterprise performance and ensure that vocational qualifications provide links to career advancement by giving workers access to higher levels of education. Governments should provide incentives for firms and individuals to engage in training activities, offer vocational guidance and counselling services, and also provide training support to small and medium-sized firms and the self-employed, often lacking the resources to organise and finance their own training. While preserving their role as catalyst and regulator of national laws affecting training, they may, where adequate alternatives exist, consider reducing their role in providing training programmes.

17. Structural and technological change create demand for new skills and make it necessary to develop new forms of training. Training and education in today's rapidly changing labour markets cannot take place only in schools and training institutions. Theoretical instruction combined with practical training is widely recognised as an effective means of facilitating the transition between school and the world of work. There is therefore a need increasingly to make use of the enterprises that are capable of organising this kind of training. It is also important to exploit innovative training schemes that in various forms combine school-based education with practical training and which offer a variety of choices in career and skill development. The best prospects for adapting training is therefore in the development of various links between schools, public and private training institutions and enterprises.

18. An important objective of human resources development policies should be to make training respond better to the demand for skills and knowledge of the economy, enterprises and individuals. This can be achieved by strengthening tripartite consultations on training objectives and content, decentralising training decisions from central training authorities to regional and local community bodies and by linking enterprises, unions and training institutions in activities related to curriculum development, enrolment planning, vocational guidance and student placement. These measures are likely to improve the ability of training institutions and individual programme managers to adjust their training programmes to enterprises' and the economy's needs for skills and qualifications. They are also likely to contribute to greater equity in access to education and training.

19. Successful adjustment depends on improved company performance, which cannot be achieved without a more skilled workforce and the creation of an enterprise culture that can harness the creative and productive potential of workers and prepare them for change. It can be promoted by enterprise reforms that would increase staff participation in matters affecting their daily work, improve work organisation and practices and promote positive attitudes to change. In particular, education and training to upgrade staff skills will contribute to breaking down those hierarchical working relations that stifle initiative and prevent mobility and career advancement. The social partners should pursue these objectives through negotiations and improve wages and working conditions as a consequence.

20. Enterprises benefit greatly from training and have a responsibility to make a financial contribution to its costs. Many experiences around the world demonstrate that there are several ways in which governments can encourage enterprises to improve the quantity and quality of training. Measures which have been introduced successfully in different countries include levy schemes on enterprise payrolls to finance training, tax rebates based on expenses incurred in training, subsidising part of training costs, and the channelling of public funds through

national, regional and local bodies on which the social partners are represented. It is also argued that, if properly managed, a levy can contribute to a more equitable sharing of the costs of training, raise employers' awareness about the importance of training for enterprise success and encourage them to review their investments and provisions for training. In undertaking these measures governments should ensure that they are not just financing bureaucratic institutions, but that funding is effectively used to promote skill development activities for enterprises. Governments can encourage employers to undertake training through financing innovative promotion schemes, workplace reforms, training awards, and the exchange of information about best practices in training.

21. Policy-makers, training institutions and enterprises require accurate, up-to-date information about the demand for and supply of skills in order to design relevant training programmes. Training institutions, the social partners and policy-makers should collaborate in developing such information systems. Regular surveys of skill needs should be instituted to support the planning of training and retraining programmes and to increase labour capabilities.

CONTAINING THE SOCIAL COSTS OF ADJUSTMENT

22. In developing countries undergoing structural adjustment, the initial phase is often associated with recession; a consequent rise in unemployment; a decline in real wages and the earnings of the self-employed; and reduced social expenditures. This is often exacerbated by the retrenchment of civil servants and employees of state enterprises as a result of cuts in public budgets and the phasing out of unprofitable state enterprises. These developments can be of long duration in cases where structural adjustment measures are ineffective, incomplete or are slow in producing the anticipated revival of economic growth. In these circumstances, special measures should be considered to mitigate the social costs of adjustment. These measures include the retraining of retrenched workers; the promotion of productive and freely chosen self-employment through training, credit and other support programmes; and targeted social assistance for the most vulnerable.

23. In many developing countries such measures are part of structural adjustment programmes and are usually implemented through social funds which are partly financed by external assistance. While this is a welcome development, there is significant room for improvement. The resources available under such social funds are often meagre in relation to the scale of the needs. Increased external assistance is called for, especially in the case of least developed countries. Where the social costs of adjustment are particularly acute, it may be necessary to reconsider the pace of implementation of certain aspects of structural adjustment programmes.

24. These social funds are normally implemented without the involvement of the social partners. They can be made more effective, more relevant and enjoy wider support if the social partners are consulted in their management. Tripartite consultations on programme priorities, project design, implementation and evaluation will ensure greater sensitivity to the needs of potential beneficiaries and result in more participative forms of programme implementation. In addition, national tripartite consultation on the design of overall structural adjustment programmes would make a significant contribution to minimising the social costs of structural adjustment.

25. Active policies focused on vulnerable groups and depressed regions should be implemented in all countries undergoing economic restructuring. The loss of unproductive jobs is an inevitable consequence of economic restructuring and anticipatory policies for retraining and redeployment of displaced workers should constitute an integral part of adjustment programmes. Retraining programmes must respond to the new demands in the labour market and the intervention must be as early as possible and accompanied by a full range of services such as assistance in job search, vocational guidance and placement. Countries that provide unemployment benefits should ensure that they provide a basic income. However, the level and duration of benefits should encourage an early return to work and thereby increase the effectiveness of retraining programmes. It is also important to integrate training and retraining policy with employment, welfare and income support policies since these policies are inter-related and should be mutually compatible and supportive.

26. Apart from government-run programmes, retraining opportunities can also be expanded by providing incentives to private enterprises to organise retraining

programmes. These incentives have taken different forms in different countries, depending on national law and practice, and have included grants drawn from training levies, tax rebates and tax credits as well as relevant community-based training initiatives.

EQUITY IN TRAINING

27. Equality of access to training is a requirement for the elimination of discrimination in economic and social life. Every effort should therefore be made to ensure equitable and non-discriminatory access to training opportunities. Equity issues assume a heightened significance during structural adjustment because disadvantaged groups are particularly vulnerable to a deterioration in their economic condition and reduced opportunities for training. Special measures to prevent this are therefore required.

28. Governments have the primary responsibility for ensuring equal and non-discriminatory access to training and consequently should establish an appropriate body to ensure that this is done. Equal opportunity commissions should, where appropriate, be established. These commissions can make an important contribution to the elimination of discrimination in training and employment on the grounds of gender, religion, ethnic origins, age or disability. Such commissions can stimulate the introduction of equal opportunity legislation and monitor its enforcement. They can also promote voluntary action to reduce discrimination through funding research and action programmes in this area. Furthermore, they can undertake research to identify systemic barriers to the integration of the disadvantaged into mainstream training and employment and to formulate measures to remove these barriers.

29. In most societies, the employment opportunities for women are substantially less than those for men, and programmes to eliminate discrimination against women in education, training and employment merit special attention. A comprehensive set of measures needs to be introduced and executed to ensure gender equality. Equal opportunity legislation needs to be supplemented by measures such as the creation of equal parental rights, the provision of child care facilities, campaigns against sexual harassment, and information programmes to change the attitudes of employers and workers and break cultural stereotypes that are detrimental to women. Special measures to promote equal access to educational and training opportunities are also important. These include the provision of vocational guidance and other measures to encourage women to enter non-traditional fields of training. The design of training programmes should make allowance for the time constraints women face because of family responsibilities.

30. Special training programmes should be provided for other disadvantaged groups such as ethnic minorities, migrant workers, older workers, marginalised youth and disabled persons. These programmes should aim at integrating such disadvantaged groups into the mainstream of economic and social life. In order to maximise their effectiveness, the design of these programmes has to take into account the special needs of particular groups. Measures such as training in language and numeracy skills may have to precede vocational training, and institutional support in the form of child-care and other facilities may be required to encourage participation. It is also desirable to design customised training initiatives based on an assessment of individual and enterprise needs. Although governments have the main responsibility for financing and organising these programmes, initiatives by employers' organisations, enterprises, trade unions, international and national NGOs and community organisations should be encouraged. Where possible these organisations should be used as implementing agencies of training programmes.

31. Among these disadvantaged groups, migrant workers deserve special attention in view of their growing numbers and the severe difficulties they face in gaining access to training opportunities. These difficulties often spring from their insecure status in host countries and their unfamiliarity with local languages and cultures.

32. Developing countries face a major challenge in extending training opportunities to large numbers of the poor, who are normally illiterate or semi-literate, in rural areas and in the urban informal sector. Intensive programmes need to be organised that involve basic literacy training and supporting measures to boost income-generating opportunities, provide basic social protection and promote collective action by informal sector producers and workers. In view of the large numbers that must be reached, audio-visual and other innovative and low-cost

alternatives to conventional training programmes should be used. Special attention should be given to encouraging an entrepreneurial approach and developing the necessary skills for enterprise development.

33. Training and other programmes directed at the informal sector in developing countries should have as a basic objective the progressive integration of this sector into the formal sector. Training programmes have to be supported by the provision of basic infrastructure and credit. Special efforts should be made to remove constraints to the integration of small informal sector enterprises into the formal sector by increasing their productivity and ability to meet accepted business practices in the formal sector. Basic social protection should be provided to informal sector producers and workers placing particular emphasis on freedom of association and freedom from forced labour, the development of some elementary forms of social security, and providing information and training to informal sector enterprises on measures that can be taken to reduce exposure to occupational safety and health risks. Governments should support the initiatives to improve social protection in the informal sector undertaken by producer cooperatives, trade unions and other groupings in that sector.

ROLE OF THE SOCIAL PARTNERS

34. Employers' and workers' organisations should participate actively in the formulation of national and sectoral training policies and in the implementation of training programmes at the national, regional and local levels. Workers' organisations have a major role in encouraging their members to undertake training. Both employers' and workers' organisations have an important role to play in defining the current and future training needs of the economy and thereby ensuring that the training system is fully responsive to market needs. Employers' and workers' organisations have a contribution to make in ensuring that training policies and programmes are sensitive to training needs broader than those solely determined by the market as well as to equity issues.

35. Employers' and workers' organisations should be consulted in determining national systems of skill certification and the content of training courses. They can also contribute to the monitoring and evaluation of training policies. Of particular importance is the feedback they can provide to policy-makers on whether the current policy environment provides sufficient incentives for enterprises to train and for workers to undertake training. In addition they can provide regular feedback on performance to training institutions.

36. Employers' organisations have an important role to play in stimulating training by enterprises through the provision of information and technical services on the design and implementation of industry and plant-level courses that would facilitate the access of workers to training. These services will be particularly useful for small enterprises. Management training and entrepreneurship development programmes run or supported by employers' organisations are particularly useful additions to national training efforts. Similarly, initiatives by enterprises such as the setting up of training centres for deprived urban youth and the organisation of retraining programmes for displaced workers contribute significantly to the attainment of social objectives. Employers can also stimulate training through promoting work organisation and payments systems that value and reward skill acquisition. Collaboration between enterprises and training institutions in training initiatives should be encouraged.

37. Workers' organisations play an important role in organising training programmes for their members and in negotiating better training by enterprises, its extension to workers not adequately covered, and the provision of adequate incentives and assistance for workers to acquire additional skills. Workers' organisations can also play a very important role in providing training in occupational safety and health and in ensuring that training programmes in enterprises are sensitive to the special needs of women workers and young workers. They can also make a significant contribution to poverty alleviation through training programmes for rural and urban informal sector workers.

38. Industrial relations approaches that allow for consultation and cooperation can play an important role in facilitating the introduction of new, more flexible, forms of work organisation and production technologies that permit enterprises to adjust to rapidly changing and increasingly competitive markets; and to encourage the integration of training into the overall enterprise strategy.

ACTION BY THE ILO

39. The activities of the ILO in the promotion of human resources development must be seen in the context of national circumstances and relevant international labour standards, particularly the Human Resources Development Convention, 1975 (No. 142), the Human Resources Development Recommendation, 1975 (No. 150), the Employment Policy Convention, 1964 (No. 122) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). They also need to be planned and developed within the framework established by the High-Level Meeting on Employment and Structural Adjustment held in 1987. In addition these activities need to be sharply focused to make the best use of limited ILO resources to promote human resources development. Outputs should be assessed and the cost-effectiveness of specific activities and projects evaluated. There are four areas described in paragraphs 40-43 below which the ILO should continue to emphasise in its efforts to ensure the critical importance of human resources development in economies faced with the demands of structural adjustment. In continuing to emphasise these efforts the ILO should:

40. In respect of *human resources development policies*

(a) strengthen its leadership role in advocating that investment in human resources development and especially in basic education and in vocational training is a priority of governments and the social partners during structural adjustment; not only to facilitate the process of adjustment but, in addition, to ensure the equal participation of all individuals and the social groups in the labour market and to maintain or increase the skills of workers necessary for long-term economic and social development;

(b) intensify continuing dialogue between the ILO and the Bretton Woods institutions in order to maintain expenditures in education and training during adjustment programmes. This advocacy should be supported by in-depth analytic studies, information dissemination, advisory services and, where appropriate, participation in structural adjustment missions;

(c) encourage and facilitate consultation with the social partners when structural adjustment programmes are being designed and negotiated. The ILO should encourage and assist the social partners to participate fully in such consultations by helping them to develop their capacity to analyse structural adjustment issues within the framework of broad national social, especially educational, and economic objectives;

(d) assist governments and the social partners in designing training and retraining activities as part of programmes to compensate for the social costs of adjustment. In circumstances where many new employment opportunities are located in the informal sector, the ILO should assist member States to develop innovative, low-cost training methods for helping informal sector workers to improve their productivity and working conditions. The ILO also should prepare for policy-makers a compendium of approaches to mitigate the social costs of adjustment, particularly for use in countries in transition and in developing countries;

(e) intensify its assistance to policy-makers to improve their capacity to design training activities that are linked to and benefit from general educational programmes. The ILO also should assist the social partners in developing their own capacity to analyse adjustment;

(f) encourage and assist policy-makers to evaluate training needs and plan appropriate responses within a broad educational, economic and social framework;

(g) assist in the organisation of national tripartite conferences to evaluate adjustment programmes with a view to promoting successful responses;

(h) consider organising a follow-up meeting to the High-Level Meeting on Structural Adjustment held in 1987;

(i) give policy advice to governments, based on in-depth research concerning training and education, in line with the policy priorities identified by the conclusions of this Committee;

(j) assist member States in examining means to ensure equal access to education and training for all groups of the population.

41. In respect of *national capacities to implement human resources development programmes*

(a) intensify its technical cooperation programmes with developing countries and with countries shifting from centrally planned to more market-oriented economies. These technical cooperation activities normally should be managed by national organisations rather than donors and should draw on national expertise, including employers' and workers' organisations, so as to ensure enhanced national capacity and not merely the achievement of relatively narrow project objectives. In implementing technical cooperation activities, emphasis should be put on the promotion of international labour standards, tripartite cooperation, collective bargaining and safety and health in the workplace;

(b) give priority to strengthening the capacity of employers, especially in small and medium firms, to design and implement training programmes that increase the productivity of their enterprises and contribute to the personal development of their employees, particularly where such programmes are based on a strong collaborative partnership between employers and trade unions;

(c) collaborate with member States in developing guidelines, procedures and training materials that increase opportunities for productive and freely chosen self-employment and that raise the productivity of workers, especially those working in the informal sector, leading to improved wages, living and working conditions;

(d) develop a programme for promoting partnerships between education and training institutions and the social partners. This programme would, in particular, endeavour to link employers' and workers' organisations, where they exist, with such institutions in jointly developing and implementing training programmes;

(e) encourage and promote developed and developing country dialogue leading to closer cooperation, the development of the interchange of information, the transfer of technology, the provision of training programmes and skills, and the analysis of markets on a continuing basis, leading to closer forms of partnership.

42. In respect of *research and information dissemination*

(a) undertake applied and practical research that will assist countries to develop appropriate human resources development responses to the challenges posed by structural adjustment. For example, the ILO should compile and publicise information on the impact of various structural adjustment policies on national populations, workers, and vulnerable social groups. Secondly, given the widespread interest in finding the most effective means of encouraging employers to provide training, the ILO should conduct a comparative study of the costs and benefits of different approaches, including tax rebates, enterprise-based training levies and the channelling of public funds for training through accountable bodies in which the social partners are represented. The study should provide countries with practical means of assessing the effectiveness and relevance of these different approaches to their own particular national circumstances, and guidelines for their implementation;

(b) strengthen the capabilities of national statistical offices, national training authorities, individual training institutions and enterprises to collect and analyse data on the demand and supply of training, including training for informal sector activities. This information will provide the basis for designing and implementing training policies and programmes in support of formal and informal sector training activities so as to improve the income earning abilities, living and working conditions of producers and workers, including the strengthening and modernisation of traditional apprenticeship training;

(c) reinforce its role as an international clearing-house for the collection, analysis and dissemination of information about training policy developments, institutional reforms in training, including the effects of privatisation of training institutions, incentive systems that encourage private sector training and innovations in extending training to groups that have been particularly hard hit by structural adjustment and have limited access to training. A particularly important objective of the ILO should be to publicise innovative local approaches to human resource development by enterprises, non-governmental and community organisations, employers' organisations and trade unions, as well as activities conducted jointly by the social partners. An important means of strengthening its clearing-house role is through the establishment of networking arrangements with educational and training institutions, especially at the regional level;

(d) prepare and disseminate a synopsis of research findings of national training experiences contained in ILO's publications on training;

(e) undertake a programme of national and regional tripartite workshops and seminars that provide opportunities for the social partners to share their experiences in human development, especially the results of innovative responses to structural adjustment. The International Training Centre of the ILO should play an important role in this area, both in the conduct of such activities, at the Centre or in the regions, and in the preparation of appropriate background and instructional materials;

(f) undertake comparative analytical studies of the institutional framework for training in different countries. These studies should identify different institutional mechanisms and policies that have been employed for adjusting training programmes to meet better enterprises skill demand and the skill needs of the informal sector, while ensuring equity in training. They should also endeavour to identify the technical, managerial and financial means by which traditional apprenticeship training could be strengthened and modernised to meet the skill and development needs of the informal sector. Based on these evaluations effective strategies for undertaking training policy reforms should be developed.

43. In respect of *special programmes*

(a) exercise vigorously its unique role among international organisations as the advocate of tripartite collaboration and as champion of the most vulnerable social groups. This responsibility is greater today than ever because of the difficult world economic conditions and the necessity for many countries to undergo substantial restructuring of their economies. The ILO must continue to assert its message concerning social equity and the development and efficient utilisation of human resources both in international fora and in its collaborative activities with the Bretton Woods institutions and regional development banks. The ILO should continue to reiterate that structural adjustment should emphasise social justice and the sharing of the burdens of adjustment, the improvement in working and living conditions which will result from structural adjustment, and tripartite consultation and cooperation on adjustment to improve the probability of its success;

(b) intensify its efforts to improve opportunities for women to participate on an equal basis in all human resource development and labour market programmes. In addition, it must strengthen technical cooperation programmes that promote the full economic social equality of women and improve the working and living conditions of the poorest groups of women, especially in rural areas, who have not had the opportunity to attend school and who, in addition to family responsibilities, are burdened with heavy work responsibilities outside the home;

(c) reinforce its programmes, consistent with the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), to make sure that disabled persons, one of the most vulnerable social groups, are not unfairly impacted by structural adjustment programmes, reduction in social expenditures and privatisation. The ILO should assist countries moving to more market-oriented economies to develop policies and programmes that demonstrate methods of providing equal opportunities for disabled persons in competitive labour markets;

(d) strengthen the role of the International Training Centre of the ILO, which represents a substantial potential to advance the ILO's efforts in human resources development. The Centre should continue to intensify its programmes aimed at enhancing the capacity of training organisations to develop effective managerial and professional skills, especially through training of senior managers and trainers of trainers. The Centre should also develop innovative, low-cost instructional methods and materials for use in developing and transitional economies. The Centre has a key role to play in the functioning of information networks. Its management training and workers' education programmes should be strengthened.

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Monday, 22 June 1992, 10.15 a.m.

President: Mr. Nascimento Rodrigues

THIRD AND FOURTH REPORTS OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

Original – Portuguese: The PRESIDENT – The first item on our agenda is the adoption of the third and fourth reports of the Credentials Committee. These are to be found in *Provisional Record* Nos. 19 and 26.

I call on the Employers' adviser of Argentina, Employer Vice-Chairman of the Credentials Committee, to submit to us the third and fourth reports of the Credentials Committee.

Original – Spanish: Mr. FUNES DE RIOJA *(Employers' adviser, Argentina; Employer Vice-Chairman of the Credentials Committee)* – In the absence of the Chairman of the Committee, Mr. Pérez del Castillo, Government delegate, Uruguay, who for urgent reasons has to return to his country, I have the honour to submit the third and fourth reports of the Credentials Committee.

The third report is reproduced in *Provisional Record* No. 19 and contains the Committee's decisions on seven objections concerning the nomination of the Workers' delegate of Cape Verde, the Employers' delegate of Myanmar, the Workers' delegation of the Republic of Korea, the Workers' delegate of Nepal, the Employers' delegation of Romania, the Workers' delegation of Czechoslovakia and the Workers' delegate of Togo. It also refers to a late objection concerning the nomination of the Workers' delegate of Myanmar.

The fourth and last report, published in *Provisional Record* No. 26, contains decisions of the Committee on six objections concerning the nomination of the Workers' delegation of Japan, the Workers' delegate of Paraguay, the Workers' delegate of Guinea, the Workers' delegation of Sudan, the Workers' delegate of Thailand, the Workers' delegate of Cameroon, as well as on other subjects, in particular the communication by the Employers' Group concerning the travel and subsistance expenses of Employers' delegates and advisers.

The Committee unanimously decided in all these cases not to uphold the objections, but in some cases the Committee makes some comments of particular interest. Thus, for instance, in the case of the Employers' delegate of Myanmar, the Committee observes with regret that, as last year, the Employers' delegate is a public servant and not a genuine employer.

In the case of the Workers' delegate of Paraguay, the Committee deeply regrets that the Government's failure to reply has made it impossible for the Committee to study the objection in keeping with its mandate, defined in article 26 of the Standing Orders of the Conference. The Committee left on record the fact that the objection was not sufficiently documented; for this reason it could come to no other decision.

Finally, in the case of the Workers' delegation of Sudan, the Committee observed that at present, in view of the trade union situation prevailing in the country, as described in the report of the Committee on Freedom of Association, it was doubtful that the Workers' delegation of that country was really representative of the workers.

I would like to dwell for a moment on the communication received from the Employers' group, which recalls that certain governments have failed to fulfil their obligations under paragraph 2(a) of article 13 of the ILO Constitution, which requires them to bear travel and subsistence expenses for their delegations. After referring to the limits of its mandate, the Committee expressed the view that the possibility of introducing an appropriate mechanism to evaluate the extent to which these obligations are respected should be examined by the competent bodies of the ILO.

A perusal of articles 39 to 42 of *Provisional Record* No. 26 shows how many countries have failed to fulfil either partially or in total their constitutional obligation of paying for travel and subsistence expenses. This is not only an affront to those who fulfil this obligation, but it also undermines tripartism, because it is impossible in these circumstances to guarantee the full participation of the social partners. This situation thus threatens the life of the ILO itself.

I would like to express my special gratitude to the Chairman and Government delegate of Uruguay, Mr. Pérez del Castillo, and the Vice-Chairman Mr. Gray, Workers' delegate, United States. I would like to thank the former for the way in which he led our discussions, and the latter for his spirit of cooperation. For all three of us it was our first experience with the Credentials Committee, but the clarity, the realism and the capacity for dialogue shown by my colleagues and made obvious in our meetings represent the spirit of flexibility of tomorrow's ILO.

I would like to thank the Conference for having allowed us to take part in the work of this Committee which guarantees the tripartite nature of the Conference. I would also like to express my very special gratitude to those who made it possible for the three novices on this job to be able to work successfully. They are Mr. Devlin the Legal Adviser, and Mr. Maupain, Mr. Torres Abreu, Mrs. Doumbia-Henry and Mrs. Zarka. All of them ensured that our deliberations had the necessary technical support and administrative infrastructure.

Since these reports were unanimously adopted by the Credentials Committee, in accordance with article 26, paragraph 5(b) of the Standing Orders, I would like to request the Conference to take note of these reports.

Original – Portugese: The PRESIDENT – Since these two reports were unanimously adopted by the Committee, the Conference is merely requested to take note of them. Before closing this item on our agenda I would like to express our gratitude to the Chairman, to the Vice-Chairmen and to all the members of this Committee for the excellent work they have done.

(The reports are noted.)

REPORT OF THE COMMITTEE ON WORKERS' CLAIMS: SUBMISSION, DISCUSSION AND ADOPTION

I have pleasure in asking Mrs. Cabrera, Government adviser, Venezuela, Chairman of the Committee, Mr. Varela Traverso, Employers' adviser, Uruguay, Employer Vice-Chairman of the Committee, Mr. Lynch, Workers' adviser, United States, Worker Vice-Chairman, and Mrs. Moynihan, Government adviser, Canada, Reporter of the Committee, to come up to the rostrum.

I request Mrs. Moynihan, Reporter of the Committee, to submit the report.

Mrs. Moynihan *(Government adviser, Canada; Reporter of the Committee on Workers' Claims)* – I am pleased to be here today to present the report of the Committee on Workers' Claims on its second discussion of the protection of workers' claims in the event of the insolvency of their employer.

The issue before us is an important and timely one for the ILO to address. The economic and social effects of insolvency are often severe for the workers concerned. In its deliberations the Committee on Workers' Claims recognised that workers are more vulnerable than other creditors in an insolvency and that they therefore deserve specific protection. The ILO has dealt with this issue before in the Protection of Wages Convention, 1949 (No. 95). Since that time we have seen some countries extend legal protection to workers' claims other than strictly wages. Others have established guarantee institutions to protect workers' claims and insolvencies.

It was in the light of these developments that this issue was placed on the Conference agenda. The Committee on Workers' Claims met for a second and final time this year to finalise instruments on the protection of workers' claims in the event of the insolvency of their employer. While the Employers' group felt that a Recommendation would be a sufficient response to this issue, the Committee decided to develop a Convention supplemented by a Recommendation and I am happy to report that we were able to conclude this task. The Convention we have drafted is flexible in that it offers member States various options for ratification. A member may chose to implement the Convention standards for protecting workers' claims by means of privilege in insolvency proceedings, that is Part II, or a Member may choose to establish a guarantee institution to protect workers' claims as in Part III, or a Member may choose to ratify both parts. With respect to either privilege or guarantee institution protection the Committee decided that as a minimum standard wages, vacation pay, severance pay and other paid absences must be protected. The Committee decided that to ensure effective protection workers' claims should be given a higher rank of privilege than most other privilege claims and in particular those of the State and the social security system.

The proposed Recommendation offers ideas that Members may wish to keep in mind when they review their insolvency legislation. It suggests, for example, other elements of the compensation package which might be protected. It outlines how to protect workers' claims when insolvent businesses are still operating and it provides guidelines for guarding the organisation and financing of guarantee institutions.

I am happy to inform the Conference that the work of the Committee on Workers' Claims was carried out in a true spirit of tripartism, respect and cooperation. Despite the number of conflicting amendments there was a real effort to find consensus among Governments, Employers and Workers or at the very least to avoid lengthy votes where the outcome was already known. While the instruments we have shaped may not be what any one of us would have drafted alone, they do represent the Committee's tripartite discussions, negotiations and compromises.

In closing, I am pleased to table this report and to submit for the Conference's consideration this proposed Convention and proposed Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer.

Original – Spanish: Mr. VARELA TRAVERSO *Employers' adviser, Uruguay; Vice-Chairman of the Committee on Workers' Claims)* – Please allow me to congratulate the President on his appointment and the way in which he has guided the deliberations of this Session of the Conference.

The texts before us are subject to certain reservations by the Employers' group, both in the text and the method of drafting.

The proposed Convention is modern in its content and up to a point flexible. The guarantee institutions, or insurance companies, to cover the workers' claims is a new concept which is applied in certain countries of the world and whose example the ILO wishes to spread; and it is flexible because it consists of two parts, which can be ratified together or separately.

The text, as such, merits some criticism. A great deal of emphasis has been laid on the need for the word "employer" to replace the word "enterprise" when we are talking about the acts against which the workers may raise a claim. The governments will take note that for this change, special national legislation is necessary, establishing the scope of the responsibility to protect the employer against claims wherever there is an employment relationship, such as domestic service, small rural proprietors, small crafts enterprises, small family enterprises, and micro-enterprises.

The text also contains a conceptual error by extending the privilege to claims for the termination of employment. This concept is resisted by numerous legislations, and it will be difficult to obtain ratification in those countries because this concept is repeated in both parts of the Convention, Article 6 and Article 2.

Now, whilst this mention of guarantee institutions is new, this concept is not given enough consideration, because on the basis of Article 8, deliberately these institutions are placed after the State and social security. This idea did not come from the Employers. The Employers wish these institutions to be financially and economically solid, so that in subrogating the worker whose claims they are dealing with they may turn against the insolvent enterprise and try to salvage something. It was the vote of the Governments and Workers which opposed this.

A long discussion also occurred concerning Article 10, when we, the Employers, said that the government would have to adopt measures in order to avoid misuse in these institutions. The vote against by Governments and Workers maintained the present text which says that a government "may" adopt measures. The governments should take note of the fact that they do not have to take such measures, by which the road toward misuse is open with the approval of this Convention.

In our view many of these adverse affects could have been avoided if there had been more spirit of compromise in the room. The block vote by a group of countries with highly advanced legislation in this field, added to that of the Workers, frequently determined the result of the vote.

Our first words in the committee room said that a document adopted with the consensus of all those present would be more forceful than those imposed through a vote. Unfortunately the latter situation became evident during a study of the Recommendation.

We have great objections to this proposed Recommendation. It has the defects of bad Recommendations. It is so ambitious that it goes beyond reality, generous to unsuspected extremes, and repeats concepts which are already contained in the Convention sometimes, confused with regard to some aspects and going into excessive detail in others.

It is rather remarkable that this document, the first after the fall of socialism, should be as demanding, detailed and interventionist as in the socialist world it has left behind. This Organisation deserved a more up-to-date instrument in order to say that it is keeping up with the times. However, we are sad to note that the text is more rigid, which requires more legislation, which is more interventionist, where there is confusion between privilege and the guarantee institution, as these were similar institutions with similar behaviour and similar consequences.

The Committee through its approval implies that it did not understand the difference between these two concepts, that the privilege does not make it certain that it will be possible to obtain these claims, while the guarantee institution does, and that it is logical that what is most uncertain covers the largest number of situations than the other side, which is certain. Privilege is something intangible, whilst a guarantee institution is a real entity with operating expenses and budget, and so on, and for this reason it is necessary to be careful with the claims which will need to be attended to.

This does not mean that acquired rights of workers are refused, but that reality demands striking a balance between what is desirable and what can be given.

The majority of the Committee dealt with this subject with a certain degree of frivolity. It took as a basis the most advanced legislations without thinking about other countries and other social realities.

It was sufficient for one country alone, one country, among move than 150 Members of this Organisation, to recognise that in its legislation these guarantee institutions transferred social security for back payments, for this Committee to adopt this idea and include it in the text.

The legislation of one single European country, therefore, turns into a universal example. This is something which renders the documents less valuable.

We Employers do not feel that we are authors of this Recommendation. We presented 31 amendments: only four of these were adopted. At this stage in our discussions the balance of forces was obvious and the spirit of compromise had disappeared from the room.

So the text approved is a shambles; it establishes rights (of information and consultation), super-privileges (procedures for prompt payment), and will certainly establish a conflict between national legislations concerning bankruptcy.

This sophisticated approximation to the subject of the world of work will not do the Organisation much good. It places it to near to central counties and will establish a distance between the Organisation and the rest of the world.

What developing country can take this text to seek inspiration for its own legislation? Its application would have repercussions on investment and on the creation of enterprises, as well as on the level of employment.

This utopian way of making legislation increases the gap which the ILO claims to bridge and leads us to think that resources devoted to the creation of standards, which later are not applied, could be devoted to activities to help develop entrepreneurship and create enterprises, which is, when all is said and done, where employment is created.

The texts presented, in spite of what they say in their preamble, are not designed to regenerate enterprises. More thought should have been given to this fact.

We cannot guess what the future holds. We do not know how many Members will ratify this Convention, when they will do it, nor in what part of the world this will be done. But we do know that ratification does not equal application, or at least the correct application of a Convention. The Committee of Experts has experience of this.

These texts were drafted, violating article 19, paragraph 3, of the Constitution of the ILO. The voices of governments of the developing countries were not heard sufficiently, nor were their difficulties mentioned in maintaining an investment flow to strengthen their employment and growth. Nor was there any mention of the difficulties they have to bear in view of their structural readjustment, integration into subregional markets or opening their markets to the world. Silence met the arrival of these countries in the Committee, depriving them of a debate which should have been much more fruitful, profound and honest, and which would have given these documents a universal basis, less European-oriented, in view of the excessive weight of the European Community in the discussions.

Please allow me to close my statement by expressing our gratitude to the staff of the International Labour Office for their objective support and their professional attitude; to the staff of the Secretariat, to Mr. Lynch, for the numerous times when he personally tried to find a closer approach between the ideas of these two groups, and to the Chairperson for the efficient way in which she led our discussions.

Mr. LYNCH (Workers, adviser, United States; Vice-Chairman of the Committee on Workers' Claims) – I wish to congratulate the President and his staff for the excellent way in which they have conducted this Conference.

After two discussions, the Committee on Workers' Claims has produced a proposed Convention and a Recommendation ready for adoption by this Conference. The proposed instruments are ready, realistic, ratifiable and right. They are in the finest tradition of the ILO and carefully blend what is practised with what is possible.

The Committee kept to its mandate from the Governing Body. The Workers' group, impressing its demand for greater protection of workers' claims, gave the greatest weight to producing a ratifiable Convention. We joined with the Governments in setting a realistic, practical atmosphere for the deliberations.

We feel that this spirit was also reluctantly embraced by the Employers, under the able leadership of Mr. Varela Traverso. The high quality of the deliberations of the Committee and the expertise of our Chairperson, Mrs. Cabrera, made our success possible. Years of excellent preparatory work and activities conducted by the Office, since the issue was first brought to the ILO's attention in 1974, and the outstanding efforts by the Office (in particular, those of Mr. Simpson, Mr. Yemin and Mr. Bronstein) and the Labour Law and Labour Relations Branch make the proposed instruments suitable for adoption by this Conference.

These instruments address the core element and the relationship between employer and worker, which is the right of the worker to receive what is due for the purpose of the ILO. These instruments constitute an improvement and fill a gap in one of the most basic ILO Conventions – the Protection of Wages Convention, 1949 (No. 95).

Article 11 of that Convention provides that workers should be "treated as privileged creditors" with respect to the wage due to them when their employer becomes insolvent. But, in the 43 years since its adoption, the inadequacies of Article 11 became increasingly evident, and the protection it affords workers is not for the world as it is today. Article 11 applied only to wages. The proposed Convention applies to other forms of vital compensation such as severance pay, holiday pay, bonuses and commissions. Article 11 did not provide for wages that became due after the insolvency of the employer. The proposed Convention does and this is important because today the insolvency of a business does not necessarily mean its closure or liquidation, but sometimes its reorganisation and rehabilitation. Article 11 did not provide for the information and consultation of workers and their organisations in insolvency proceedings. This is as necessary to the successful rehabilitation of enterprises as it is to the concept of fairness and justice. The proposed Recommendation provides for this. Article 11 allowed for national law to limit the amount of a claim. The proposed Convention provides that this can be done only at a socially acceptable level and only when adjusted to maintain its value. Article 11 made no provision for the rapid payment of workers. Insolvency procedures are too long for workers' urgent needs. The proposed Recommendation points the way for governments to overcome this unfair burden placed on workers. Article 11 required some form of judicial proceedings which is of no value when there are no assets left. The proposed Convention and Recommendation take into account an improved and expanded definition of insolvency necessary to provide workers' protection. Article 11 made no reference to, and set no standards for, wage guarantee institutions, which had not been developed at the time Convention 95 was adopted. The proposed Convention sets these standards. Moreover, the proposed Recommendation informs governments that when properly constructed, these guarantee institutions can provide better protection for workers' claims.

Finally, and most importantly, Article 11 provided no safeguards in the way national law may rank the privileged claims of workers with respect to other privileged claims. As the Office so correctly noted in its background Report V(1): "If the claims of the State or the social security system are ranked higher than those of workers, any privilege granted to the latter is mere window-dressing."

The proposed Convention (through its Article 8) is no window-dressing; it is the right thing to do and the right time to do it. By requiring that workers' claims be given a higher rank of privilege than those of the State and of the social security system, and by recognising wage guarantee institutions as another means by which workers' claims could be protected, this instrument firmly establishes that governments must assume a greater share of the burden now so unfairly carried by workers when their employers become insolvent.

This is an important message for today and tomorrow. It is a message that we have seen nightly on television this month in the Maxwell case. The number of bankruptcies and the extent of their devastating consequences is increasing.

The world of today is the internationalisation of the world economy and its related structural changes. International competition for investment affects the ability and willingness of governments to cope with the increasingly severe consequences of bankruptcy. The practice of reducing the risk of capital by increasing the risk to workers, which is what secured assets do, cannot be expected to change much. The danger is that insolvency may cease to be a way to end businesses and become another way to do business.

The proposed Convention and Recommendation concern what is considered to be a natural aspect of market economies. In view of the difficulties that the Central and Eastern European countries face in making the transition to a market economy, and in view of the severe challenges the new world economy has placed on developing countries and their societies, the basic idea behind the proposed Convention, i.e. the recognition of the necessity and legitimate role of responsible governments in market economies, is more than timely – is is utterly needed.

Original – Spanish: Mrs. CABRERA *(Government adviser, Venezuela; Chairman of the Committee on Workers' Claims)* – Although we are now in the final stages of this session of the Conference, this is the first time I have had a chance to address the plenary. Even it is somewhat late in the day, I would like to add my voice to all the previous speakers and express to the President my warm congratulations for his election and the excellent way in which he has guided the work of this Session. I would also congratulate the three Vice-Presidents.

Venezuela had the honour of chairing the work of the Committee on Workers' Claims at the first discussion in 1991, as well as at the second discussion this year. This was a responsibility we accepted, knowing full well that our task would be a difficult one. We had been asked to improve the Protection of Wages Convention, 1949 (No. 95), and its provisions concerning wage protection in the event of the bankruptcy or forced liquidation of an enterprise.

When we started the work of the Committee on Workers' Claims at the first discussion of 1991, the Chairman of that Committee, my compatriot, Enrique Marín Quijada recalled that there were many people who considered that the time had come to go beyond the provisions of the Convention of 1949 regarding the protection of workers' claims in the event of the insolvency of the employer. But he also emphasised that the Conference had to draft texts which could be useful to all the member States of the ILO. For this reason it was necessary to draw up standards which would constitute progress in comparison with the 1949 Convention, but which would also be realistic, flexibility, and balanced.

It is my great pleasure to announce that after two years' work we have concluded our task very satisfactorily and we are now in a position to submit to this plenary a proposed Convention which I consider a model of progress and at the same time a model of realism, flexibility, caution and balance.

We had been asked to draw up a flexible instrument, and we have done so. We are proposing a Convention which consists of two Parts which are applicable separately. One part protects the workers' claims through the traditional institution of privilege; the other protects workers' claims through the modern institution of a guarantee institution. Any member State ratifying the Convention will be free to choose, in the light of its economic and social conditions, whether it will protect workers' claims in keeping with the Part of the Convention which establishes a privilege, or in keeping with the Part of the Convention which establish a guarantee institution. It may also decide to protect workers' claims both through a privilege and a guarantee institution. Moreover, and here again we laid the stress on flexibility and realism, a member State which has chosen to protect workers' claims through a privilege and a guarantee institution shall enjoy the right to establish the guarantee institution progressively.

We had been asked, as far as privilege is concerned, to draw up a more effective instrument than the 1949 Convention. We have done so. The Convention we are proposing to you establishes the obligation of protecting through a privilege not only the wages of the last three months, but also the remuneration in respect of holiday pay and severance pay. The Convention furthermore states that workers' claims should enjoy a privilege of a higher rank than that of the State unless the workers' credits are also guaranteed by a guarantee institution.

We were asked to be innovative and we have been so. The Convention included the most modern trends in the field, such as the possibility of protecting workers' claims through a guarantee institution. Moreover, the Convention leaves all doors open, including recourse to private insurance, to guarantee the payment of outstanding workers' claims which have been incurred due to the insolvency of the employer.

We were asked to be realistic. We have been realistic. We would have liked the guarantee institutions to ensure the payment of all outstanding workers' claims due to the insolvency of the employer. However, we were concerned by the cost which this would mean for these guarantee institutions. For this reason the protection which the Convention offers through the guarantee institution is somewhat less generous than the protection through a privilege.

We were asked to be balanced and we have been balanced. The proposed Convention makes it possible for workers' claims protected through a privilege to be limited up to a certain sum. We believed with this provision that we would be safeguarding the interests of other creditors, in addition to the workers, who might be prejudiced by the insolvency of the employers. However, in order to ensure that workers' claims are not excessively limited, the Convention states that the minimum amount of the sums protected by the privilege, as well as by a guarantee institution, shall not be below a socially acceptable level and shall, furthermore, be adjusted as necessary in order to maintain its value.

The Committee had a very difficult task to perform. However, I would like to stress that at all times it worked within a constructive spirit and, I would like to stress this, in a spirit of friendship and even complicity. Each one of us felt responsible for offering the workers of the world an international instrument worthy of the ILO.

The results show that we have been successful in this endeavour. We have been able to achieve this due to the excellent disposition of all the members of the Committee, and first and foremost to the personal qualities of our two Vice-Chairmen, Mr. Varela Traverso and Mr. Lynch, to whom I would like to express my very deep gratitude. I am also grateful for the valuable help of the Secretariat of the Office, headed by Mr. Simpson, Mr. Yemin and Mr. Bronstein.

We have achieved the results I am proud to present to this Conference. The plenary has before it the report of our work, which I invite the Conference to adopt, and a Convention and a Recommendation which I invite you to adopt in the vote which will take place tomorrow.

Original – Portuguese: The PRESIDENT – I now open the general discussion on the report of this Committee.

Mr. CHIWESHE *(Employers' delegate, Zimbabwe)* – I should like, first of all, to thank Mr. Nascimento Rodrigues for accepting my request to take the floor; since this is the first time that I have had the opportunity to speak I also wish to congratulate him on his being elected to the presidency of this 79th Session of the International Labour Conference. Those who spoke at the beginning and during the Conference wished him luck and success in the daunting task that had fallen on his shoulders. I am more fortunate than they were in that I and the whole membership of the Conference now know that he has distinguished himself in carrying out his duties and has brought the proceedings of the Conference to a happy and successful conclusion. I congratulate him.

I stand to speak on behalf of the African Employers' delegates of the Committee on Workers' Claims. These delegates have found it fit and proper that their concern about the attitude of some Government delegates from developed countries in the tripartite deliberations be very strongly voiced in this august assembly. Let me, from the outset, categorically state that we are not in any way averse to the implementation and, once implemented, to the maintenance of instruments that set high standards of employer-worker relations. We believe in the fundamental rights of the workers to an equitable share of the returns of the business by way of wages and other emoluments both during the time the business is solvent and running financially viable and in the event of its insolvency.

Africa today is afflicted by economic ills whose magnitude is beyond human imagination. In a desperate attempt to rid itself of these ills, almost every African country has embarked in one form or another on a programme of economic recovery. The majority of the economic recovery programmes are foreign-designed and some of those who have designed these programmes insist, before participating in their implementation, upon certain stringent conditions which are very difficult to fulfil and whose purposes at some times we suspect. Be that as it may, Africa greatly needs their participation via investment and is therefore to make do the best it can with these conditionalities.

Africa is, as the whole world, going through a phase of economic development which recognises the legitimacy and indeed the desirability of the private sector as a vehicle of socio-economic development. In our part of the world, the private sector is on the threshold of finding a foothold and for it to succeed we need a massive infusion of private investment – both domestic and foreign. This investment can only come to the continent if, among other things, labour relations are such that they allow for a suitable environment for investment. It is the kind of environment that we believe should be created by the provisions of a Convention which has been the subject of fair, accommodating negotiations by the tripartite partners.

Let me, once again, on behalf of my colleagues, reaffirm our unwavering support for the principle of tripartism as enshrined in the instruments of the ILO. It is our considered view that this principle was grossly disregarded by the representatives of the member governments of the European Community. We believe they negotiated in bad faith, were contemptuous of our views – not only those of Employers but those of other Government representatives. Once they had formed their opinion, it became fixed and sacrosanct and had to be pushed down the throats of other members of the Committee. Be it recorded that the African Employer members of the Committee absolutely resented that posture. With the collapse of the Eastern bloc and the emergence of democracies, we genuinely believed ideological blocs were now history for posterity. We pray we are not proved wrong.

Is this not the right time for the Africans to wish aloud that the day will come when the European Community member States become one political entity with one government – and that it might send one Government delegate, one Employer delegate and one Worker delegate to International Labour Conferences?

Before I leave the podium, it would be remiss of me if I did not, on my own behalf, on behalf of the African Employer members and indeed on behalf of the totality of the Employer membership of the Committee, thank our Vice-Chairman, Mr. Varela Traverso, for a job sterlingly performed under the most trying circumstances. My special thanks also go to that charming and gracious lady, Mrs. Jutta Ulbricht, who was Mr. Varela Traverso's assistant, for the way she helped him guide the Committee to a successful conclusion of its work.

Mr. BURGE *(Employers' adviser, United States)* – I come before this distinguished body as the representative of the United States employers. United States Employers continue to oppose the adoption of a Convention and a Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer. Article 11 of the Protection of Wages Convention, 1949 (No. 95), already provides realistic protection of workers in such circumstances.

Moreover, providing for expanded employees' privileges in addition to wages in a new ILO Convention impairs the goal of bankruptcy law to facilitate the reorganisation of financially distressed companies. The ability of financially distressed companies to reorganise, and make a fresh start, serves the long-term interest of employers, employees, unions, creditors, customers, vendors and society in terms of labour market, stability and job creation. The alternative solution of guarantee institutions provided for under Part III of the Convention penalises successful companies and diverts funds that could otherwise be used for capital investment and the creation of jobs. Instead of creating rigid standards that discourage investment and the creation of jobs, the ILO should be focusing its resources on assisting member States to develop healthy growing economies that will provide job opportunities and an improved standard of living for workers and employers alike.

The proposed Convention and the Recommendation are far too extensive, thus giving guidance to member States that is counter-productive to investment, economic growth and the creation of jobs. The United States Employers will vote "no" on the adoption of the Convention and will vote "no" on the adoption of the Recommendation.

Original – Spanish: Mr. ARBELOA *(Employers' delegate, Venezuela)* – First of all I would like to say that Venezuela is one of the founding members of the ILO. Venezuelan employers, represented by the Venezuelan Federation of Chambers of Commerce and Manufacturers' Associations (FEDECAMARAS), have always recognised the extraordinary work carried out by this unique tripartite international organisation to improve the condition of workers, and the constructive relations between the social partners by way of effective tripartism.

In this regard the employers of Venezuela have been in complete agreement with the letter and the spirit of the Report of the Director-General submitted to the Conference entitled *Democratisation and the ILO*. However, at this time, in spite of the above, I would like to place on record that we, the employers of Venezuela, are not in agreement with the instruments proposed by this Committee, due to the fact that they will have a tendency to promote additional and unjustified rigidity in labour relations, and inappropriate and inopportune legislation in view of the difficulties which exist in many countries, particularly in the developing countries. There would be State intervention, when what is really needed is more direct contact between the parties themselves. The presence and the increase of such factors, particularly in developing countries such as Venezuela where experience has shown very clearly that legislation has had widely-felt, negative repercussions on recent ILO instruments, would unfortunately turn this Convention and this Recommendation into new and dangerous obstacles to the implementation of the urgent structural adjustment measures we need.

This in turn would be a disincentive to the advancement and development of small and medium-sized enterprises and to productive employment, all of which would undermine the consolidation and democracy to which the Director-General refers so rightly as being one of the principal objectives of the ILO today.

Furthermore, the third paragraph of the Preamble to the proposed Convention and Recommendation outlines as the justification for these instruments that, and I quote, greater value has been placed on the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment. Frankly, I do not really understand how such a positive, constructive and stimulating Preamble could have led to a Convention and a Recommendation of the kind we now have before us for approval.

For all the reasons that I have briefly outlined, my delegation feels obliged to vote against the two instruments. Thank you for placing these remarks on record.

Mr. ERLENBORN *(Government adviser, United States)* – The Conference Committee which has been considering the instrument concerning the protection of workers' claims in the event of the insolvency of their employer has concluded its work and has filed its report accompanied by a proposed Convention and Recommendation.

I compliment the Committee and its leadership on the expeditious manner in which the Committee has treated this subject and on the quality of the work. The Committee considered two forms of protection of claims. One is the granting of a privilege for such claims in insolvency proceeding – the other is the creation of an institution to guarantee such claims. The course the Committee is recommending is the adoption of a Convention with minimum standards for both the privilege and the guarantee, each in a separate part.

A member State ratifying the Convention will be allowed to specify in a declaration whether it accepts the obligations of one or the other part or both. A Member which initially accepts the obligations of one part may thereafter extend its acceptance to the other part.

The terms of the proposed Convention as developed by the Committee in the first discussion last year were reasonable and generally in conformity with the law and practice in the United States relative to a privilege for workers' claims in insolvency proceedings. As the Convention retained those provisions, the Government of the United States could have considered the Convention for ratification.

However, in adopting amendments during this year's consideration, the claims subject to a privilege were extended with respect to holiday pay and severance pay was added. This may prove to be a difficult impediment to United States consideration of ratification. Although laws in the United States exist with respect to insolvency at the national level for most enterprises, certain branches of economic activity are treated separately.

Insurance company insolvencies are conducted pursant to the laws of the individual states. State-chartered financial institutions which are not insured by a federal instrumentality come within the purview of state laws regulating insolvency proceedings. Federally-insured financial institutions' insolvencies are managed pursuant to separate national laws. Adjusting all of these laws to bring them in conformity with the requirements of the Convention would be difficult. However, Article 4, paragraph 2, may allow those categories to be excluded from the scope the Convention.

We believe that the provisions of the proposed Convention extending a privilege for claims to holiday pay, earned over a period that could be as long as two years, will be a deterrent to the adoption of the Convention. The addition of severance pay as a privilege claim presents a similar problem. The proposed Convention taken as a whole embodies principles which, if adopted, would extend better protection for workers' claims. Thus, it can be a valuable guide for action by member States. The proposed Recommendation, however, contains a list of claims for the privilege and guarantees that is so extensive and unrestricted that it is not likely to encourage improvements in the protection of workers' claims. Had the Committee been more restrained and realistic in developing the terms of the Recommendation, there would be a better possibility of their leading to greater protection for workers' claims.

In summary, with reservations as to a few provisions, we believe that the proposed Convention is an excellent instrument. Its adoption by the Conference will serve to advance workers' rights. The Recommendation could have provided concepts for expanding those workers' rights in some member States if they had been more realistic. I again compliment the Committee, which has acted expeditiously and with respect for all the views that were expressed. The secretariat of the Committee was most professional, able and helpful to the Committee members.

Original – Portuguese: **The PRESIDENT** – I have no further speakers on my list. I think that now we can close the general discussion and move on to the adoption of the report.

Adoption of the report, paragraphs 1 to 376. Can I take it that the report is adopted?

(The report is adopted, paragraphs 1 to 376.)

PROPOSED CONVENTION CONCERNING THE PROTECTION OF WORKERS' CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER, SUBMITTED BY THE COMMITTEE ON WORKERS' CLAIMS: ADOPTION

Original – Portuguese: The PRESIDENT – We now move on to the adoption of the proposed Convention concerning the protection of workers' claims in the event of the insolvency of their employer. First, is the preamble adopted?

(The preamble is adopted.)

Original – Portuguese: The PRESIDENT – We now move on to the proposed Convention Article by Article.

(Articles 1 to 14 are adopted seriatim.)

Original – Portuguese: The PRESIDENT – May I consider that the Conference approves the proposed Convention as a whole?

(The proposed Convention is adopted as a whole.)

Original – Portuguese: The PRESIDENT – In accordance with paragraph 7 of article 40 of the Standing Orders of the Conference, the proposed Convention concerning the protection of workers' claims in the event of the insolvency of their employer will be sent to the Drafting Committee of the Conference to produce a final version.

PROPOSED RECOMMENDATION CONCERNING THE PROTECTION OF WORKERS' CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER, SUBMITTED BY THE COMMITTEE ON WORKERS' CLAIMS: ADOPTION

We now more on to the adoption of the proposed Recommendation. We shall start with the preamble. Can I take it that the preamble is adoptd?

(The preamble is adopted.)

Original – Portuguese: The PRESIDENT – May I consider that the proposed Recommendation as a whole is adopted by the Conference?

(The proposed Recommendation is adopted as a whole.)

Original – Portuguese: The PRESIDENT – In accordance with paragraph 7 of article 40 of the Standing Orders of the Conference, the proposed Recommendation regarding the protection of workers claims in the event of the insolvency of their employer will be sent to the Drafting Committee of the Conference so that it can be put in its final form.

We have concluded the examination of the proposed Convention and proposed Recommendation submitted by the Committee on Workers' Claims.

I would like to warmly congratulate the Chairman, the Vice-Chairmen and the Reporter of the Committee, as well as all the members of the Committee on the excellent work that they have carried out.

REPORT OF THE COMMITTEE ON THE PREVENTION OF INDUSTRIAL DISASTERS: SUBMISSION, DISCUSSION AND ADOPTION

Original – Portuguese: The PRESIDENT – We now move on to the third item on the agenda which is the examination and adoption of the report of the Committee on the Prevention of Industrial Disasters.

I have pleasure in inviting to the rostrum Mr. Simanjuntak, Government delegate, Indonesia, Chairman of the Committee; Mr. Hyder, Employers' adviser, Bangladesh, Employer Vice-Chairman; Mr. Aro, Workers' adviser, Finland, Worker Vice-Chairman; and Mr. Seymour, Government adviser, United States, Reporter of the Committee.

I call on Mr. Seymour, Reporter of the Committee, to submit the report to the Conference.

Mr. SEYMOUR *(Government adviser, United States; Reporter of the Committee on the Prevention of Industrial Disasters)* – First of all I should like to take this opportunity to congratulate the President on his unanimous election and his able leadership of this important session of the Conference.

This morning I am pleased to submit to the International Labour Conference the report of the Committee on the Prevention of Industrial Disasters. The report, which can be found in *Provisional Record* No. 24*, covers the proceedings of the meetings which, on the basis of a first discussion, have led to conclusions proposed with a view to a Convention and a Recommendation.

The report also contains the text of a resolution requesting that an item entitled "Prevention of major industrial accidents" be placed on the agenda of the next session of the Conference. There has been a change in the title so as to permit it more properly to reflect the terms in the conclusions. However, the subjects to be addressed are the same.

Our Committee held 17 sittings, and examined 177 amendments. Many of these amendments required long hours of deliberations, careful analysis and the establishment of several working groups, and had far-reaching effects on the final text. I must stress, however, that the discussion in the Committee clearly demonstrated a spirit of shared concern for the protection of workers, the public and the environment against the risk of major industrial accidents. As a result, the Committee was able to arrive at a consensus or an acceptable compromise on a vast majority of the issues.

Our task in the Committee was facilitated by previous ILO action, including the Conventions and Recommendations lilsted in the Preamble to the proposed conclusions, and the code of practice on the prevention of major industrial accidents.

The first section of the proposed conclusion deals with the definitions and scope of the conclusions proposed with a view to a Convention. It refers to the need for exclusion of nuclear installations (other than those systems which do not contain radioactive materials), military installations and transport outside installation sites other than by pipeline from the application of the Convention, and also mentions the need to allow progressive implementation. The terms "hazardous substances", "major accident", "major hazard installation", "threshold quantity", "safety report" and "near-miss" have been defined for the purposes of the Convention.

The section entitled "General principles" calls for the formulation, implementation and periodical review of a coherent national policy for the protection of workers against the risk of major hazard installation, with due consideration for their effects on the environment and the public. It also provides for the establishment of a system for the identification of major hazard installations. This list is to consist of categories of hazardous substances or a list of hazardous substances or both, accompanied by their threshold quantities.

Another section, entitled "Responsibilities of employers", contains principles for the identification of major hazard installations, arrangements to be made at the level of the installations, the development of on-site emergency plans, notification of the competent authorities of such installations, major accident reporting, and the preparation and updating of a safety report.

The next section is entitled "Responsibilities of competent authorities". It provides for coverage of the need to ensure arrangements for the preparation of emergency plans outside the site, and to provide information to the public which may be affected. The section also covers the siting of major hazard installations and the inspection of such installations, and it underlines how important it is for the competent authority to have qualified staff and to ensure that they are properly trained.

The next section refers to the responsibilities of workers and their representatives. There is a section addressing the responsibility of exporting States, followed by a Recommendation.

The conclusions proposed with a view to a Recommendation provide that the ILO, in cooperation with other relevant international and intergovernmental organisations, should arrange for an international exchange of information on major accidents, including lessons learned from near-misses and good safety practices. They also provide that the implementation of the provisions in the Convention should, as appropriate, be guided by the ILO code of practice on the prevention of major industrial accidents, published in 1991, and on the future, updated versions of this code. Although a large number of amendments placed a heavy burden on our Committee, our deliberations on our activities were greatly facilitated by the able guidance and humour of our Chairman, Dr. Simanjuntak. Thanks to him the final conclusions were accepted in a spirit of cooperation.

Our equally able Vice-Chairmen, Mr. Hyder for the Employers' group, and Mr. Aro for the Workers' group, in addition to being professionals, shared a strong sense of concern and responsibility for the prevention of major industrial accidents.They shared a tolerance for the ideas of others, and also demonstrated creativity in the development of solutions to key issues. The delegates who considered 177 amendments in the development of this report are also to be commended. On several occasions a working group was formulated to facilitate progress on the examination of proposed conclusions.

In addition, I would like to acknowledge the work of those who served on the Drafting Committee.They have all earned a well-deserved word of thanks.

Last but not least, I would like to express the gratitude of our Committee members for the excellent help and assistance we received at all times from the representative of the Secretary-General, Dr. Kogi, and his team of experts, secretaries, translators, clerks, typists and all others who so ably carried out their tasks and were available at all times to respond to our wishes with humour and efficiency. In my opinion, their hard work helped bring the activities of our Committee to a very successful conclusion.

In summary, it gives me great pleasure to submit the report of the Committee on the Prevention of Industrial Disasters and the resolution to the 79th Session of the International Labour Conference and to recommend their adoption.

Original – Portuguese – The PRESIDENT – The general discussion on the report is now open.

Mr. HYDER *(Employers' adviser, Bangladesh; Vice-Chairman of the Committee on the Prevention of Industrial Disasters)* – On behalf of the Employers' group of the Committee on the Prevention of Industrial Disasters, I endorse the Committee's report and also support the adoption of a resolution by the Conference to place on the agenda of the next ordinary session an item entitled "Prevention of major industrial accidents" for a second discussion, with a view to the adoption of a Convention and a Recommendation.

In doing so, may I express the hope of the Employers' group of the Committee that by next year it will be possible to re-examine the issues still blocking agreement. It is our hope that the proposed Convention will be flexible enough to accommodate the different systems for the prevention of major industrial disasters, thereby making it ratifiable by the maximum number of member States of this august organisation. There are still crucial provisions in the proposed instruments which merit serious re-examination from this point of view. On the other hand, any efforts to reopen a discussion on some of the issues covered under the definitions and scope will be counter-productive. The exclusion of transport and nuclear and military installations from the scope of the instrument ought to be upheld next year, as these are already covered by specific controls and regulatory mechanisms of other international organisations. Equally crucial is the exclusion of biological organisms from the definition of hazardous substances used for setting the proper criteria for the evaluation of the hazards, as well as the exclusion of their threshold quantities, which have so far not been determined. All such exclusions, if upheld next year, should encourage ratification.

On the other hand, the fact that the text includes the concept of submitting information on near misses and mentions consultation through cooperative mechanisms has serious adverse implications, and will discourage ratification. The provision in the proposed Recommendation that national laws, regulations and other measures should be guided by the

ILO code of practice on the prevention of major industrial accidents published in 1991, or as revised and updated in accordance with ILO practice, also has serious adverse implications. The ILO code has been published for technical guidance and not as a national policy instrument. Reference to a revised or updated code the text of which is not yet known, is impractical and sets a precedent which might jeopardise publication of similar publications, as employers may not agree to associate themselves with them. Because the code of practice was formulated through a process different from that of the Recommendation, reference to it in the Recommendation should be deleted next year.

In concluding, may I thank the Chairman of the Committee, Dr. Simanjuntak, for his excellent leadership, the Worker Vice-Chairman, Mr. Aro, for the courtesy and cooperation extended to our group, and Dr. Kogi and his team from the Office whose hard work and counsel were of immense help to the Committee's deliberations. We are also thankful to the Reporter, Mr. Seymour, the distinguished Government adviser from the United States, and all members of the Drafting Committee for very hard work done on a very difficult and cumbersome issue.

Mr. ARO *(Workers' adviser, Finland; Vice-Chairman of the Committee on the Prevention of Industrial Disasters)* – The conclusions presented here form a good basis for the International Labour Organisation to address the issues involved in the prevention of major industrial accidents, as well as the other two main targets of the future instruments, namely the minimising of the risks of major accidents and the minimising of the effects of such major accidents.

The Workers' group welcomes the conclusions and wishes that they be reaffirmed as a Convention and a Recommendation next year after the final consideration which we all have to undertake. It is important at this moment to remember and highlight the background and development which has led us to this stage.

In 1985, the International Confederation of Free Trade Unions presented a proposal for a resolution which was later adopted by the International Labour Conference that year. This was in the wake of the catastrophic accidents in Bhopal and Mexico City. That resolution called upon the ILO to undertake a series of activities aimed at the prevention of similar accidents. Since 1985, the ILO has carried out many activities following the requests in this resolution. There is now a practical manual addressed to the industry. There is a code of practice which was already referred to earlier, and there is expanded technical cooperation with the ILO and the UNEP in what is known as the International Programme on Chemical Safety, which has been extremely useful, as well as the ILO's cooperation with other relevant organisations including the OECD and the European Communities. The last item in that resolution was the drawing-up of international labour standards and this is what we are doing now. So rather than an isolated event, we are forming a strong link in a chain which is an important approach by the ILO in addressing these issues as a whole.

The ILO has a unique role in this for three particular reasons. Firstly, the ILO, of all the organisations dealing with these issues, is a genuinely tripartite body which means that the groups which have the highest interests, which have the most to lose or gain depending on the outcome of activities to prevent industrial disasters, are directly represented here. Secondly, the ILO is truly global in its representativity and has the means to disseminate the information to everybody concerned in all parts of the world. And thirdly – and this is unique – the ILO alone can address the issues of the connection between the workplace and the external environment. This was highlighted in a very good fashion in the Director-General's Report two years ago in 1990 on *The environment and the world of work* – which still serves as a useful guide to all of us who are active in this field.

The ILO's jurisdiction in this matter is clear and it has to be brought better into focus, and these instruments will go a long way towards that goal. What we have in the conclusions is a global, coherent approach to be followed in minimising the risks of major accidents and minimising their effects.

The conclusions call for a coherent national policy which should, among other things, promote the use of the best available safety technology, which is an extremely important issue. When following the concepts put forth in these instruments a country should also pay attention to the possible transboundary effects of accidents in its own region. At the workplace level there should be a documented system of major hazard control which would comprise various components. It would include, but not be limited to, organisational measures such as attention being paid to hours of work, staffing levels and the use of outside contractors. It should also always involve consultation with workers and their representatives who are affected by the activities of the employer.

The workers and trade unions have taken many initiatives in the field of the prevention of major industrial disasters. This has been acknowledged in the Proposed Conclusions in the form of suggesting rights that workers ought to have in the setting up of these mechanisms and structures. However, there should always be, consultations with workers, their representatives and their organisations, as well as with those of the employers. Cooperative mechanisms should be established, such as safety committees, the use of safety representatives or whatever other means there might be to organise these structures.

The workers should have, according to text of the proposed Convention, the right, when necessary, to leave the dangerous area; and not only that, they should also have the right to take directive action which includes, when necessary, the right to interrupt the process to shut down the plant if an accident is developing.

In the field of the transfer of technology, the Convention calls for the exporting State to make sure that the importing State has information on when a substance, process or technology which is being exported is prohibited in the exporting country. In addressing this task, the Recommendation on the other hand calls on the ILO to establish a system for the exchange of information including information on the prohibitions issued by different member States.

The proposed Recommendation also calls for the code of practice on the prevention of major industrial accidents published in 1991 to be used as a guide. In its current form or as updated, this is an extremely essential part of the conclusions and should definitely be maintained. I believe it would be wise next year to expand that reference to enumerate at least some of the most potential areas in which the suggestions in the Code of Practice could be incorporated into the Recommandation in their own right.

The Recommendation further calls on multinational enterprises to provide equal safety measures in all of their installations, regardless of where those installations might be.

There are two areas on which we have to concentrate next year. One is that the instruments in their current form place much emphasis on fixed installations and individual substances. And perhaps the discussion we have had on the scope and exclusions from the scope could be better brought into focus if we take as a starting-point the risk itself and not so much its physical or geographical characteristics. This is certainly something that the Workers' group is going to think about before coming back next year. We should take the risk as a starting-point, which will necessarily mean the inclusion in some form at least of transport within the scope of this Convention and Recommendation. We have to focus on the risk and not where it appears.

The second area of concentration for next year is the issue of liability. The responsibility of an employer who runs a chemical installation or other hazardous installations is present and is clear but there needs to be an expansion of the wording through which it is made clear that the "polluter pays" principle is introduced as a general guide-line.

The third item which needs to be addressed, perhaps not in this Convention but in the ILO's work in general, is that of biological hazards. No international labour standards should probably be considered for that purpose.

With these thoughts, I wish to thank our Chairman, Dr. Simanjuntak for the firm and flexible way in which he conducted our sessions, as well as the very diligent, precise and professional work of Mr. Seymour as our Reporter. I want to show appreciation to the Employers' Vice-Chairman, Mr. Hyder, for a truly and genuinely good working relationship which evolved in the course of the meeting. I want to congratulate the Director-General and his representative, Dr. Kogi, and Dr. Kogi's staff for the very high quality of the preparatory work and the way in which the meeting was conducted. I thank particularly those who have been active in the Workers' group in their various functions and I specially want to thank the participants from the developing country who made this a truly and genuinely global exercise.

Mr. SIMANJUNTAK *(Government delegate, Indonesia) – Chairman of the Committee of the Prevention of Industrial Disasters* – As the Chairman of the Committee on the Prevention of Industrial Disasters and on behalf of all its members, I should like to express our appreciation to the Governing Body and to the International Labour Organisation for the timely decision to place an item on the prevention of industrial disasters on this year's agenda of the 79th Session of the International Labour Conference. In view of the industrial disasters that have unfortunately occurred in the different parts of the world, the first discussion of this important subject has reaffirmed the urgency of preventive action and the key role that the ILO can play in strengthening the efforts of member States in this area.

I recall the resolution adopted by the International Labour Conference in 1985 – soon after the disaster in Bhopal in December 1984 – concerning the promotion of measures against risks and accidents arising out of the use of dangerous substances and processes in industry. In response to the Resolution, the ILO took a series of actions for the prevention of industrial disasters, including the development of a code of practice on the prevention of major industrial accidents, a training manual on major hazard control and technical cooperation with several member States for the establishment of a national major hazard control system.

I believe that the Organisation has recognised and appreciated the magnitude and complexity of the task for the prevention of industrial disasters and the usefulness of a unified approach that embodies both national and international experiences. During the past few years, several major industrial accidents involving chemical substances have occurred in both industrialised and in industrially developing countries. In other words, there is an urgent need to establish a national system for the prevention of major industrial accidents in all member States where there is a potential for such accidents.

The Committee has, in the last two weeks, thoroughly deliberated on ramifications of the issues associated with the prevention of industrial disasters. In the course of its discussions, the members of the Committee presented and discussed forceful arguments on matters of real substance. As a group made up of a composite of learned experts from different environments, backgrounds and cultures, we were able to achieve our goal within the framework of tripartism and in a spirit of cooperation, good intentions and dialogue. I am happy to report to the Conference that all the points raised in the Committee were made in a constructive spirit of collaboration.

These points and arguments on ways and means of overcoming identifiable problems are clearly expressed in the report of the Committee. It has thus proposed corresponding texts of conclusions as a basis for the second discussion at the next Session of the International Labour Conference, in 1993, with a view to the adoption of a Convention and a Recommendation.

It is important to note that these conclusions have been structured so as to provide the much needed flexibility that would enable member States, in ratifying them, to apply appropriate practical measures in accordance with national law and practice.

My task as the Chairman of the Committee would have been impossible to accomplish successfully without the support and cooperation I enjoyed from all the officers and members of the Committee. I should particularly like to thank the Government members, both as individuals and groups, for putting their vast professional knowledge of the subject matter completely at the disposal of the Committee. Many thanks also go to the Vice-Chairmen and the Employer and Worker members of the Committee. The Vice-Chairman of the Employers' group, Mr. Hyder, is a man of innovations and an excellent manager supported by extensive technical expertise – all of which he put forward for the benefit of the Committee. The ever resourceful Worker Vice-Chairman, Mr. Aro, who has actively participated in a number of ILO activities relating to the prevention of industrial disasters, made many significant contributions to the work of the Committee. He did this by making effective use of the expert knowledge in his group. On several occasions working parties were formed to facilitate the good progress of the work of the Committee. I would also like to thank all the members of the working parties who worked very hard to reach a consensus on matters of common concern to the three groups of the Committee.

I would also like to extend my appreciation to the Reporter of our Committee, Mr. Seymour, for his hard work in the Committee in which he spared no effort in applying his expert knowledge to produce an accurate record of our work. This speech would be incomplete without acknowledging the Secretary-General of the Conference, his representative Dr. Kogi and his team of devoted experts – secretaries, translators, clerks and other support staff. They indeed represent the moving spirit behind whatever may have been achieved since the ILO started a series of actions after the Bhopal disaster.

In conclusion I would like to call on the Conference to approve the report and adopt the Proposed conclusions and a Resolution to place on the agenda of the next Ordinary Session of the Conference an item entitled "Prevention of major industrial accidents". The title of the proposed instruments was also amended from the "prevention of industrial disasters" to the "prevention of major industrial accidents". I am confident that the new instruments will be an important step forward towards the protection of workers, the public and the environment against the risks of industrial disasters.

Mr. SCHALLER *(Employers' adviser, United States)* – The Employers of the United States fully support Mr. Hyder's comments and will work diligently during the next year for an instrument which will provide clear guidance for nations in their quest for the prevention of major industrial accidents.

However, the United State Employers' delegation sees several obstacles to achieving this goal. One of these is an attempt to use this instrument as a forum to advance an industrial relations' agenda which will not contribute to, and indeed may detract from, worker, public and community safety. Another is an effort to introduce concepts which, in our view, have no place in an instrument which is clearly focused on conventional industrial operations – concepts such as extending the scope of the instrument to transportation, nuclear and biological hazards, for which a separate body of regulation and practice is necessary and available in each instance.

The subject of the siting of industrial installations with respect to other industries and residential areas is also of concern. While we acknowledge the need for a siting policy, we believe the distinction between new installations, where physical separation is feasible, and existing installations, where alternative solutions must be found, needs to be clearly addressed in this instrument.

Finally, and perhaps most crucial, is the previously mentioned introduction of the ILO *Code of Practice on the Prevention of Major Industrial Accidents* into the Recommendation. In the absence of any other substantive guidance, the code of practice is, in fact, the Recommendation.

Even a cursory review of the code reveals that, while quite satisfactory as a source of voluntary guidance, it contains many provisions which would surely be challenged and debated if it had been presented in the form of a Recommendation. To give this code the status of a Recommendation would have a chilling effect on future efforts of tripartite groups of experts who would be obliged to focus not on technical consensus, but on the political and legal implication of every word and phrase, considerations which would compromise the technical value of the document, which some of us technical experts are not prepared to do.

We must not establish this precedent.

Original – French: Mr. OECHSLIN *(Employers' member, France)* – I would like to bring to the attention of the Conference Paragraph 29 of the Proposed Conclusions with a view to a Recommendation. This Paragraph, which refers to the *ILO Code of Practice on the Prevention of Major Industrial Accidents,* is, I believe, a dangerous precedent which could give rise to a number of legal and practical problems, both with regard to the future Recommendation, and the ILO code of practice. Let me explain what I mean in a few words.

I do not believe that a link should be established between a Recommendation and a text which has not been adopted by the International Labour Conference – and which, as far as I know, was not even been officially put before the Conference but brought only to the attention of the Committee.

Furthermore, I believe this reference to the ILO code of practice to be a potential source of problems because it is not a final text and may, as stated in paragraph 29, be reviewed, revised and updated in accordance with a procedure which does not involve the Conference. Consequently, the Conference is referring only to a very hypothetical text which might be revised.

I am well aware that a number of editorial precautions have been taken in the wording of paragraph 29, with the use of such expressions as "guided by" and "as appropriate". But the fact remains that when examining the application of this Recommendation, if it is adopted, account will have to be taken of this code of practice.

A Recommendation is of no small importance; may I refer you to Article 19, paragraph 6, of the Constitution, which refers to a number of obligations deriving from Recommendations, including the need to submit a report on law and practice. To what extent will these reports cover the way in which governments in fact were guided by the code of practice? And to what extent will there be a detailed examination of this text, which is very voluminous and very complex.

I also believe that this reference will give rise to problems in connection with the code of practice itself. Indeed, there are other codes of practice and the same problems may arise in the future with regard to these codes; they may also end up being linked to an international labour Recommendation. These ILO codes are adopted according to a simplified procedure by a tripartite committee of experts and then formally adopted by the Governing Body. And the Governing Body certainly does not have the ability to go into the finer points of detail of these codes. The simplified procedure has the advantage of making these codes very flexible – and therefore very useful instruments for the Organisation. But if these codes are to be more or less formally linked to an international labour Recommendation in the future, we might be advised to take a fresh look at the way in which they are drafted – thus making them less flexible. In any case, I believe that the Employer members of the Governing Body will most certainly hesitate before they allow such codes to be adopted by the same simplified procedure as that which is practised at the moment.

I should just like to make a final comment. We tend to underestimate the importance of Recommendations. They tend to be dealt with during the last few hours on the last day of work of a committee – and short cuts are frequently taken. For example, there is a tendency to transfer to a Recommendation provisions which have not been adopted in the Convention or as in this case, to refer to another text. We personally believe that Recommendations are very important texts and they deserve the full attention of the Conference and, consequently, the full attention of the Committees. Therefore they should be prepared with the utmost care. I would like to put these points before the members of the Conference and member States for their consideration between now and the Conference next year.

Original – Portugese: The **PRESIDENT** – I have no other speakers on my list and we will therefore proceed now to the adoption of the report. If there are no objections, may I take that paragraphs 1 to 116 are adopted. If these are no objections, I shall consider that the report is adopted.

(The report is adopted, paragraphs 1-116.)

Proposed Conclusions submitted by the Committee on the Prevention of Industrial Disasters: Adoption

Original – Portuguese: The **PRESIDENT** – Let us now proceed to the adoption of the Conclusions proposed by the Committee. We shall adopt them point by point.

First of all, the Form of the international instruments, that is to say Points 1 and 2. Can I consider these points adopted?

(Points 1 and 2 are adopted.)

Proposed Conclusions with a view to the adoption of a Convention, submitted by the Committee on the Prevention of Industrial Disasters: Adoption

Original Portuguese: The **PRESIDENT** – We now move on to the Conclusions proposed with a view to a Convention, that is to say Points 3 to 26. If there are no objections I shall consider them to be adopted.

(Points 3 to 26 are adopted seriatim.)

Proposed Conclusions with a view to the adoption of a Recommendation, submitted by the Committee on the Prevention of Industrial Disasters: Adoption

Original Portuguese: – The **PRESIDENT** – We shall now consider the Conclusions proposed with a view to the adoption of a Recommendation, that is to say Points 27 to 30. If you have now objections, I shall consider them adopted.

(Points 27 to 30 are adopted seriatim.)

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Prevention of major industrial accidents", submitted by the Committee on the Prevention of Industrial Disasters: Adoption

Original Portuguese: – The **PRESIDENT** – We shall now proceed to the adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Prevention of major industrial accidents".

If there are no objections, I shall consider this resolution adopted.

(The resolution is adopted.)

Original Portuguese: – The **PRESIDENT** – Having completed this part of our agenda, I would like to express my sincere congratulations to the Chairman and the Vice-Chairmen, the Reporter and the members of the Committee and the secretariat for the excellent work they have done.

Report of the Committee on the Application of Standards: Submission, discussion and adoption

Original Portuguese: – The **PRESIDENT** – The fourth item on our agenda is the consideration and adoption of the Report of the Committee on the Application of Standards.

I would like to request the Officers, Mr. Rood, Government delegate, Netherlands, Chairman of the Committee; Mr. Wisskirchen, Employers' adviser, Germany, Vice-Chairman; Mr. Peirens, Workers' delegate, Belgium, Vice-Chairman; and Mrs. Montenegro Díaz, Government delegate, Nicaragua, Reporter of the Committee. I request them to be so kind as to come up to the rostrum.

I now call on Mrs. Montenegro Díaz, Reporter of the Committee.

Original – Spanish: Mrs. **MONTENEGRO DÍAZ** *(Government adviser, Nicaragua; Reporter of the Committee on the Application of Standards)* – Having been appointed to the post of reporter of the Committee on the Application of Standards, it is my honour to address this plenary to put before you the Report of the Committee on the Application of Standards.

The Committee was set up under article 7 of the Standing Orders of the Conference and proceeded to examine the third item on the agenda, "Information and reports on the application of Conventions and Recommendations". The report consists of two parts. Part One contains the substance of the general debate on the application of Conventions and Recommendations, and the compliance by member States with their obligations under the Constitution of the ILO and the discussion of the General Survey of the Committee of Experts on the Application of Conventions and Recommendations concerning minimum wages.

Part Two contains a summary of the information supplied by governments, of the Committee's discussions, and of the conclusions adopted by the Committee.

The Committee examined 47 individual cases concerning the application of ratified Conventions, the fulfilment of the obligation to submit reports in reply to the comments of the Committee of Experts, and the submission of Conventions and Recommendations to the competent national authorities.

The Committee held 22 sittings. The main aspects of the general debate are described in section B, paragraphs 8-87; it focused on the report of the Committee of Experts on the Application of Conventions and Recommendations.

The Committee, as in previous years, recognised the excellent quality of the report of the Committee of Experts which provides the main basis, in contents and form, for the Committee's discussions. It noted the respect for the principles of independence, objectivity and impartiality. Many Government members (in particular, those from developing countries) expressed regret that they had not received the report of the Committee of Experts early enough.

The Committee dealt with the possible reform of the standard-setting system, and concluded that any change should be studied by the supervisory bodies and should not weaken the application of ratified Conventions in law or in fact. Without the supervisory machinery, standard-setting activities would lose their effectiveness.

According to the report of the Committee of Experts, the number of observations received from employers' and workers' organisations reached a record high this year, thus showing the interest they have in the supervision of standards.

The discussion on the role of supervisory bodies is summarised in paragraphs 8-15 of the report.

Another question considered by the Committee was the possibility of setting up a tribunal to solve rapidly any question or difficulty concerning the interpretation of a Convention referred to it by the Governing Body, or under the terms of the Convention, in keeping with article 37, paragraph 2, of the Constitution of the ILO.

The representative of the Director-General informed the Committee that the Office would draw up a detailed study and submit it in due course to the competent bodies.

The Committee expressed its satisfaction with the admission of new members to the ILO; this reinforces the universality of international labour standards and strengthens tripartism as a dynamic factor in standard-setting activities.

Some Government, Employer and Worker members attributed special importance to the recent trends in certain countries, in particular as regards the process of transition to a market economy, and to the technical assistance they were receiving from the ILO.

Other subjects covered in the general discussion were: the ratification of Conventions, denunciations, the application of standards in special circumstances, such as export-processing areas, offshore industrial facilities, and as regards safety and health and equal remuneration.

The Committee noted the general observation of the Committee of Experts concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which requested governments, when reporting on the application of this Convention, to include information on special aspects, such as the existence of machinery for the setlement of collective labour disputes, the right to strike and lockouts.

The Committee also dealt with the application of standards concerning labour inspection, having supported the recommendations that the Committee of Experts had made in this connection.

As for the minimum age for employment, the Committee was concerned with the difficulties of applying standards in this field, in paragraphs 59 to 61 of the report of the Committee of Experts.

The Committee paid special attention to the application of the Employment Policy Convention, 1964 (No. 122). Some members stressed their concern over the large rises in unemployment and their interest in structural readjustment which should be a matter of consultation with the employers' and workers' organisations. Furthermore, they expressed their concern with the precarity of employment spreading to certain parts of the world.

Technical cooperation and standards were discussed at length in the Committee. The representative of the Secretary-General, in his introductory statement to the Committee, stated that the Governing Body supported the Director-General's proposal and encouraged him to continue in his efforts to achieve the greatest possible consistency between technical cooperation and international labour standards. In his opinion it could be stated that there was clear consensus concerning the importance of standards as a concrete expression of the general objectives of the Organisation, excluding any idea of possible conditionality.

The unique character of international labour standards was stressed as an essential point of reference for the technical cooperation activities of the ILO. The Committee congratulated the Office for its assistance to governments through direct contacts, informal consultative missions, training seminars and information to guide them in how to meet their obligations with regard to standards.

Standard-setting activity is the hallmark of the ILO and technical cooperation should be used to ensure better application of international labour standards.

Paragraphs 9 et seq. of the Report of the Committee on the Application of Standards sum up the discussion on the reports submitted under article 19 of the Constitution of the ILO and on effect given to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The general debate on minimum wages is contained in section C, paragraphs 93 to 113 of the report. The Committee notes that methods for fixing minimum wages have always been among the main objectives of the ILO and are covered by international labour standards.

Some members mentioned that the standards for fixing minimum wages were strategic instruments used against poverty and social exclusion. Others considered that minimum wages constituted one of the main aspects of tripartism and free collective bargaining. Some members suggested that the question of the relationship between employment – particularly, the employment of young people and low-skilled workers – and minimum wages should be the subject of an Office study.

In part D of the report ("Compliance with specific obligations") the Committee points out to the Conference information on the submission of Conventions and Recommendations to the competent authorities, and reports on ratified Conventions. The Committee insisted on the importance of giving practical information to find out whether a Convention has been applied or not. It also found with satisfaction that progress had been made in certain cases and this was considered as a positive incentive for governments to reply to the comments of the supervisory bodies. They also took note of special cases and noted the number of reports submitted on unratified Conventions and on Recommendations. The Committee regretted that there were a number of countries which, despite repeated invitations, did not attend the discussions concerning their countries.

The Committee on the Application of Standards would like to join with the Committee of Experts to pay tribute to Mr. Sidibé who held the post of Director of the International Labour Standards Department until his retirement in March this year. At the same time we warmly welcomed his successor, Mr. Bartolomés de la Cruz.

With this summary I leave the fate of the *Report on the Application of Conventions and Recommendations* with the plenary and recommend its approval, because this is one of the essential elements for the success of the work of the 79th Session of the International Labour Conference.

Original – German: Mr. WISSKIRCHEN *(Employers' adviser, Germany; Vice-Chairman of the Committee on the Application of Standards)* – The Reporter has referred to some of the essential parts of the report. Among other things we can see from the report the ever-growing activities of the ILO supervisory machinery. The increasing number of member States is one reason for this. However, the fact that many countries have gone back to democracy and to market economies is a qualitative element which cannot be overestimated.

From time to time it was pointed out in this connection that democracy and a market economy are not the same thing. In our opinion the two live on the basis of the same principles, namely fair competition and freedom of decision of the individual as well as of social groups. It is only in a proper market economy that democracy can live and only the efficiency of a market-economy order provides the basis for social progress. The ILO should take these factors more and more into account when it provides assistance to its Members.

The ILO as a large consulting and services enterprise has to provide support for the democratisation process. At the same time it must realise that without privatisation of enterprises a market economy has no real chance.

The report of our Committee shows that the dialogue this year took place in a reasonable atmosphere. The Committee has found itself, once again, back on the road to reason and discussed controversial subjects in a reasonable manner; this also applies to the relationship between the various supervisory bodies, in particular, the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on Standards. The relations show that there is no doubt that each supervisory body has its own responsibilities and tasks without being a subsidiary or a superior of the other.

As regards the main question as to how Conventions and standards are to be important, we can summarise as follows.

First of all, a binding interpretation of the standards can be given only by the International Court of Justice according to the Constitution.

Secondly, our Committee, according to article 7 of the Standing Orders of the Conference, examines to what extent the member States have carried out their obligations regarding the application of Conventions, and this in an independent manner, and reports in writing to the Conference.

Thirdly, as regards the carrying-out of its tasks, the Conference Committee makes use of the reports of the Committee of Experts whose views have great weight.

Fourthly, the views of the Committee of Experts, as the Committee of Experts has pointed out quite rightly, are not formally binding on the Conference Committee, as has been clearly proved through an analysis of the legal basis of both Committees. Historical developments have also confirmed this. The relationship between the two supervisory bodies of the ILO, therefore, as the experts have emphasised, must be governed by mutual understanding and cooperation. Therefore, we would be very grateful to the Committee of Experts in the future it they were to introduce this spirit in a more extensive manner in the dialogue on the points on which we most disagree. And these are, as is well known, the very detailed interpretation of the experts on the right to strike which the experts base on Conventions No. 87 or 98. We see no reason for this interpretation if we look at the interpretation yardstick for international instruments, namely the Vienna Convention on the Law of Treaties, to which the experts themselves have referred.

The two instruments, Conventions Nos. 87 and 98, were drawn up at the end of the forties, when there was no consensus on strikes and lockouts which could have been reflected in the text of the instruments. It was only after about a decade, when many States had ratified the instruments, that experts started to provide an interpretation of this right to strike. After many further stages, this led to the very detailed regulations which the experts now use as the only yardstick for the settlement of labour disputes. This is not in conformity with the instruments and is not justified by the agreements that have been made by the two parties. Article 31 of the Vienna Convention is not properly applied because there it is indicated that there should be agreement among the parties regarding the interpretation. The reports of the experts over many years are evidence of the contrary, because these reports show that in the member States of the ILO all kinds of rules apply as regards strikes and lockouts but they do not really correspond to the views of the experts.

Supervision means that there is an obligation to ratify. Therefore, we do not disregard the clear importance of ratification. However, we do not share the rather too-simple formula according to which every ratification is good and any denunciation is bad. If one ratifies a Convention, one has to have the will and be in the position to carry out the obligations assumed. In our Committee, we hear again and again complaints regarding the fact that governments cannot apply the Conventions because of the very high level of obligations, and here we see the importance of supervision and application. We think that member States should think about this in time and should not, for reasons of false prestige, think that they should adopt standards which are too high or too complex. During the past 15 years and more, there has been a trend towards to a drop in ratifications and I think this should be taken as a warning. Furthermore, if outdated Conventions are not revised, denunciations may be unavoidable and particularly in times of change, we have to take note of the signs of the times and to react in time. We consider the worldwide trend towards democracy, pluralism, a market economy and private ownership is not just a temporary phenomenon. It is part of the tradition of the report of the experts and the tradition of the general discussion in the Conference Committee to consider the application of certain Conventions in general. We leave the question open as to whether always the same selection of Conventions is justified if there are no new facts. This, in our opinion, applies this year to the selection regarding labour inspection, the question of the international shipping registers and the application of Conventions in export processing zones. In the report of the Experts on the Employment Policy Convention, 1964 (No. 122), there are certain judgements made and there is a trend to a more sober description of the problem. Of course we all see the difficulties that exist when one moves from dictatorship to democracy and a market economy. These difficulties, however, are not an excuse. We would, however, like to give our full support to all measures and concrete activities connected with the protection of children, which were referred to in the report of the Committee of Experts. Here it is a question of the respect of basic human rights through promotional measures and investments in the training and education of young people.

The general survey made by the Committee of Experts, under article 19 of the Constitution, deals with Conventions and Recommendations concerning minimum wages. This is a subject which the ILO has considered from the earliest times because wages are one of the most important factors among working conditions. However, we should also accept that wage fixing ideally should be carried out within the framework of autonomous bargaining. The procedure for wage fixing is necessary when, within the framework of collective bargaining, the proper conditions are not met. Minimum wages and minimum wage fixing are therefore necessary measures in a society which has the right to self-determination. When applying the minimum wage procedure, we should ensure that the specific minimum wage on the one and would makes it possible for a worker to lead a dignified life and, secondly, that the field of application, the concrete wage fixing, does not have any negative effect on free collective bargaining.

The report of the Committee of Experts shows that there is a tendency to link minimum wages with wages established under collective agreements and not to make any distinction. We feel such a tendency, without taking into account qualifications, etc., as being dubious and, according to our conviction and contrary to what the Experts say, we feel that the economic conditions should be fully taken into account when fixing wages. This is not only a result of the clear wording of Convention No. 131 but it is also necessary to maintain jobs. It would be hiding one's head in the sand if the close relationship between the wage and the number of jobs were to be denied. The amount of work available is not something that can be manipulated. Jobs exist only to the extent that there is a demand for products or services and this demand is determined by the price of the service.

The fact that minimum wage fixing is an intervention in free bargaining can be seen from Convention No. 131 itself because, according to Article 2 of the Convention, minimum wages shall have the force of law and only subject to this reservation is the freedom of collective bargaining maintained.

But apart from this abstract aspect it is clearly seen that minimum wages pay an important role in the economy of the country. The influence of the State over working conditions grows, and at the same time, the influence of those involved and concerned is reduced. This is something to which the social partners should not be indifferent.

The report and discussion on minimum wages have shown that the situation in many countries is still very far from ideal. As regard to the main activity of the Committee, that is the examination of practice and the application in various countries of individual Conventions, I would like to refer you to the appendix to the Report. All the main points of the many dialogues with the Governments concerned are reflected in this appendix. Indispensable for any examination by the Experts as well as by the Conference Committee are the reports from the member States and here we must be very concerned, because the number of actual reports has increased and this, of course, leads to the danger that the selection of countries invited to take part in the dialogue may be considered to be more arbitrary.

Furthermore, all the bodies of this supervisory machinery, that is, the Office, the Committee of Experts and the Conference Committee, has an ever-growing burden. Views were expressed in the Committee that decisive counter measures would have to be taken very soon. In the general debate, among other things, we put forward certain considerations. On this point we hope the Office will review all these points during the course of the year and that it will make a report.

However, we do not want to complain without noting that there have been cases of progress. We have the list of these cases of progress and we are trying to achieve positive changes through our dialogues with the member States. For reasons of time I would refer once again to the voluminous appendix.

The success of the main task of the Committee means that there has to be a minimum of co-operation. We think that all parties have contributed in a positive way. These must be understanding between the workers and employers and we would therefore like to thank in particular the spokesman of the Workers' Group, Mr. Peirens. There was considerable work done, both visible and invisible, by the secretariat under the leadership of Mr. Bartolomei de la Cruz. We are ready to place our trust in him as was the case with Mr. Sidibé, who has now retired.

The Chairman of the Committee, Mr. Max Rood, was very efficient and we have great respect for him.

I would also like to thank the Employers' Group which supported me unreservedly.

Original – French: Mr. PEIRENS *(Workers' delegate, Belgium; Vice-Chairman of the Committee on the Application of Standards)* – The most outstanding point remains the persistence of far-reaching change throughout the world, and the consequences which these changes are having on the application of standards. This applies equally to developing countries, the countries which are in transition to a market economy, the countries facing adjustment programmes and industrialised countries alike.

And though once again we were able to rely on the support of the Employer members and the overwhelming majority of governments when it came to supporting the universal application of standards and the effective strengthening of the supervisory machinery, there were none the less some disturbing trends as well. We believe that these are challenges for all of us. Some speakers voiced doubts as to the universal nature of standards, or at least of some standards, and with regard to the principles and methods of the supervisory machinery. This was the case in discussions on several Conventions, such as Conventions Nos. 122, 111 and 98, but above all in our discussions relating to Convention No. 87.

By criticising whenever possible the views held by the Committee of Experts concerning freedom of association, and in particular the right to strike, the Employer members sometimes led our Committee astray in its deliberations. Governments which had cases under examination took advantage of this on several occasions to weaken the impact of the Committee as a whole. This took place even for Conventions other than Convention No. 87. These governments challenged the universality of standards by referring to their countries' social, economic, or political circumstances.

I do not want to overstate these difficulties, but these tactics clearly may weaken the effectiveness of the supervisory machinery. We have also emphasised that the drafting, application and supervision of standards are closely related. Texts which are drafted in too general terms are bound to give rise to problems of interpretation and therefore of supervision. There is also a danger that the complexity of the organisation of work will be given short shrift. We must thus strike a balance between our various objectives.

Doubts were voiced and we faced challenges during our discussions on the principles and working methods of the Committee of Experts. Once again this year, the Workers' group reiterated its support for the principles and methods of work of the Committee of Experts, and supported its views. Governments are not the only participants in the standard-setting machinery of the ILO. This tripartism consequently has repercussions on the drafting, supervision and interpretation of standards. Conventions are not purely government sponsored instruments; they are the fruit of tripartism, their driving force. The views of the Worker members should be credited with the same weight as the views of others when it comes to interpretation of standards.

We also took note of the Experts' suggestion to consider the possibility of creating a special tribunal. If implemented, this would make a useful contribution towards the strengthening of the supervisory machinery. In light of the fact that there has been a useful exchange of comments and constructive suggestions between the Committee of Experts and the Conference Committee on the Application of Standards for some years now, our Committee approved a proposal submitted by the Workers' group. In it, the Conference Committee requested the Director-General to ask the Chairman of the Committee of Experts to attend next year's general discussion as an observer.

In our debate, the reporting procedure was challenged and placed in doubt as well. We have noted certain suggestions and indications on the subject of the obligation to submit reports. Several governments pleaded in favour of change, particularly with regard to the frequency of submitting reports, the choice of Conventions and the drafting of the questionnaire, in view of the growing numbers of ratifications and Conventions. We are not *a priori* against certain alterations provided that the supervisory machinery is not weakened as a result, but rather strengthened as a whole and taking into account the role of every component part.

The Worker members also expressed the wish that the Conference Committee and the Committee of Experts be consulted before any decisions are taken on the subject because the reporting system and the individual role played by each body form the basis of our work. The reports, for example, determine the choice and follow-up of individual cases.

We have the impression that the far-reaching changes which are occurring in the world have made the choice of individual cases more complicated rather than simplifying this process. More than ever before it has become indispensable for the ILO and the Committee of Experts to carry out in-depth studies of how Conventions are applied in law and in practice. We also believe that international standards and extensive social dialogue are among the crucial prerequisites for employment policies to be effective and for economic policies to be successful.

We have shown how international standards can constructively contribute to strategies of economic growth. We illustrated this during the discussion of the General Survey of the Reports on the Minimum Wage-Fixing Machinery Convention (No. 26) and Recommendation (No. 30), 1928; the Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) and Recommendation (No. 89), 1951; and the Minimum Wage Fixing Convention (No. 131) and Recommendation (No. 135), 1970. This survey was very timely given the importance of these instruments in a world which is in the throes of extensive economic and social restructuring. Minimum wages are strategic instruments par excellence in the struggle against social alienation and poverty.

The discussion on the general survey was most constructive. The views of the Committee of Experts and the Conclusions are often very useful in the discussion of individual cases in spite of the fact that this year participants were rather thin on the ground during this discussion.

This is perhaps not altogether surprising because we have noted that our Organisation, the ILO, does not appear to attach very much importance to the general survey. I refer in particular to the general survey carried out last year on human resources development (the Paid Educational Leave Convention, 1974 (No. 140) and the Human Resources Development Convention, 1975 (No. 142). One year ago, we reached some very interesting conclusions, particularly with regard to the role of employers' and workers' organisations. The general study by the Committee of Experts last year was established on the basis of reports sent in by most governments. This year a general discussion was held at the Conference on the very same subject. There was a working document but in it there is no reference whatsoever to last year's general survey, nor indeed to our Committee's conclusions.

The Workers' group remains concerned by the collective denunciation of the Night Work (Women) Convention (Revised), 1948 (No. 89). We are not convinced that the prior consultation requirement was always complied with and we have questions with regard to the grounds for denouncing this Convention. Ratification of the additional protocol, however, offers genuine guarantees as to equal treatment and respect for acceptable working conditions. Perhaps the model for social dialogue within the European Community which was instituted on the basis of an agreement concluded between workers' and employers organisations on 31 October 1991 could help to avoid this type of denunciation in the future. We prefer a solution which will both strengthen the commitment of member States towards the ILO and at the same time be conducive to the shaping of a social policy at the level of the European Community.

After the discussion of the general survey we moved on to individual cases, that is to say, those countries in respect of which the Committee of Experts had, in their report, mentioned that there were inadequacies both with regard to laws and regulations in practice.

Because of time pressure we were not able to deal with all of these cases and we hope that, thanks to the report of the Committee of Experts, we will be able to revert to these next year. The cases would be Romania, Bulgaria, Germany and Czechoslovakia with regard to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Turkey and Indonesia in connection with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and Japan in connection with the Equal Remuneration Convention, 1951 (No. 100) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). We had discussions with 34 governments on the subject of a total of 69 cases of non-observance of a particular Convention. We dealt with some 20 different Conventions including Conventions on safety and health, minimum wage fixing, social security, labour inspection, forced labour, equal treatment, free collecitve bargaining and freedom of association.

We noted with satisfaction that there was increased readiness to cooperate with our Committee and the Committee of Experts. We saw that there was a certain amount of progress with regard to law and practice.

However, we are extremely disturbed to see that such progress as there is is frequently limited to just one element or one aspect of a particular comment made by the Committee of Experts. It is therefore necessary to continue to monitor developments very closely with regard to legislation and practice on such aspects that have not been resolved in conformity with international standards. In a large number of cases the Committee has asked for progress to be made before the next session Those countries mainly concerned are Cuba, the United Kingdom, Peru, Brazil, Colombia, the Dominican Republic, Thailand and United Republic of Tanzania. We shall revert to this question next year.

Our Committee has suggested that ILO technical assistance be made available in particular to Panama for Convention No. 87; Syrian Arab Republic for Convention No. 87; Malaysia for Convention No. 98; Colombia for Convention No. 87; Kuwait for Convention No. 87; Pakistan for Conventions No. 87 and 98; and Thailand for Convention No. 29. We have had to put Sudan into a special paragraph because of the persistence of forced labour (Convention No. 29) and the lack of cooperation on the part of the Sudanese Government with the ILO and our Committee.

We would also like to recall the pledge made by the Government of the United Kingdom to enter into substantive, frank and constructive dialogue with the trade union organisations so that a solution in conformity with Convention No. 87 may be found for the case of the Cheltenham Centre before next year.

To conclude I would like to thank our Chairman, Mr. Max Rood, who guided our discussions in a very skilful way. I would also like to thank the reporter, Mrs. Fanny Montenegro Díaz, the branch staff and the new department director, Mr. Bartolomei de la Cruz, as well as Mr. Zenger and Mr. Gernigon, and all the members of the Office and the interpreters for their work and their commitment. I would also like to thank the spokesman of the Employers' group from the bottom of my heart for their spirit of dialogue and also the officers of the Workers' group – our friends Messrs. Hickey, Thomas and Ahmed and Mbaye and George Kanaev who will be retiring as well as Coen Damen from the Workers' Relations Branch.

Our report was unanimously approved by the members of the Committee and on behalf of the Workers' group I urge the Conference to adopt it.

Original – Portuguese: – The PRESIDENT – We have heard the submission of the report of this Committee and now we move on to the general discussion.

I have no speakers on the list in the general discussion. I would like to know whether there is anyone who would like to take the floor on this report? If there are no speakers, I shall consider that the report is adopted.

(The report is adopted.)

Original – Portuguese: – The PRESIDENT – I would now like to thank very warmly the Chairman of the Committee, the Vice-Chairmen and all the members as well as the secretariat for the excellent work done.

(The Conference adjourned at 1.15 p.m.)

Twenty-seventh sitting

Monday, 22 June 1992, 3.15 p.m.

President: Mr. Nascimento Rodrigues

RATIFICATION OF CONVENTIONS BY SAO TOME AND PRINCIPE

Original – Portuguese: The PRESIDENT – Ladies and gentlemen. Before we start our work again, I would like to give the floor to the Clerk of the Conference to read an announcement regarding ratification of Conventions by Sao Tomé and Principe.

Original – French: The CLERK OF THE CONFERENCE – Mr. President, I have the pleasure in announcing to the Conference that the Director-General of the ILO has registered the ratification by Sao Tomé and Principe of the following international labour Conventions:

– the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

– the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

– the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106);

– the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and

– the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

These bring the total number of ratifications of international labour Conventions to 5,698.

REPORT OF THE COMMITTEE ON RESOLUTIONS: SUBMISSION, DISCUSSION AND ADOPTION

Original – Portuguese: The PRESIDENT – We will now proceed to examine and adopt the report of the Committee on Resolutions. I have pleasure in inviting Mr. Ejalu, Minister of Labour and Social Affairs of Uganda, Chairman and Reporter of the Committee; Mr. Castle, Employers' adviser, United Kingdom, Employers' Vice-Chairman; and Mr. Tapiola, Workers' delegate, Finland, Workers' Vice-Chairman to come up to the rostrum.

I would request Mr. Ejalu, Chairman and Reporter, kindly to submit the report.

Mr. EJALU *(Minister of Labour and Social Affairs, Uganda; Chairman and Reporter of the Resolutions Committee)* – I have the honour to submit to this plenary sitting of the 79th Session of the International Labour Conference the report of the Resolutions Committee, which includes the draft texts of three resolutions adopted unanimously and without vote in the Committee.

The first resolution proposed to you by the committee concerns the role of enterprises in employment growth and the creation of full, productive and freely chosen employment. It has thus a theme of great importance not only to this Organisation but to the world. Industrialised and developing countries alike are struggling to deal with the scourge of unemployment and there is a rapidly growing recognition of the importance of encouraging and supporting enterpreneurship both as a means of meeting the unemployment challenge and as a way of increasing the natural wealth. The resolution now before you will, if approved, constitute the first official pronouncement of the International Labour Conference on this phenomenon.

The fact that the text of this resolution resulted from the merger of two original resolutions from the Employers and Workers respectively is a guarantee of balance in approach. The fact that the text before you now was adopted without any amendment and unanimously, demonstrates its general acceptability to the membership of this Organisation.

It is perhaps appropriate also to point out – in this year of Olympic Games when new records of athletic prowess will be set – that the Resolutions Committee also set a record this year.

The first resolution before you was adopted in only 39 minutes in the Committee. I think it is appropriate that we ask the plenary to give the resolution a gold medal approval.

The second resolution which I have the honour to submit to you in my capacity as Chairman and Reporter of the Committee, concerns employment promotion as an essential component of overall development. Once again, it touches the theme of alleviation of unemployment but from quite a different perspective, and the Resolutions Committee has been at pains to ensure the complementarity of the two texts.

As we all are aware, there are many facets to development because development is a complex process both to understand and to manage. Past efforts have met with greater or lesser degrees of success in different countries, but experience has shown us that the critical element of development is that it must be an internal process in each country. It cannot be forced or managed by external interventions, as helpful and necessary as this can sometimes be. And for this internal dynamic of development to succeed, it must be based on a broad consensus in the population. In this, as in so many other aspects of development, the International Labour Organisation plays a crucial role because of its unique tripartite structure.

The third and final text submitted to you by the Resolutions Committee concerns the role of the ILO in the protection and promotion of the rights of migrant workers and their families. On this subject, as might be expected, a broad range of views was expressed in the Committee and it was clear that the subject-matter was politically sensitive in many countries. All the more credit then to the members of the Committee, that a consensual resolution was drafted and adopted after a calm, resolved and principled debate.

These are the texts before the assembly, and I am sure that under the President's wise guidance they will be adopted.

Before ceding the floor, however, I should wish to take this opportunity to thank most warmly my Vice-Chairmen, Mr. Tapiola, Workers' delegate, Finland, and Mr. Castle, Employers' adviser, United Kingdom. If the Resolutions Committee met with such success, it was in the largest measure due to their intelligence, cooperation and hard work. I wish also to thank the Secretary-General of this 79th Session of the International Labour Conference for providing the Committee, and especially myself, with such an efficient, competent and devoted secretariat, including the interpreters. The interpreters were able not only to translate from language to language, but also to deal with sentiments.

This was the first time that I have chaired a meeting of a United Nations body and I must confess that without this team of fine people to assist me I would have been a little lost.

Finally, permit me to say that my duties as Chairman and Reporter of the Resolutions Committee, which I consider a great honour not only for me personally but for my country, the Republic of Uganda, have brought home to me strikingly how much this great Organisation, for all its age and tradition, still succeeds, in contrast perhaps to some other parts of the United Nations system, in focusing on important practical issues – issues which confront everyone who has spoken on this rostrum daily.

I hope also that the Governing Body Working Party on Improvements in the Functioning of the International Labour Conference will take due note of the efficiency and productivity, if I may use the term, of the Resolutions Committee this year. Important issues were discussed; useful and instructive conclusions were reached; and initiatives for future action of this Organisation were sketched out.

With these few but heartfelt words, and with my renewed thanks to all who have participated in the Resolutions Committee, I commend its report as set out in *Provisional Record* No. 28 to this august assembly for adoption.

Original – Portuguese: The PRESIDENT – The general discussion on the report of the Resolutions Committee is now open.

Mr. CASTLE (Employers' adviser, United Kingdom; Vice-Chairman of the Resolutions Committee) – As this Conference draws to its close, the efficient and serene progress of the work of the last three weeks provides a very visible testimony of the wise choice that was made when Mr. Nascimento Rodrigues was invited to preside over this 79th Session of the International Labour Conference; I should like to congrualate him and the other Officers of the Conference. The efficiency and serenity of which I have spoken have rubbed off on the work of the Resolutions Committee and, as a result, the productivity of our Committee has improved considerably this year. We completed the general discussion of four resolutions and, as you have heard, we have three important resolutions to present before the Conference today. This achievement was to a large extent due to an exceptional degree of understanding, perception and cooperation between all the members of the Committee.

The first resolution – an old friend of this Conference at least over the past four years – was adopted, as you have heard, with record speed, but a speed which hides the lengthy preparations which preceded its adoption. I earnestly hope, however, that the speed with which it was adopted will not be matched by the speed with which it is forgotten. It focused on the important "role of enterprises in employment growth and the creation of full, productive and freely chosen employment". I hope that it will be given prominence in any press release made about the work of the Resolutions Committee this year, and that it will be referred to frequently in the future. And for this, I thank, on behalf of the Employers' group, all those who made the adoption of this resolution possible.

The second resolution, concerning employment promotion as an essential component of overall development, was adopted by consensus. It helps to draw attention to the need for action, as a matter of priority, to formulate and apply active policies to promote full, productive and freely chosen employment, through sustained economic growth and development, and thereby raise the standard of living of the population. The resolution does not forget to urge everyone concerned to develop a "market-oriented macroeconomic environment as a means of solving problems of unemployment and developing overall growth".

The third resolution, concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families, provides a timely reminder of an important problem which remains in our midst. As the record shows, this resolution was also adopted by consensus. At this point, since you might get a misleading impression from reading the report of our discussions of the Preamble, I would like to place on record that the Employers' group is in no way prepared to condone acts of "racism and xenophobia" wherever and whenever these may occur. Employers are firmly committed to take appropriate action to combat all acts of "racism and xenophobia".

We ran out of time to consider amendments to the fourth resolution on the agenda, concerning the development of democracy, the internationalisation of the economy and the promotion of tripartism. We also ran out of time to discuss the fifth resolution, proposed by employers, concerning the settlement of industrial disputes. The first of these two orphans would have required much work and effort to make it a more balanced resolution which could be supported by employers. The second, employers consider, raises important issues and we fully anticipate they will return to ask us for adoption next year, so be prepared.

As I have already pointed out, all three resolutions before the Conference were adopted by consensus in the Committee. I urge the Conference to do the same.

Before I leave the rostrum, however, I want to pay a special tribute to the way in which our Chairman led our discussions with firmness, efficiency and a quiet, timely good humour. I considered it an honour and a privilege to work with him and with Mr. Tapiola, the leader of the Workers' group. If ever I needed confirmation of his understanding, his shrewdness and his negotiating skills, I got it during the past two weeks. Dare I say that he also showed a spirit of enterprise when leading his group?

Finally, my thanks to all the members of the Committee for their cooperation, Government representatives and members of the Workers' and Employers' groups, and, last but by no means least, my thanks to the representative of the Director-General and his staff without whose dedication and sleepless nights and endless sandwiches we would not have been able to do our work.

Mr. TAPIOLA *(Workers' member, Finland; Vice-Chairman of the Resolutions Committee)* – At this stage of our Conference I shall try to be brief. The report of the Resolutions Committee gives a factual account of what happened and I urge its adoption. I shall try to concentrate on why it happened and what this means.

We had a good constructive two-and-a-half weeks of work. Everyone wanted to get results. We exercised more than usually our skills in bilateral negotiation between workers and employers and I wish particular to thank Mr. Castle and the whole Employers' group for that.

As a result, as the first of the three resolutions we have one on the development of enterprises including small and medium-sized enterprises, and their role in employment creation.

This issue had been proposed to the Resolutions Committee several times before by the Employers' group, as Mr. Castle just reminded us. Last year we did come close to discussing a resolution on this subject and several governments announced already their support for the topic, and I think that we did say from the Workers' group side that we would study this carefully. With the changes that all our economies and societies have witnessed and are witnessing, the Workers' group wished to focus on the influence which enterprises, right from the beginning of the process of enterprise creation, can and should have on employment.

The extent of the worldwide employment crisis is such that it will not be solved solely through the measures we have traditionally relied upon, such as stimulating large enterprises, or stimulating demand in general, or through direct job creation measures by public authorities. This does not mean that the economy does not need both general and targetted encouragement. The resolution refers to economic, industrial, investment and employment policies, which create a certain positive framework.

Now we understand that, within this framework, what should happen is more or less the following: people can start looking at how to start or expand enterprise activities; they have access to education and training and support for these activities; they have the necessary consultations and negotiations with their employees on how to do this best, in accordance with internationally accepted labour standards; and the net result of all of this is an increase in decent employment.

If anyone has difficulty in understanding what the text means, as of course a consensus text may not be as easy to read as a straightforward position of either employers or workers, if the text is difficult to read, then maybe you could engage Mr. Castle and some people from the Workers' side as consultants to help you, strictly respecting a zero growth budget, of course. But in any event, I do not think that will be necessary. The Governing Body will certainly be able to express its views on the direction of ILO programmes to follow up this resolution.

The second resolution I would like to characterise as a straightforward and necessary resolution on employment which, at least for trade unions, is the main concern today. Here also we talk of the need for governments to establish a framework for substantial employment growth, both quantitatively and qualitatively.

We ask the ILO to assess what has happened since the adoption of the World Employment Programme in the seventies. It would seem to be useful to have such an assessment as an input to the planned second high-level meeting on employment and structural adjustment which most probably will take place in the next budget biennium.

The Workers' group is satisfied that this year it has been possible to adopt a resolution on migrant workers. The concerns of those who were most reluctant to have such a resolution were addressed in the course of our discussions and what we have here is a much needed commitment for action by the ILO. This will be a major issue in most of our countries in future years. Last year at the conclusion of our Conference the Workers' group was alarmed. We felt that this Organisation was seeming to turn its back on migrant workers, a group which is among the most exploited and the least equipped to defend its rights. Now we are on course again.

I wish to record that the Workers' group is extremely sad that the Committee as a whole was not able to condemn unanimously the acts of racism and xenophobia directed against migrant workers. We did not expect to vote on this kind of issue and we are disappointed that the majority in the Committee was content merely with expressing concern over these evil acts, and I welcome in this respect the statement just made by Mr. Castle.

I do hope that we shall all, all groups, reflect on this so that in the future we can continue to condemn what we all know is nothing else than condemnable.

What happened in the Resolutions Committee also means that this Committee is perfectly capable of functioning well and adapting to the expectations of the Conference. I would respectfully submit to those who are very concerned about the way in which this Committee functions, or even about its necessity, that it is very much alive – as is shown by the fact that it has produced three substantive resolutions, which are relevant to the core mandate of the ILO.

Finally, I wish to thank the Chairman of the Committee, Mr. Ejalu, for his solid, prompt and tranquil way of conducting our work.

I wish to acknowledge my renewed pleasure in working with Mr. Castle, who deserves a lot of personal credit for the results of our work.

I wish to thank the Governments for their constructive role in both collective and individual drafting.

I wish to thank Mr. Chambers and his colleagues of the Office for their continuing support and high professional quality.

This was a good meeting, and they made a good report of it.

Original – Arabic: Mr. SAID *(Government delegate, Iraq)* – In the name of God, the Merciful, the Compassionate!

I am the representative of the Government of Iraq. It is my pleasure to express my thanks to Mr. Ejalu, the Chairman of the Resolutions Committee and Minister of Labour and Social Affairs of Uganda, for his diligent work in chairing the Committee, and for his patience in applying the Standing Orders. I would also like to congratulate the two Vice-Chairmen and all the other members of the Committee for their efforts, flexibility and skill which led to the adoption of three resolutions.

The resolutions were adopted by the Committee either unanimously or by consensus. Amongst these resolutions we have one concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families, a resolution adopted by consensus. The comments made by the delegation of my country on this resolution concerned paragraph 2(f), i.e. the question of compensation or reparations due to migrant workers as a result of the Gulf conflict. In fact, the resolution that we have adopted concerns the working conditions of migrant workers in *all* countries of the world, and this resolution also concerns the protection of their rights and those of their families, as well as the application of international labour standards.

However, the Gulf conflict is a very special case and a temporary issue. It is a case on which the Security Council has already adopted resolutions and a compensation fund has been created for this purpose. That fund has distributed forms to the countries concerned, requiring them to be filled in so that the necessary measures can then be taken by the compensation fund. The resolution on the protection and promotion of the rights of migrant workers and their families is a general resolution whereas, I repeat, the Gulf conflict is a temporary issue. Since the question of compensation is being dealt with in the context of the Security Council, and in order to avoid duplication of efforts, my country's delegation asked for the deletion of this paragraph when we were discussing the text of the resolution in the Committee. This is still our opinion here in the plenary of the Conference. The Gulf conflict is within the competence of the United Nations and the Security Council; is not within the competence of the ILO.

As we have already said, the Security Council has adopted the necessary resolutions. We believe that, were the ILO to intervene in this field, we would be duplicating work being done elsewhere, and therefore wasting resources.

My country's delegation supports the resolutions adopted by the Committee and would like to record its reservations regarding paragraph 2(f) of the resolution on the rights of migrant workers and their families, because everything regarding the Gulf conflict and paragraph 2(f) is within the purview of the United Nations and the Security Council.

Mrs. HAGEN *(Employers' adviser, United States)* – I would like to extend my warm but belated congratulations to Mr. Nascimento Rodrigues on his election as President, and also to the three Vice-Presidents on their election. They have all done their jobs in a superb, efficient and gracious manner.

My congratulations and thanks also to the Chairman of the Resolutions Committee Mr. Ejalu, and to Vice-Chairmen Tapiola and Castle of the Resolutions Committee, with whom I have had the opportunity to work through these weeks of the International Labour Conference. It has been a real pleasure for me to be a part of the experience of the Resolutions Committee. We have produced three remarkable resolutions based on a genuine effort on the part of all parties concerned to reach accommodation and common understanding of the goals of the ILO in these particular questions.

I certainly appreciate the way in which our Vice-Chairman, Mr. Castle, represented the Employers' interests in making all of that happen. I wanted simply to add to what he has said today by remarking in particular about the importance of the first resolution that we adopted. It was approved very quickly and unanimously in the Resolutions Committee, with wholehearted and genuine willingness among the participants to move the ILO increasingly in the direction of supporting free enterprise, the advancement of small and medium enterprises and the entrepreneurial approach. By so doing, the ILO will stimulate employment growth throughout the world.

What I wanted to say in the context of this resolution, which is especially important from the points of view of the Employers' group of the United States, is that one needs to think about the significance of supporting an effort to stimulate free enterprise, and what that means in terms of individual initiative.

We have repeatedly attempted during our participation in ILO discussions to highlight the significance of the participation of individual employers and individual workers in the deliberations of each country, and in making good employment policy good labour policy. The importance of including individuals as social partners is something that we need to highlight, especially as we look at efforts to stimulate medium and small enterprise and the entrepreneurial approach in the coming years.

In this respect, the resolutions focus on the participation of employers' and workers' organisations, and not individual employers and individual employers and individual workers. It is our belief that a combination of organisations and individuals is what needs to be taken into account as appropriate under various circumstances.

Clearly, in some situations in some countries there are different combinations of employers' organisations, of workers' organisations, and of individual participants in the process. It is this combination of things that we feel is especially important to consider now as we look at the advancement of enterprise in the future.

There are some particular concerns that we had as the deliberations proceeded through the resolutions Committee, particularly with regard to the second and third resolutions that we considered. One of them had to do with the reference to fair trade rather than free trade. We think it is a major concern in the long run for all of us to accomplish an environment of free trade, in order to stimulate the participation of all people in constructive employment growth.

There was also a clear commitment to encouraging the recognition of the appropriateness of consultation of workers' and employers' organisations throughout the series of resolutions. Yet, in one instance, there was the provision of directly involving such organisations in the development of policy: it is our view in the United States that this is not entirely feasible in a process that defers policy-making to a legislative setting.

For these minor reasons and for the general reason of emphasising the importance of the first resolution that we adopted on enterprise growth, and the appropriateness of focusing on individual participation in the context of enterprise development, I wanted to say these few words today.

I appreciate the opportunity to participate in these deliberations and I would like to thank the Chairman, the Vice-Chairmen and the staff of the Resolutions Committee for the excellent work that they have done in making this a very productive session.

Original – Portuguese: The **PRESIDENT** – If there are no further speakers, we can proceed to the adoption of the report and of the three resolutions submitted by this Committee. We will start with the adoption of the report, that is paragraphs 1-405.

Seeing no objections, may I consider that the report has been adopted.

(The report is adopted, paragraphs 1 to 405.)

RESOLUTION CONCERNING THE ROLE OF ENTERPRISES IN EMPLOYMENT GROWTH AND THE CREATION OF FULL, PRODUCTIVE AND FREELY CHOSEN EMPLOYMENT, SUBMITTED BY THE RESOLUTIONS COMMITTEE: ADOPTION

Original – Portuguese: The **PRESIDENT** – If there are no objections, can I consider that the resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment is adopted by the Conference?

(The resolution is adopted.)

RESOLUTION CONCERNING EMPLOYMENT PROMOTION AS AN ESSENTIAL COMPONENT OF OVERALL DEVELOPMENT, SUBMITTED BY THE RESOLUTIONS COMMITTEE: ADOPTION

Original – Portuguese: The **PRESIDENT** – If there are no objections, can I consider that the resolution concerning employment promotion as an essential component of overall development is adopted by the Conference?

(The resolution is adopted.)

RESOLUTION CONCERNING THE ROLE OF THE ILO IN THE PROTECTION AND PROMOTION OF THE RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES, SUBMITTED BY THE RESOLUTIONS COMMITTEE: ADOPTION

Original – Portuguese: The **PRESIDENT** – If there are no objections, can I consider that the resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families is adopted?

(The resolution is adopted.)

Original – Portuguese: The **PRESIDENT** – We therefore conclude our examination of the report and of the three resolutions submitted by the Resolutions Committee. I should like to congratulate most sincerely the Chairman and the Vice-Chairmen of the Committee and all the members, as well as the secretariat of the Committee, on the excellent and speedy work that they have submitted to us.

(The Conference adjourned at 4 p.m.)

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Twenty-eighth sitting

Tuesday, 23 June 1992, 10.15 a.m.

President: Mr. Nascimento Rodrigues

REPORT OF THE COMMITTEE ON HUMAN RESOURCES: SUBMISSION AND DISCUSSION

Original – Portuguese: The PRESIDENT – The first item on our agenda is the consideration of the report of the Committee on Human Resources.

It is my pleasure to invite to the rostrum Mr. Piotrowski, Government delegate, Poland, Chairman of the Committee; Mr. Owuor, Employers' delegate, Kenya, Employer Vice-Chairman; and Mr. Jonzon, Government delegate, Sweden, Reporter of the Committee.

I would ask Mr. Jonzon to kindly submit the report to the Conference.

Mr. JONZON *(Government delegate, Sweden; Reporter of the Committee on Human Resources* – I have the honour to present to the Conference the report and conclusions of the Committee on Human Resources, which are found in *Provisional Record* No. 29.

Among the United Nations agencies, the ILO is one of the most important contributors to human resources development.

The ILO devotes over half of its technical cooperation effort to training activities in all sectors and branches of the economy, and at all levels of responsibility. Human resources development remains at the heart of ILO concerns under almost all its major programmes. It should therefore surprise no one that the Committee on Human Resources attracted many engaged delegates.

The Committee was deeply committed to its task; my own experience with a dozen or so Conference committees tells me that hardly ever before has a topic generated so much interest and caused so many substantive interventions in the meeting room.

The issue of human resources development was treated within the context of structural adjustment. The Committee devoted a lot of attention not only to the response to structural adjustment, but constantly referred back to the causes and consequences of structural change. In my opinion this is a clear sign that we need to continue to improve our knowledge and understanding of the fundamental underlying relationship between human resources development and social and economic development and, indeed, of the very strong interactions among the several components of human resources development. Accordingly, the need for further policy-oriented research in this area is clear.

There is a second aspect of our debate to which I would like to draw your attention. Although occasionally reference was made in the Committee to Convention No. 142 concerning vocational guidance and vocational training in the development of human resources and the supplementing Recommendation No. 150, it is my understanding that these instruments were not perceived to be major blueprints for governments and institutions in developing their training policies and systems. This is surprising, given that Convention No. 142 has attained the second highest number of ratifications of all Conventions adopted during the past two decades. The general survey submitted by the Committee of Experts last year covering these two instruments and the ensuing debate in the Conference Committee on the Application of Standards were barely, if at all, mentioned in our discussions.

This state of affairs merits serious consideration from various angles and the question I am asking myself is, to what extent is this a reflection of the relevance of these particular instruments or perhaps of something even more fundamental? The majority of you might ask other questions and reach your conclusions.

For obvious reasons, and as customary, the report on the Committee's deliberations reflects in very condensed form the essence of the numerous contributions to our debate. I wish to place on record that the conclusions which you find in the report are the result of the joint efforts of all the members of the Committee.

It is not appropriate on this last day of the 79th Session to repeat what is in the report that you have before you. I will therefore be very brief and highlight only a few things.

First of all, opinions diverged on several crucial points, but decisions were taken in a pleasant and democratic atmosphere. However, in addition to what is stated in the report, we might today get further observations from delegates regarding our conclusions.

The Committee underscored the crucial importance of the "human capital" component of national wealth and development, but agreed also that there is no panacea or miracle policy to be used in all countries and in all circumstances when it comes to human resource development within the context of structural adjustment. Further, it was underlined that while human resources development is a critical means of facilitating structural adjustment, it also has fundamental social objectives. It is the means by which individuals can increase their well-being, contribute to the improvement of their communities and participate fully in the democratic process.

Great attention was paid to the vital role of tripartite collaboration for the progress of human resources development, and in that connection it was stressed that the ILO has an important responsibility to continue to act as an advocate for the poor and vulnerable groups in society.

In essence, our conclusions form an imperative for action to the tripartite community and they give the ILO a mandate and a broad agenda for future work within the field of human resource development. Therefore I think our Committee has fulfilled the task it was given. And the main reason for that is – I can assure you – the competent and indeed pleasant manner in which our Chairman, Mr. Piotrowski, and our two Vice-Chairmen, Mr. Douglas and Mr. Owuor, literally took care of both the work and the members of the Committee.

The secretariat was equally professional, dedicated and charming around the clock, and on behalf of the Committee I want to thank all of these people I have referred to.

I would like, very briefly, to add just a few – or perhaps two – general and simple reflections based upon experiences on many conference committees, and confirmed in our Committee.

The first one refers to procedures in committee work. In order at all to complete an immense task – namely consideration of hundreds of amendments – certain procedures could and should be simplified.

For example, voting could sometimes be less formal. Our Committee unanimously introduced what we called an "informal vote", used when we were unable easily and quickly to agree on an amendment. It was not a formal vote, but a practical procedure that we adopted. When the Committee was not in full agreement on informal procedures, or when matters of fundamental importance were at stake, the Committee returned to and relied upon the written rules.

When we go to a vote, in reality we know the result already after the first two questions: governments in favour and governments against. Why always, and on minor points, continue with the remaining seven questions and a complicated mathematical exercise? I am convinced that, over the years, such practical attempts to expedite the work in various committees have been introduced, and I think they should be considered.

Secondly, we all know that Workers and Employers always are well organised, and members of their groups are always well informed, and that is very excellent. That, however, is not the situation among Governments, and as a result we sometimes feel left aside: we are not always on stage but among the audience.

Again I think that very simple and practical arrangements could be made, with just a little, and always totally neutral, assistance from the Office, to improve the work of Government delegates. At a short meeting of the Government members of each committee, for example immediately after the officers of the committee have been elected, the Office could give information and explain some of the procedures that will take place during the following weeks.

For example, it is , in reality, often better tactics in a vote to abstain, rather than to vote against, if you are not in favour of an amendment. Workers and Employers know that, and act accordingly. Why should not all Government members know the same?

Another advantage would be that from the ve
first day we would get to know who belongs to th
Government group and who does not; and perha
we could then also find better ways of selecti
Government members to working parties than tho
now in use.

I am convinced that if we, within the framework
the Constitution and the Standing Orders, adopt
practical rather than a procedural approach to o
work, and if Government members of a Committ
occasionally met as a group and received some info
mation from the Office relevant to the reality in th
committee room, many misunderstandings and ma
unnecessary votes could be avoided.

It is a simple matter of developing and better ut
lising the human resources of committee participan
in general, and Government members in particula
With these words, I formally submit the report a
the conclusions of the Committee on Human R
sources for approval and adoption.

Mr. OWUOR (*Employers' member, Kenya, Vic*
Chairman of the Committee on Human Resources)
May I second the adoption of the report and concl
sions of the Committee on Human Resources.

The Commitee's deliberations were as interesti
as they were useful, thanks to the good leadersh
provided by the Chairman. There were light m
ments as well as moments of suspense and dram
The results have been a set of practical suggestio
and recommendations, which governments, e
ployers, workers and the ILO will find helpful in p
paring their plans of action on human resources d
velopment in response to structural adjustment.

The work of the Committee was facilitated in t
first instance by an excellent Office report on a
justment and human resources development, whi
had accurately analysed the effects of structural a
justment on education and training budgets, as w
as the various responses to structural adjustment
governments, employers and training institutions
various regions.

In considering the report, the Committee not
that structural adjustment is a corrective proce
aimed at achieving improved living standards, f
employment, competitive and profitable underta
ings and sustainable, non-inflationary econom
growth. But, given the different conditions prevaili
in each country, depending on the state of develo
ment as well as the internal and external shocks
which each country's economy is subjected, the a
justment measures, as well as the timing and s
quencing of the adjustment programmes, despi
their broad commonalities, will, of necessity, diff
from country to country.

The Committee noted that securing the highe
possible level of education and training for all wor
ers is vital for structural adjustment, as well as f
economic and social progress.

The report calls for governments to have the pol
ical will to mobilise all appropriate human mater
and financial resources to reverse the negative i
pact that stabilisation and adjustment have had
education and training budgets.

The report suggests the need for mobilisation
non-governmental funding for education and trai
ing, through training levies, tax rebates or credits a
government subsidies, as the case may be.

On the determination of comprehensive human resources development policies the report recommends that this should be done in consultation with the social partners, preferably through national training boards and similar bodies, as appropriate.

On containing the social costs of adjustment the report recommends such mitigating measures as retraining of retrenched workers, the promotion of productive and freely chosen self-employment through training credit and other support programmes and targeted social assistance for the most vulnerable groups.

The report proposes the need to set up equal opportunity commissions, or similar bodies, in order to ensure equal and non-discriminatory access to training by women.

The report recognises the important role played by the informal sector in development and proposes entrepreneurial training for self-employment and other training programmes, as well as credit facilities directed at this sector, especially in developing countries, with the basic objective of progressively integrating this sector with the formal sector.

On the role of the social partners, the report expects employers and workers to cooperate actively in the formulation of national and sectoral training policies and in the implementation of training programmes.

The report, in particular, recognises the important role played by employers' organisations in stimulating training by enterprises through the provision of information and technical services on the design and implementation of industry and plant-level courses that will facilitate the access of workers to training. It also encourages governments, especially in developing countries, to consider introducing innovative education and training methodologies such as distance learning, video and radio programmes so as to minimise staff costs.

The report calls for the ILO to strengthen its leadership role in the advocacy of human resources development, as well as in strengthening its collaboration with Bretton Woods institutions and member countries in designing retraining and compensation programmes to alleviate the adverse social impact of structural adjustment. In this regard, it is satisfying to note that the Committee rejected a spirited attempt to make ILO technical assistance conditional upon certain political behaviour by member countries, as such a conditionality could only harm the victims of oppression, the poor and the disabled.

May I take this opportunity to thank the Employers' group for electing me as their spokesman in this Committee, and for the support which I received from the Employer members of the Committee. I wish also to express my thanks to the Chairman of the Committee for his successful guidance of the work of the Committee, to the Reporter and his tripartite team for their work in drafting the Committee's conclusions, to the secretariat for their untiring efforts in producing all the documents when required and to the interpreters for facilitating our work.

I therefore commend the adoption of this report by the Conference.

Original – Portuguese: The PRESIDENT – I now suspend the discussion of the report of the Committee on Human Resources in order to move on to the second item on our agenda.

Final record vote on the Convention concerning the protection of workers' claims in the event of the insolvency of their employer

Original – Portuguese: The PRESIDENT – The second item on the agenda is the final record vote on the Convention concerning the protection of workers' claims in the event of the insolvency of their employer.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

Original – Portuguese: The PRESIDENT – The result of the vote is as follows: 293 votes in favour, 52 against, with 48 abstentions. The quorum is 249. As the required two-thirds majority has been attained, the Convention concerning the protection of workers' claims in the event of the insolvency of their employer is adopted.

(The Convention is adopted.)

Final record vote on the Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer

Original – Portuguese: The PRESIDENT – We shall now proceed to the final record vote on the Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

Original – Portuguese: The PRESIDENT – The result of the vote is as follows: 281 votes in favour, 65 against, with 42 abstentions. Since the quorum is 247, and since the two-thirds majority has been attained, the Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer is adopted.

(The Recommendation is adopted.)

Original – Portuguese: The PRESIDENT – I have a request for an explanation of vote, but this will take place at a later time.

After this final record vote, I should like all of you to join with me in congratulating the Clerk of the Conference and the other members of the secretariat for their very excellent work.

Reply of the Director-General to the Discussion of his Report

Original – Portuguese: The PRESIDENT – I now have the honour to ask Mr. Michel Hansenne, the

Director-General of the ILO, to give his reply to the discussion on his Report.

Original – French: The SECRETARY-GENERAL – If it were necessary to judge, essentially or exclusively, on the basis of figures, the Report that I have submitted to you this year seems to have given rise to great interest. 1992 is indeed a record year: a greater number of delegations present at the Conference, 151 of the 158 member States; a greater number of speakers, the highest number ever recorded, 299; a greater number of ministers, 121 ministers present, including two prime ministers.

These figures are an eloquent testimony of the vitality, the universality and the topical nature of our Organisation, its principles and its action in a world undergoing many changes. But obviously the figures are not enough, it is necessary to make an in-depth analysis.

The first matter which struck me in your discussions is that for the first time in a very long time the very great majority of our member States are speaking the same language where democracy is concerned. Mr. Miller, the Federal Minister of Labour and Social Affairs of Czechoslovakia, reminded us of how this word was able to be manipulated, covering policies and practices which are anything but democratic. If some have stressed that there is no single model for democracy, if it is incumbent upon each country to develop the institutions which correspond to their own realities, culture and traditions, this diversity should not make us lose sight of certain fundamental principles which must be respected in every society which seeks to be democratic.

As Mr. Bhuiyan, Minister for Labour and Manpower of Bangladesh, pointed out, it is in its form, not in its essence, that democracy may be shaped by the historical experience of a society.

The very essence of democracy, as many of you have pointed out in this discussion, includes: the primacy of law; individual and collective freedoms guaranteed by law; equality of all before the law; the recognition and the respect of the diversity of opinions, interests, beliefs and cultures; full and free participation of citizens in the political, economic and social life of the country. There may be no compromise with respect to these basic principles.

There may be no compromise either on the application of these principles to the world of work. In order for a democracy to have real meaning, political freedoms must be accompanied by some economic and social rights: the freedom of enterprise and trade; the freedom of association and collective bargaining; the right to choose employment freely and the right to equal opportunities and treatment; and, especially, tripartite dialogue which allows the social actors to participate freely with the public authorities in drawing up and implementing an economic and social policy which is the very foundation of our Organisation.

Your discussion revealed that there is not only a wider consensus on these fundamental principles but also – and this is even more positive – a worldwide determination to put these into practice.

We also had overwhelming proof of this when we had the privilege of welcoming Mr. Chiluba, President of the Republic of Zambia, who was recently chosen by his people, in the first free elections, to occupy the highest post in his country. No one represents better than he does the closest of ties which may exist between political freedoms and trade union freedoms – he who has been the victim of several measures of repression and intimidation because of his trade union activities. He addressed to us a fervent appeal to promote democratic values, tolerance and especially social dialogue.

He also informed us of his concern with the disastrous situation that his country's economy faces; and he made an appeal to international solidarity, and especially to the ILO – "cradle of ideals which triumphed in Zambia" – to assist his country to find a way out of this situation.

It is thus a message of hope, but also of concern, that he addressed to us. For nothing can be taken for granted.

Many of you have highlighted the weakness of the democracy that has been achieved with so much difficulty, the new threats it faces, the enormous gap which exists between the great principles proclaimed and the very difficult realities of the world of work.

Your concerns were of two types. Concern first of all regarding respect for human rights. Many Workers' delegates from all over the world denounced – sometimes vehemently – infringements of fundamental rights of workers and especially infringements of freedom of association even in countries with a long tradition of democracy; and it is not possible to hide here the discord which appears between these complaints and the satisfaction claimed too easily by some.

Full exercise of these rights is, however, the cornerstone of every democratic society. Unfortunately, I can only note the long list of complaints before the Committee on Freedom of Association of the Governing Body which but confirms that the respect of this fundamental right is far from being anchored in custom and practice. The supervisory machinery that the ILO has set up, especially concerning human rights, must therefore continue to function with the same vigilance and same objectiveness as in the past, for the credibility of our Organisation as a defender of democratic values depends upon this. This does not mean that this machinery may not be improved. But human rights constitute an area in which, in the light of our discussions, we should strengthen our action. Here I am referring to the struggle against discrimination. Many have referred to the growing threat looming over democracy and peace; intolerance, xenophobia, racial, ethnic, nationalist and religious conflict. You also expressed your deep feelings concerning the magnitude of this phenomenon which is taking on dramatic and bloody proportions in some countries. The ILO has an important role to play in this area. Our principles in this connection, enshrined in Convention No. 111, are clear. I have mentioned them in my Report. We must also strengthen our activities to promote and monitor these standards as well as our practical assistance to member States and social partners to set up programmes and machinery to fight against this scourge.

The Conference has embarked upon a new and perhaps final stage in our struggle against the most unacceptable from of discrimination: apartheid in South Africa. By ratifying the conclusions of the ILO Tripartite Conference on Southern Africa, which was held in Harare in May, it urged the parties concerned to make every effort to ensure that negotiations for a new Constitution lead to an agreement and to the establishment as soon as possible of an interim democratic and non-racial government. Let us hope, as President Chiluba said, that at the next session of the Conference we will no longer have to mention this sensitive issue but as an unfortunate memory of the past.

The second major subject of concern reflected in your discussion relates to the economic context in which the democratisation process is taking place. Democracy, as you all said, cannot survive without a healthy economy which enables true social progress to be achieved. It is the contrary which is occurring in most of our member States – whether developing countries or the countries of Central and Eastern Europe. Statements made by delegates of these countries reflected their deep concern regarding stagnation and the regression of their economies, runaway inflation, increasing unemployment, the reduced purchasing power of workers, and poverty, which are taking on catastrophic proportions. Democracy is a word void of any meaning in such conditions.

Thus it is not surprising that the question of economic reforms is at the heart of your discussions. Many appeals were addressed to the ILO for assistance in redressing a social situation which continues to worsen in most of the member countries following these reforms.

I am very sensitive to these appeals. The ILO would be remiss in fulfilling its mandate if it did not accord priority attention to the promotion of full employment and the struggle against poverty, even and especially in the difficult conditions that we are experiencing today. It is not surprising either that this subject gave rise to contrary arguments. The reverse would have surprised us. And I would like to thank all those who have allowed us to enrich and determine the policy that we should pursue in this area.

In what direction should we move? Your discussion has enabled us to identify five major areas for our action.

First of all, we must recognise the need for restructuring and economic reform and we must assist our member States within the confines of our mandate to implement these measures. President Chiluba said, in speaking of the precarious situation of the economy which he inherited, that his Government had no other choice than that of liberalising the economy, reducing State intervention and eliminating subsidies. Mr. Wijentunge, Prime Minister of Sri Lanka, stated that for his Government, the liberalisation of the economy is a prerequisite for democracy. Mr. Kebitch, Prime Minister of Belarus, used virtually the same words when he said that for his Government the main principle of democracy is a market economy, even if the transition process towards a market economy is difficult and gives rise to contradictions. The ILO would not be rendering a service to its member States, to its workers, if it denied the unavoidable need for such reforms.

But second, we must see to it that these reforms are designed with social justice in mind. This means first of all, as we all have stated, that they must generate employment. Jobs are not created in a vacuum. In order to have productive employment we need to have profitable enterprises. A resolution adopted by you yesterday calls upon the ILO to pay particular attention to promoting the creation of enterprises as an important means of job creation. The first priority will thus be the training of entrepreneurs and managers of enterprises, as well as general training.

I was struck by the importance given by many speakers to training. For instance, Mr. Mellao Neto, the Minister of State of Labour and Administration of Brazil, pointed out that his country is now paying a heavy toll for not having invested enough in education and training. As he put it, they did not understand that the major asset of a nation is the people who live and work there.

But education and training, for all their importance, are not enough. Many of you emphasised others factors that have to be taken into consideration – investment and development policy, a legal context conducive to the creation of enterprises and jobs, a functional employment market, an entire network of public and private institutions to facilitate both the development and the conversion of enterprises, manpower mobility and placement, and a basic infrastructure, the very establishment of which may create jobs. These are many spheres where the ILO must be prepared to make a contribution.

But social justice also dictates that governments of democratic states cannot shirk their responsibility for the well-being of their people, for a just distribution of national income and wealth and for social protection, and especially the social protection of the most disadvantaged segments of the population. I concur with the comments and suggestions made in this regard by Mr. Tapiola, the Workers' delegate from Finland. Here too, the ILO faces enormous tasks judging from the many request for assistance addressed to us during your discussions: the development of social legislation in conformity with the standards of our Organisation, the development of labour administrations capable of assuming new functions, of listening to the social partners and ensuring respect for the law, and the development of fair and viable social security systems.

Third, we must recognise that the law of the market on its own cannot solve the problems of society. Many delegates, and especially the Workers' representatives, have vigorously stressed the risks of placing blind trust in the market forces. For instance, Mr. Custer, the Secretary-General of the World Confederation of Labour, warned the ILO against the danger of assimilating democratisation with the development of a market economy, stating that this could lead to confusion regarding the very principles of the Organisation. Mr. Tapiola and Mr. Friso, the General Secretary of the ICFTU, criticised my report on this point, stating that they felt that it was incorrect and dangerous to suggest that the free workings of supply and demand could, acting alone, effectively ensure the production and the distribution of goods and services. I would like to eliminate some misunderstandings which could have arisen in this connection through the rather equivocal use of the word "alone". "Alone" may mean either that there is no other system comparable to the market economy, or that the market economy, reduced to the workings of supply and demand alone, is sufficient to cover all of the concerns of the ILO.

While our common sense and experience may tell us that the market is much more flexible and efficient in the use of resources and in the management of enterprises than would be a central bureaucracy, it would be contrary to all the principles and all the achievements of the ILO to advocate returning to what some might call "wild capitalism". The withdrawal of the State from certain functions which may be carried out better by private enterprise and collective bargaining can in no case mean its total rejection of any and all responsibility as regards economic and social policies. Social justice, which is the ultimate goal of our Organisation, requires as a minimum that the State should set the rules of fair play for the market economy and establish an equitable legal framework for social relations and collective bargaining, in consultation of course with the main parties concerned, the employers and the workers. It also demands that the State ensure strict enforcement of these rules.

Fourthly, we have to ensure that tripartism develops in our member States. To quote an expression which I find most appropriate and which was used by Mr. Atasayar, the Employers' delegate of Turkey, the problems created by democratisation can and must be resolved according to the principles of democracy. This tripartism, which lies at the base of our Organisation's originality as well as its strength, is far from being strongly rooted in the customs of all our member States. It is only if the social partners can be associated with the economic reforms, if they understand the need for them and take part in guiding them, that they will accept the efforts and sacrifices such reforms will mean for them.

Tripartism presupposes the existence of autonomous and truly representative organisations of employers and workers which are able to speak on behalf of their members, and this ability presupposes true democracy within these organisations. The absence of one of the parties at the negotiating table distorts the outcome. Tripartism also presupposes the State's desire to respect the independence of the two social partners and to listen to their views and take them into account. Lastly, tripartism presupposes a true desire for the sort of dialogue where no party remains entrenched in any given position or ideology, which would render any dialogue impossible, where obviously each party defends the interests of its members but is ready to compromise in the general interests of society. Therefore, taking up what Mr. Oechslin said, it is necessary that in each country the government and the independent social partners should establish their own tripartism as well as their own democracy. This is a time-consuming and never-ending process. The ILO must be the catalyst for this slow process of change and must modestly assist all its constituents in achieving their aims.

Fifthly, within the limits of our abilities we must promote greater international solidarity so as to tackle these problems. I heard the word "solidarity" mentioned in many speeches. How, for example, can one remain unmoved by the appeal put forward by Mrs. Ahoyo, the Minister of Labour and Social Affairs of Benin, for greater international solidarity to support young democracies in Africa in order to stop Africa being the weakest link in the chain of world interdependence?

Our objective must be to ensure that in all efforts aimed at revitalising and reforming the world economy, one should never lose sight of their social aspects or objectives. In particular, we must reinforce our dialogue with the International Monetary Fund and the World Bank, to which many references were made during this discussion. I would like to emphasise that we are speaking of a dialogue and not a war, and this dialogue is now starting to bear fruit. Both sides have a better understanding of the possibilities at the disposal of our respective organisations. Just as we accept the need for economic reforms, today the other side accepts more readily the need to take into account the social objectives and the social consequences of adjustment policies when they are drawing up their programmes.

Thus, following this line of thought, we can reply to Mr. Sunmonu, the Secretary General of the Organisation of African Trade Union Unity, who asked us to prevent the social and economic fires breaking out as a result of structural adjustment programmes, rather than simply acting as a fire brigade. Of course, a great deal remains to be done so as to make our cooperation with these institutions more operational.

May I now refer to the discussion that took place in the special sitting on the Appendix to my Report on the situation of workers of the occupied Arab territories.

I have noted that many of you expressed justified concern regarding the situation described in my Report, particularly with regard to the insufficiency of social cover for these workers, the strict security measures to which they are often subjected, especially in the Gaza Strip, and the restrictions imposed by the Israeli authorities on the exercise of freedom of association. These difficult conditions are aggravated by an economic environment which was disrupted by the effects of the Gulf war and where unemployment remains high.

Since last year's session of the Conference peace talks have been initiated between the parties. This is a welcome development which gives us every reason to be hopeful. We know the difficulties that must still be overcome before peace can reign in this very complex region, and much time and wisdom will be needed to attain this peace. However, I am sure that this fact will not deter people of goodwill.

I told you last year that efforts had to be made in the area of trade unions to ensure the defence of Arab workers in the occupied territories and that it was therefore necessary for the Palestinian unions to be recognised and be able to carry out trade union activities without any interference from the Israeli authorities. In this connection the Israeli federation, the Histadrut and the Palestinian trade unions should get together so as to find an original formula so that Palestinians working in Israel can be adequately represented and their interests truly defended. In the last paragraph of my Report I proposed the good offices of the ILO to assist in the initiation and development of broader dialogue between all parties to find solutions to all the specific problems raised in my Report. This offer remains open, even though it was not taken up by any speaker during the debate. I hope that steps will soon be undertaken to make use of the services of the Office in this connection because it is undoubtedly in the role of providing good offices that we can be the most effective.

It is in this perspective and in this perspective alone that the proposal of nominating a permanent representative of the ILO to the occupied territories could be useful. In the meantime, I am determined to reinforce the presence of the ILO in the occupied territories through technical cooperation programmes. A good example of what we can usefully do is the workers' education project for Palestinian trade unionists to which I attached particular importance and which started in April-May. I welcome the spirit of cooperation shown by the Israeli authorities on this occasion and I hope that the continuation of this project will take place without any obstacles. The ILO will intensify its action so as to provide increased assistance to the Palestinian people whose needs are great.

There remains the problem of knowing whether the Conference in the future should set up a special committee as to examine this question. Such a decision is up to the Governing Body and the Conference itself. We have seen that the setting up of such a committee would give rise to legal problems. which led the Governing Body and the Conference to opt for a debate in a special sitting. In spite of the limitations which some see in this formula, it has nevertheless made it possible to have a frank, open and calm debate before public opinion on a complex, difficult and controversial question.

In conclusion on this subject, I would like to emphasise that as certain speakers wished, I would like an annual report on the situation of the workers in the occupied Arab territories to be no longer necessary and the results of the peace negotiations which are under way to be sufficiently positive so as to make such an exercise unnecessary.

The main conclusion which I have drawn from your discussions, and I said this at the beginning of my reply, is that great hopes are placed in our Organisation. In an ever-changing world, in the whirlwind of events which are taking place each day around us, the ILO and the principles it embodies remain a beacon to guide those responsible for social policy in our member States.

The essential thing is the principles contained in our standards and the machinery we have to supervise their application. As regards our standard-setting activities, it is possible to envisage modifications in our procedures as some have proposed. One can also envisage the revision of certain standards to bring them up to date. One can also give thought to the means of ensuring more effective promotion and more resolute application.

Of course there are divergences on all these points. But these divergences will be resolved, as every problem in the ILO is resolved, through tripartite dialogue and these divergences do not sap the determination of practically all our constituents to safeguard and promote the fundamental principles which are the very essence of democracy and the existence of the ILO.

What is needed first of all is therefore to put these principles in their proper place, that is in the centre of every, and I repeat, every activity of the ILO. I have already made a number of proposals to the Governing Body to reinforce the link between standards and technical cooperation in our Organisation.

It is also necessary for the ILO to take into account the great diversity of situations and needs of our member States and the services they expect.

Secondly, we need therefore to bring the ILO closer to its member States and to develop with them what I have called an active partnership in which we would jointly determine the objectives to be followed and the means to be implemented so as to attain them. In this connection I intend to take a certain number of measures so as to reinforce the presence of the ILO in the field.

Thirdly, we must concentrate our efforts on a limited number of programmes and fields of action which are at the very core of our mandate. It is all the more essential for us to make this effort seeing as we are all living in a climate of austerity, a climate which the ILO cannot disregard. I have committed myself to submit a zero-growth budget to you for the next biennium, but zero-growth does not mean stagnation and I will try within budgetary constraints to carry out certain significant transfers of resources to certain high priority programmes.

You will find these needs reflected in the Programme and Budget Proposals for 1994-95 which will be submitted to you next year. I hope that they will bear witness to true effort and true will to carry out reforms on my part and on the part of the Office. As regards the Office I would like to say to Mr. Thüsing, Employers' delegate, Germany, that his appeal to ILO officials that they be ready to follow new paths has not been overlooked. I am certain that they will respond to this appeal and that they will take up Mr. Thüsing's challenge because they are very much aware of the fact that in the long run, as he said, it is up to them and their ability to adapt to ensure that the ILO will continue to be a political force for social progress.

Other reforms however depend on you. In my opinion, much remains to be done so as to ensure that this Conference as well as other ILO bodies will be less expensive and more efficient. A certain number of measures with this in view have already been adopted; others can still be envisaged, on the condition that you would be ready to accept them of course.

In this new era, so promising, but so full of uncertainty and anxiety, the ILO must stand firm, more so than ever before, on the great principles of freedom, democracy, justice and solidarity which are its *raison d'être*. But it must be more flexible and effective than ever before in the services it renders to its member States.

Original – Portuguese: Speaking on behalf of all the delegates, I should like to extend to you our sincere congratulations for the value and the depth of your replies to all of the questions that were raised during the course of the general debate on your Report.

I am convinced that all of us have drawn very useful lessons from these replies and that your words will cause us to reflect seriously about the new paths to be taken by our Organisation in the future so that we may continue to strive for social justice. Speaking on behalf of everyone, I thank you very much.

(The Conference adjourned at 1 p.m.)

Final record vote on the Convention concerning the protection of workers' claims in the event of the insolvency of their employer

Pour/For/En pro 293

Afghanistan/Afghanistan/Afganistán:

AABED, M. *(G)*
AMANI, M. *(G)*
MOMEN, M. *(E)*
SADIQYAR, Mr. *(T)*

Algérie/Algeria/Argelia:

OUZIR, M. *(G)*
ABDELWAHEB, M^{me} *(G)*
BENHAMOUDA, M. *(T)*

Allemagne/Germany/Alemania:

CLEVER, Mr. *(G)*
FRITZ, Mr. *(G)*
ENGELEN-KEFER, Ms. *(T)*

Angola:

DA COSTA, M. *(G)*
N'ZAKUNDOMBA, M. *(T)*

Arabie saoudite/Saudi Arabia/Arabia Saudita:

AL-YAHYA, Mr. *(G)*
AL-KHALIDI, Mr. *(G)*
JUMA'A, Mr. *(T)*

Argentine/Argentina/Argentina:

RODRIGUEZ, Sr. *(G)*
LANUS, Sr. *(G)*

Australie/Australia/Australia:

DEJONG, Mr. *(G)*
MACDONALD, Mr. *(G)*
LESSES, Mr. *(T)*

Autriche/Austria/Austria:

MELAS, Mr. *(G)*
LANGHAMMER, Mr. *(G)*
VERZETNITSCH, Mr. *(T)*

Bahrein/Bahrain/Bahrein:

AL-MADANI, Mr. *(G)*
AL-SAMAK, Mr. *(T)*

Bangladesh:

OSMANY, Mr. *(G)*
ALI, Mr. *(G)*
KHAN, Mr. *(T)*

Barbade/Barbados/Barbados:

BREWSTER, Mr. *(G)*
TROTMAN, Mr. *(T)*

Bélarus/Belarus/Belarús

BADEI, Mr. *(G)*
MARDOVICH, Mr. *(G)*
GONCHARIK, Mr. *(T)*

Belgique/Belgium/Bélgica:

LEEMANS, Mr. *(G)*
SOENEN, Mr. *(G)*
PEIRENS, Mr. *(T)*

Belize/Belize/Belice:

BENNETT, Mr. *(G)*

Bénin/Benin/Benin:

AHOYO, M^{me} *(G)*
ZANOU, M. *(G)*
ADJANOHOUN, M. *(T)*

Botswana:

MASOGO, Mr. *(G)*
PALAI, Mr. *(G)*
GABORONE, Mr. *(T)*

Brésil/Brazil/Brasil:

ZYBERSTAJN, Mr. *(G)*
DE MELO, Mr. *(G)*
OLIVEIRA, Mr. *(T)*

Bulgarie/Bulgaria/Bulgaria:

DICHEV, Mr. *(G)*
ZLATANOV, Mr. *(G)*
PETKOV, Mr. *(T)*

Burkina Faso:

OUEDRAOGO, M. *(G)*
GUINDO, M. *(G)*
OUEDRAOGO, M. *(E)*
SEBGO, M. *(T)*

Burundi:

SAMOYA, M^{me} *(G)*
NZEYIMANA, M. *(G)*

Canada/Canada/Canadá:

CARON, M^{me} *(G)*
McNICOLL, Mrs. *(G)*
CARR, Mrs. *(T)*

Chili/Chile/Chile:

LOYOLA OSORIO, Sr. *(G)*
MANTEROLA URZUA, Sr. *(G)*
BUSTOS HUERTA, Sr. *(T)*

Chine/China/China:

ZHU, Mr. *(G)*
FAN, Mr. *(G)*
WANG, Mr. *(T)*

Chypre/Cyprus/Chipre:

ANASTASSIADES, Mr. *(G)*
IOANNOU, Mr. *(T)*

Colombie/Colombia/Colombia:

POSADA DE LA PEÑA, Sr. *(G)*
MESTRE SARMIENTO, Sr. *(G)*
OBREGON SABOGAL, Sr. *(T)*

Congo:

NZABA, M. *(G)*

Corée, République de/Korea, Republic of/Corea, República de:

PARK, Mr. *(G)*
CHOI, Mr. *(G)*

Côte d'Ivoire:

KOUAME, M. *(G)*
ESSIGAN, M. *(G)*
ADIKO NIAMKEY, M. *(T)*

Cuba:

GARCIA LARA, Sr. *(G)*
LEYVA CRAIB, Sr. *(G)*
BERNAL CAMERO, Sr. *(T)*

Danemark/Denmark/Dinamarca:

ADLER, Ms. *(G)*
JORGENSEN, Mr. *(G)*
AERENLUND, Mrs. *(T)*

Egypte/Egypt/Egito:

RASHED, Mr. *(T)*

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:

AL-MUHAIRI, Mr. *(G)*
ABDULLA MAHMOOD, Mr. *(G)*
RAFEA, Mr. *(T)*

Equateur/Ecuador/Ecuador:

SANTOS ALUITE, Sr. *(G)*
QUINTERO, Sr. *(G)*
CHAVEZ, Sr. *(T)*

Espagne/Spain/España:

MARTIN-VALENZUELA MARZO, Sr. *(G)*
NAVARRO LOPEZ, Sr. *(G)*
PAREDES GIL, Sra. *(T)*

Etats-Unis/United States/Estados Unidos:

McCAFFREY, Ms. *(G)*
FREEMAN, Mr. *(G)*
GRAY, Mr. *(T)*

Ethiopie/Ethiopia/Etiopia:

AHMED, Mr. *(G)*
MARIAM, Mr. *(G)*
TEFERI, Mr. *(T)*

Fidji/Fiji/Fiji:

JALE, Mr. *(G)*
VULAONO, Mr. *(G)*
COLUMBUS, Mr. *(T)*

Finlande/Finland/Finlandia:

RIIKONEN, Mr. *(G)*
KOLI, Ms. *(G)*
TAPIOLA, Mr. *(T)*

France/France/Francia:

CHOTARD, M. *(G)*
RAMOND, M. *(G)*
VERONESE, M. *(T)*

Gabon/Gabon/Gabón:

TCHEN, M^{me} *(G)*
OLE-ANGO, M. *(G)*
ALLINI, M. *(T)*

Ghana:

ACQUAH, Mr. *(G)*
OBENG-FOSU, Mr. *(G)*
YANKEY, Mr. *(T)*

Grèce/Greece/Grecia:

STEFANOU, M. *(G)*
NBOUCAOURIS, M. *(G)*
THEONAS, M. *(T)*

Guatemala:

PINZON SALAZAR, Sr. *(T)*

Guinée/Guinea/Guinea:

CAMARA, M. *(G)*
DIALLO, M. *(T)*

Haïti/Haiti/Haití:

GASPARD, M. *(G)*

Honduras:

CASTRO FLORES, Sr. *(T)*

Hongrie/Hungary/Hungría:

TOTH, Mr. *(G)*
KLEKNER, Mr. *(G)*
GARZO, Ms. *(T)*

Inde/India/India:

CHOWDHARY, Mr. *(E)*
MARAKKAR, Mr. *(T)*

Indonésie/Indonesia/Indonesia:

SIMANDJUNTAK, Mr. *(G)*
BASANI, Mrs. *(G)*
BOEDJOSASTRO, Mr. *(E)*
RACHMAN, Mr. *(T)*

Iran, République islamique d'/Islamic Republic of Iran/Irán, República Islámica del:

GOL-MOHAMMADI, Mr. *(G*
FANNI-ZADEH, Mr. *(G)*
AFKHAMI, Mr. *(E)*
SALIMIAN, Mr. *(T)*

Irlande/Ireland/Irlanda:

O'RIORDAN, Mr. *(G)*
SWIFT, Mr. *(G)*
DUNNE, Mr. *(E)*
DOUGLAS, Mr. *(T)*

Islande/Iceland/Islandia:

JOHANNSSON, Mr. *(G)*
KRISTINSSON, Mr. *(G)*
HALLGRIMSSON, Mr. *(T)*

Israël/Israel/Israel:

SCHWARTZ, Mr. *(G)*
LIOR, Mr. *(G)*

Italie/Italy/Italia:

CAVAGLIERI, M. *(G)*
CACOPARDI, M. *(G)*
LETTIERI, M. *(T)*

Japon/Japan/Japón:

TANAKA, Mr. *(T)*

Jordanie/Jordan/Jordania:

SARAYREH, Mr. *(G)*
QUTISHAT, Mr. *(G)*
AQABANI, Mr. *(T)*

Kenya:

ABUJE, Mr. *(G)*
NGARE, Mr. *(G)*
MUGALLA, Mr. *(T)*

Koweït/Kuwait/Kuwait:

AL-THAMER, Mr. *(G)*

Lesotho:

MOPHETHE, Mr. *(G)*
FANANA, Mr. *(G)*
JONATHAN, Mr. *(T)*

Jamahiriya arabe libyenne/Libyan Arab Jamahiriya/Jamahiriya Arabe Libia:

DERBY, Mr. *(G)*

Lituanie/Lithuania/Lituania:

BALTUTYTE, Mrs. *(G)*
BALSIENE, Mrs. *(T)*

Luxembourg/Luxembourg/Luxemburgo:

ZAHLEN, M. *(G)*
MOUSEL, M. *(G)*
PIZZAFERI, M. *(T)*

Madagascar:

RAMIANDRISOA, M. *(G)*
ANDRIANTSITOHAINA, M. *(E)*
RAKOTONAVALONA, M. *(T)*

Malaisie/Malaysia/Malasia:

YAU, Mr. *(G)*
AHMAD MOHD IDRUS, Mr. *(G)*

Malawi:

MWAMBAKULU, Mr. *(G)*
NINDI, Mr. *(G)*

Malte/Malta/Malta:

XERRI, Mr. *(G)*
MIZZI, Mr. *(G)*
CALAMATTA, Mr. *(T)*

Maroc/Morocco/Marruecos:

BENHIMA, M. *(G)*
KHALES, M. *(G)*
BEN SEDDIK, M. *(T)*

Maurice/Mauritius/Mauricio:

MALLECK AMODE, Mr. *(T)*

Mexique/Mexico/México:

VARGAS CAMPOS, Sr. *(G)*
JIMENEZ HERNANDEZ, Sra. *(G)*
SANCHEZ MADARIAGA, Sr. *(T)*

Mongolie/Mongolia/Mongolia:

YUMJAV, Mr. *(G)*
ONON, Mrs. *(G)*

Myanmar:

HLAING, Mr. *(G)*
AUNG, Mr. *(G)*
KYU, Mr. *(T)*

Namibie/Namibia/Namibia:

HIVELUAH, Mr. *(G)*
LISWANI, Ms. *(G)*
ESAU, Mr. *(T)*

Népal/Nepal/Nepal:

SHRIVASTAVA, Mr. *(G)*
SHAH, Mr. *(G)*
BASNET, Mr. *(T)*

Niger/Niger/Niger:

MAMADOU, M. *(G)*

Nigéria/Nigeria/Nigeria:

ADEWOYE, Mr. *(G)*
OKON, Mr. *(G)*
BAFYAU, Mr. *(T)*

Norvège/Norway/Noruega:

BRUAAS, Mr. *(G)*
PEDERSEN, Ms. *(T)*

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

STOCKDILL, Mr. *(G)*
HAMPTON, Mr. *(G)*
DOUGLAS, Mr. *(T)*

Ouganda/Uganda/Uganda:

OLWENY, Mr. *(G)*
MUKASA, Mr. *(T)*

Pakistan/Pakistan/Pakistán:

KAZMI, Mr. *(G)*

Papouasie-Nouvelle-Guinée/Papua New Guinea/Papua Nueva Guinea:

JOEL, Mr. *(G)*
ARUA, Mr. *(G)*
LIOSI, Mr. *(T)*

Pays-Bas/Netherlands/Países Bajos:

ROOD, Mr. *(G)*
SCHRAMA, Mr. *(G)*
ETTY, Mr. *(T)*

Philippines/Philippines/Filipinas:

VILLARROEL, Mr. *(G)*
CARALE, Mr. *(G)*
TAN, Mr. *(T)*

Pologne/Poland/Polonia:

PIOTROWSKI, Mr. *(G)*
PRZYGODZKI, Mr. *(G)*
WOJCIK, Mr. *(T)*

Portugal:

NASCIMENTO RODRIGUES, M. *(G)*
DA SILVA, M. *(G)*

Qatar:

AL-BADI, Mr. *(G)*
KALLA, Mr. *(G)*
AL-BUAINAIN, Mr. *(T)*

Roumanie/Romania/Rumania:

BREHOI, M. *(G)*
NEAGU, M. *(G)*
LECA, M. *(E)*
STETCU, M. *(T)*

Royaume-Uni/United Kingdom/Reino Unido:

WESTON, Mr. *(G)*
HARTWELL, Ms. *(G)*
BRETT, Mr. *(T)*

Russie, Fédération de/Russian Federation/Rusia, Federación de:

EVLYUKHIN, M. *(G)*
BORCHEVSKY, M. *(G)*
KLOCHKOV, M. *(T)*

Rwanda:

RWABUKUMBA, M. *(G)*

Saint-Marin/San Marino/San Marino:

CECCHETTI, M. *(G)*
THOMAS, M. *(G)*
CHIARUZZI, M. *(T)*

Sénégal/Senegal/Senegal:

SENE, M. *(G)*
TOURE, Mme *(G)*
DIOP, M. *(T)*

Singapour/Singapore/Singapur:

DANIEL, Ms. *(T)*

Slovénie/Slovenia/Eslovenia

BELOPAVLOVIC, Ms. *(G)*
CICEROV, Mr. *(G)*
MIKLIC, Mr. *(T)*

Sri Lanka:

JAYASINGHE, Mr. *(G)*
WEERAKOON, Mr. *(G)*
SANDRASEKERA, Mr. *(T)*

Suède/Sweden/Suecia:

JONZON, Mr. *(G)*
WIKLUND, Ms. *(G)*
EDSTROM, Mr. *(T)*

Suisse/Switzerland/Suiza:

NORDMANN, M. *(G)*
ELMIGER, M. *(G)*
DREIFUSS, Mme *(T)*

Suriname:

DAAL-VOGELLAND, Mrs. *(G)*
NAARENDORP, Mrs. *(G)*
KROSS, Mr. *(T)*

Swaziland/Swaziland/Swazilandia:

BHEMBE, Mr. *(G)*
DLAMINI, Mrs. *(G)*
SITHOLE, Mr. *(T)*

République arabe syrienne/Syrian Arab Republic/República Arabe Siria:

AL-MASRI, Mr. *(G)*
HATEM, Mr. *(G)*
ISSA, M. *(T)*

Tanzanie, République-Unie de/Tanzania, United Republic of/Tanzania, República Unida de:

VUAI, Mr. *(G)*
JAMAL, Mr. *(G)*
MPANGALA, Mr. *(T)*

Tchad/Chad/Chad:

KEYTORO NWABANYOL, M. *(G)*

Tchécoslovaquie/Czechoslovakia/Checoslovaquia:

DOSTAL, Mr. *(G)*
KRALIK, Mr. *(G)*
FALBR, Mr. *(T)*

Thaïlande/Thailand/Tailandia:

BUNNAG, Mr. *(G)*
MAKARATHAT, Mr. *(G)*
VASURATNA, Mr. *(E)*
THAILUAN, Mr. *(T)*

Togo:

KOMI DOUGNA, M. *(G)*
DJIFA BLEDJE, M. *(G)*
TEVI-MENSAH, M. *(T)*

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:

PERMANAND, Mr. *(G)*
JOHN, Mr. *(T)*

Tunisie/Tunisia/Túnez:

KCHAOU, M. *(G)*
TEBOURBI, M. *(G)*

Turquie/Turkey/Turquía:

AKTAN, Mr. *(G)*
TURKER, Mr. *(G)*
YILMAZ, Mr. *(T)*

Ukraine/Ukraine/Ucrania:

LIPATOV, M. *(G)*
OZADOVSKI, M. *(G)*
EFIMENKO, M. *(T)*

Uruguay:

FERNANDEZ, Sr. *(T)*

Venezuela:

ARTEAGA, Sr. *(G)*
MENDEZ, Sr. *(G)*
RIOS AREVALO, Sr. *(T)*

Yémen/Yemen/Yemen:

MOGHALLES, Mr. *(G)*
OBAD, Mr. *(G)*

Zaïre/Zaire/Zaire:

ISHISWAKA KABANDA, M. *(G)*
KATALAY MULELI SANGOL, M. *(T)*

Zambie/Zambia/Zambia:

NYIRENDA, Mr. *(G)*
SHAMENDA, Mr. *(T)*

Zimbabwe:

NKOMO, Mr. *(G)*

Contre/Against/En contra 52

Allemagne/Germany/Alemania:
THUSING, Mr. *(E)*

Argentine/Argentina/Argentina:
EURNEKIAN, Sr. *(E)*

Australie/Australia/Australia:
NOAKES, Mr. *(E)*

Bénin/Benin/Benin:
GLELE, M. *(E)*

Botswana:
ROBI, Mr. *(E)*

Brésil/Brazil/Brasil:
COSTA, Mr. *(E)*

Burundi:
MUYUMBU, M. *(E)*

Canada/Canada/Canadá:
McVEIGH, Mr. *(E)*

Corée, République de/Korea, Republic of/Corea, República de:
WHANG, Mr. *(E)*

Danemark/Denmark/Dinamarca:
RONNEST, Mr. *(E)*

Egypte/Egypt/Egipto:
GAZZARIN, Mr. *(E)*

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:
MATAR, Mr. *(E)*

Equateur/Ecuador/Ecuador:
CORRAL, Sr. *(E)*

Espagne/Spain/España:
FERRER DUFOL, Sr. *(E)*

Etats-Unis/United States/Estados Unidos:
SMITH Jr., Mr. *(E)*

Fidji/Fiji/Fiji:
ROBERTS, Mr. *(E)*

Finlande/Finland/Finlandia:
HULTIN, Mr. *(E)*

Guatemala:
REYES MAYEN, Sr. *(E)*

Guinée/Guinea/Guinea:
HANN, M. *(E)*

Honduras:
MARTINEZ, Sr. *(E)*

Islande/Iceland/Islandia:
STEFANSDOTTIR, Mrs. *(E)*

Japon/Japan/Japón:
NAGANO, Mr. *(E)*

Liban/Lebanon/Líbano:
NASR, N. *(E)*

Luxembourg/Luxembourg/Luxemburgo:
JUNG, M. *(E)*

Malaisie/Malaysia/Malasia:
MOKZHANI, Mr. *(E)*

Malawi:
SAUKILA, Mr. *(E)*

Mali/Mali/Mali:
COULIBALY, M. *(E)*

Malte/Malta/Malta:
MALLIA MILANES, Mr. *(E)*

Maurice/Mauritius/Mauricio:
JEETUN, Mr. *(E)*

Mongolie/Mongolia/Mongolia:
BAASANHUU, Mr. *(E)*

Niger/Niger/Níger:
GEORGET, M. *(E)*

Norvège/Norway/Noruega:
SWENSEN, Mr. *(E)*

Panama/Panama/Panamá:
DURLING, Sr. *(E)*

Papouasie-Nouvelle-Guinée/Papua New Guinea/Papua Nueva Guinea:
HOGG, Mr. *(E)*

Pays-Bas/Netherlands/Países Bajos:
HAK, Miss *(E)*

Philippines/Philippines/Filipinas:
TAN, Mr. *(E)*

Pologne/Poland/Polonia:
PILARSKI, Mr. *(E)*

Portugal:
FERREIRA MONTOYA, M. *(E)*

Qatar:
AL-THANI, Mr. *(E)*

Royaume-Uni/United Kingdom/Reino Unido:
MACKIE, Miss *(E)*

Sénégal/Senegal/Senegal:
SOW, M. *(E)*

Sri Lanka:
DASSANAYAKE, Mr. *(E)*

Suède/Sweden/Suecia:
SELANDER, Mr. *(E)*

Suisse/Switzerland/Suiza:
DECOSTERD, M. *(E)*

Tanzanie, République-Unie de/Tanzania, United Republic of/Tanzania, República Unida de:
MAENDA, Mr. *(E)*

Tchécoslovaquie/Czechoslovakia/Checoslovaquia:
POPOVIC, Mr. *(E)*

Tunisie/Tunisia/Túnez:
JILANI, M. *(E)*

Turquie/Turkey/Turquía:
ATASAYAR, Mr. *(E)*

Ukraine/Ukraine/Ucrania:
PONOMAREV, M. *(E)*

Uruguay:
BRUSSONI, Sr. *(E)*

Venezuela:
ARBELOA, Sr. *(E)*

Zimbabwe:
CHIWESHE, Mr. *(E)*

Abstentions / Abstentions / Abstenciones 48

Algérie/Algeria/Argelia:
SI IMANI, M. *(E)*

Autriche/Austria/Austria:
ARBESSER-RASTBURG, Mr. *(E)*

Belgique/Belgium/Bélgica:
VAN HOLM, Mr. *(E)*

Bolivie/Bolivia/Bolivia:
SORUCO VILLANUEVA, Sr. *(G)*
BANZER, Sra. *(G)*

République centrafricaine/Central African Republic/República centroafricana:
YANGO-SINDO, M. *(G)*

Chine/China/China:
PAN, Mr. *(E)*

Costa Rica:
RHENAN SEGURA, Sr. *(G)*
RODRIGUEZ ALPIZAR, Sr. *(G)*

Côte d'Ivoire:
ETTE, M^{me} *(E)*

Cuba:
NAVARRO CABRERA, Sr. *(E)*

Egypte/Egypt/Egipto:
ZAHRAN, Mr. *(G)*
EL-ASSAR, Mr. *(G)*

El Salvador:
MENDOZA, Sr. *(G)*

Ethiopie/Ethiopia/Etiopía:
BEZABEH, Mr. *(E)*

France/France/Francia:
OECHSLIN, M. *(E)*

Grèce/Greece/Grecia:
MITSOS, M. *(E)*

Guatemala:
CONTRERAS SOLORZANO, Sr. *(G)*
URRUELA PRADO, Sr. *(G)*

Honduras:
URTECHO LOPEZ, Sr. *(G)*
FORTIN MIDENCE, Sr. *(G)*

Hongrie/Hungary/Hungría:
SIMSA, Mr. *(E)*

Italie/italy/Italia:
SASSO-MAZZUFFERI, M^{me} *(E)*

Japon/Japan/Japón:
UKAWA, Mr. *(G)*
TAKAHASHI, Mr. *(G)*

Kenya:
OWUOR, Mr. *(E)*

Koweït/Kuwait/Kuwait:
AL-JASSEM, Mr. *(E)*

Lituanie/Lithuania/Lituania:
GACHAITE, Mrs. *(E)*

Maurice/Mauritius/Mauricio:
TOOFANY, Mr. *(G)*
BOLAKY, Mr. *(G)*

Myanmar:
SHEIN, Mr. *(E)*

Nicaragua:
GARACHE CASTELLON, Sr. *(G)*
ALANIZ PINELL, Sr. *(G)*

Ouganda/Uganda/Uganda:
KASWARRA RWAMURA, Mr. *(E)*

Panama/Panama/Panamá:
ROSAS, Sr. *(G)*
VELASQUEZ, Sr. *(G)*

Pérou/Peru/Perú:
SILVA Y SILVA, Sra. *(G)*
VILLAR AGUIRRE, Sr. *(G)*

Rwanda:
KANYARWANDA, M. *(E)*

Saint-Marin/San Marino/San Marino:
MORRI, M. *(E)*

Sao Tomé-et-Principe/Sao Tome and Principe/Santo Tomé y Príncipe:
ELLOUZE, M. *(G)*

Slovénie/Slovenia/Eslovenia
SKOBERNE, Mr. *(E)*

Suriname:
LIONG AJIN, Mr. *(E)*

Swaziland/Swaziland/Swazilandia:
HLOPHE, Mr. *(E)*

Togo:
N'GUISSAN, M. *(E)*

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:
CLARKE, Mr. *(E)*

Uruguay:
TURCATTI PESCUERA, Sr. *(G)*
PEREZ DEL CASTILLO, Sr. *(G)*

Quorum: 249

Final record vote on the Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer

Pour/For/En pro 281

Afghanistan/Afghanistan/Afganistán:

AABED, M. *(G)*
AMANI, M. *(G)*
MOMEN, M. *(E)*
SADIQYAR, Mr. *(T)*

Algérie/Algeria/Argelia:

OUZIR, M. *(G)*
ABDELWAHEB, M^{me} *(G)*
BENHAMOUDA, M. *(T)*

Allemagne/Germany/Alemania:

CLEVER, Mr. *(G)*
FRITZ, Mr. *(G)*
ENGELEN-KEFER, Ms. *(T)*

Angola:

DA COSTA, M. *(G)*
N'ZAKUNDOMBA, M. *(T)*

Arabie saoudite/Saudi Arabia/Arabia Saudita:

AL-YAHYA, Mr. *(G)*
AL-KHALIDI, Mr. *(G)*
JUMA'A, Mr. *(T)*

Argentine/Argentina/Argentina:

RODRIGUEZ, Sr. *(G)*
LANUS, Sr. *(G)*

Australie/Australia/Australia:

DEJONG, Mr. *(G)*
MACDONALD, Mr. *(G)*
LESSES, Mr. *(T)*

Autriche/Austria/Austria:

MELAS, Mr. *(G)*
LANGHAMMER, Mr. *(G)*
VERZETNITSCH, Mr. *(T)*

Bahrein/Bahrain/Bahrein:

AL-MADANI, Mr. *(G)*
AL-SAMAK, Mr. *(T)*

Bangladesh:

OSMANY, Mr. *(G)*
ALI, Mr. *(G)*
KHAN, Mr. *(T)*

Barbade/Barbados/Barbados:

BREWSTER, Mr. *(G)*
TROTMAN, Mr. *(T)*

Bélarus/Belarus/Belarús

BADEI, Mr. *(G)*
MARDOVICH, Mr. *(G)*
GONCHARIK, Mr. *(T)*

Belgique/Belgium/Bélgica:

LEEMANS, Mr. *(G)*
SOENEN, Mr. *(G)*

Belize/Belize/Belice:

BENNETT, Mr. *(G)*

Bénin/Benin/Benin:

AHOYO, M^{me} *(G)*
ZANOU, M. *(G)*
ADJANOHOUN, M. *(T)*

Botswana:

MASOGO, Mr. *(G)*
PALAI, Mr. *(G)*
GABORONE, Mr. *(T)*

Brésil/Brazil/Brasil:

ZYBERSTAJN, Mr. *(G)*
DE MELO, Mr. *(G)*
OLIVEIRA, Mr. *(T)*

Bulgarie/Bulgaria/Bulgaria:

DICHEV, Mr. *(G)*
ZLATANOV, Mr. *(G)*
PETKOV, Mr. *(T)*

Burkina Faso:

OUEDRAOGO, M. *(G)*
GUINDO, M. *(G)*
SEBGO, M. *(T)*

Burundi:

SAMOYA, M^{me} *(G)*
NZEYIMANA, M. *(G)*

Canada/Canada/Canadá:

CARON, M^{me} *(G)*
McNICOLL, Mrs. *(G)*
CARR, Mrs. *(T)*

Chili/Chile/Chile:

MANTEROLA URZUA, Sr. *(G)*
BUSTOS HUERTA, Sr. *(T)*

Chine/China/China:

ZHU, Mr. *(G)*
WANG, Mr. *(T)*

Chypre/Cyprus/Chipre:

ANASTASSIADES, Mr. *(G)*
IOANNOU, Mr. *(T)*

Colombie/Colombia/Colombia:

POSADA DE LA PEÑA, Sr. *(G)*
MESTRE SARMIENTO, Sr. *(G)*
OBREGON SABOGAL, Sr. *(T)*

Congo:

NZABA, M. *(G)*

Corée, République de/Korea, Republic of/Corea, República de:

PARK, Mr. *(G)*
CHOI, Mr. *(G)*

Côte d'Ivoire:

KOUAME, M. *(G)*
ESSIGAN, M. *(G)*
ADIKO NIAMKEY, M. *(T)*

Cuba:

GARCIA LARA, Sr. *(G)*
LEYVA CRAIB, Sr. *(G)*
BERNAL CAMERO, Sr. *(T)*

Danemark/Denmark/Dinamarca:

ADLER, Ms. *(G)*
JORGENSEN, Mr. *(G)*
AERENLUND, Mrs. *(T)*

Egypte/Egypt/Egipto:

RASHED, Mr. *(T)*

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:

AL-MUHAIRI, Mr. *(G)*
ABDULLA MAHMOOD, Mr. *(G)*
RAFEA, Mr. *(T)*

Equateur/Ecuador/Ecuador:

SANTOS ALUITE, Sr. *(G)*
QUINTERO, Sr. *(G)*
CHAVEZ, Sr. *(T)*

Espagne/Spain/España:

MARTIN-VALENZUELA MARZO, Sr. *(G)*
NAVARRO LOPEZ, Sr. *(G)*
PAREDES GIL, Sra. *(T)*

Etats-Unis/United States/Estados Unidos:

GRAY, Mr. *(T)*

Ethiopie/Ethiopia/Etiopia:

AHMED, Mr. *(G)*
MARIAM, Mr. *(G)*
TEFERI, Mr. *(T)*

Finlande/Finland/Finlandia:

RIIKONEN, Mr. *(G)*
KOLI, Ms. *(G)*
TAPIOLA, Mr. *(T)*

France/France/Francia:

CHOTARD, M. *(G)*
RAMOND, M. *(G)*
VERONESE, M. *(T)*

Gabon/Gabon/Gabón:

TCHEN, M^{me} *(G)*
OLE-ANGO, M. *(G)*
ALLINI, M. *(T)*

Ghana:

ACQUAH, Mr. *(G)*
OBENG-FOSU, Mr. *(G)*
YANKEY, Mr. *(T)*

Grèce/Greece/Grecia:

STEFANOU, M. *(G)*
NBOUCAOURIS, M. *(G)*
THEONAS, M. *(T)*

Guatemala:

PINZON SALAZAR, Sr. *(T)*

Guinée/Guinea/Guinea:

CAMARA, M. *(G)*
DIALLO, M. *(T)*

Haiti/Haiti/Haiti:

GASPARD, M. *(G)*

Honduras:

CASTRO FLORES, Sr. *(T)*

Hongrie/Hungary/Hungría:

TOTH, Mr. *(G)*
KLEKNER, Mr. *(G)*
GARZO, Ms. *(T)*

Inde/India/India:

CHOWDHARY, Mr. *(E)*
MARAKKAR, Mr. *(T)*

Indonésie/Indonesia/Indonesia:

SIMANJUNTAK, Mr. *(G)*
BASANI, Mrs. *(G)*
BOEDJOSASTRO, Mr. *(E)*
RACHMAN, Mr. *(T)*

Iran, République islamique d'/Islamic Republic of Iran/Irán, República Islámica del:

GOL-MOHAMMADI, Mr. *(G)*
FANNI-ZADEH, Mr. *(G)*
AFKHAMI, Mr. *(E)*
SALIMIAN, Mr. *(T)*

Irlande/Ireland/Irlanda:

O'RIORDAN, Mr. *(G)*
SWIFT, Mr. *(G)*
DOUGLAS, Mr. *(T)*

Islande/Iceland/Islandia:

JOHANNSSON, Mr. *(G)*
KRISTINSSON, Mr. *(G)*
HALLGRIMSSON, Mr. *(T)*

Israël/Israel/Israel:

SCHWARTZ, Mr. *(G)*
LIOR, Mr. *(G)*

Italie/Italy/Italia:

CAVAGLIERI, M. *(G)*
CACOPARDI, M. *(G)*
LETTIERI, M. *(T)*

Japon/Japan/Japón:

TANAKA, Mr. *(T)*

Jordanie/Jordan/Jordania:

SARAYREH, Mr. *(G)*
QUTISHAT, Mr. *(G)*
AQABANI, Mr. *(T)*

Kenya:

ABUJE, Mr. *(G)*
NGARE, Mr. *(G)*
MUGALLA, Mr. *(T)*

Koweït/Kuwait/Kuwait:

AL-THAMER, Mr. *(G)*

Lesotho:

MOPHETHE, Mr. *(G)*
FANANA, Mr. *(G)*
JONATHAN, Mr. *(T)*

Lituanie/Lithuania/Lituania:

BALTUTYTE, Mrs. *(G)*
BALSIENE, Mrs. *(T)*

Luxembourg/Luxembourg/Luxemburgo:

ZAHLEN, M. *(G)*
MOUSEL, M. *(G)*
PIZZAFERI, M. *(T)*

Madagascar:

RAMIANDRISOA, M. *(G)*
RAKOTONAVALONA, M. *(T)*

Malaisie/Malaysia/Malasia:

YAU, Mr. *(G)*
AHMAD MOHD IDRUS, Mr. *(G)*

Malawi:

MWAMBAKULU, Mr. *(G)*
NINDI, Mr. *(G)*

Malte/Malta/Malta:

XERRI, Mr. *(G)*
MIZZI, Mr. *(G)*
CALAMATTA, Mr. *(T)*

Maroc/Morocco/Marruecos:

BENHIMA, M. *(G)*
KHALES, M. *(G)*
BEN SEDDIK, M. *(T)*

Maurice/Mauritius/Mauricio:

MALLECK AMODE, Mr. *(T)*

Mexique/Mexico/México:

VARGAS CAMPOS, Sr. *(G)*
JIMENEZ HERNANDEZ, Sra. *(G)*
SANCHEZ MADARIAGA, Sr. *(T)*

Mongolie/Mongolia/Mongolia:

YUMJAV, Mr. *(G)*
ONON, Mrs. *(G)*

Myanmar:

HLAING, Mr. *(G)*
AUNG, Mr. *(G)*
KYU, Mr. *(T)*

Namibie/Namibia/Namibia:

HIVELUAH, Mr. *(G)*
LISWANI, Ms. *(G)*
ESAU, Mr. *(T)*

Népal/Nepal/Nepal:

SHRIVASTAVA, Mr. *(G)*
SHAH, Mr. *(G)*
BASNET, Mr. *(T)*

Niger/Niger/Niger:

MAMADOU, M. *(G)*

Nigéria/Nigeria/Nigeria:

ADEWOYE, Mr. *(G)*
OKON, Mr. *(G)*
BAFYAU, Mr. *(T)*

Norvège/Norway/Noruega:

VIDNES, Mr. *(G)*
BRUAAS, Mr. *(G)*
PEDERSEN, Ms. *(T)*

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

STOCKDILL, Mr. *(G)*
HAMPTON, Mr. *(G)*
DOUGLAS, Mr. *(T)*

Ouganda/Uganda/Uganda:

OLWENY, Mr. *(G)*
MUKASA, Mr. *(T)*

Pakistan/Pakistan/Pakistán:

KAZMI, Mr. *(G)*

Papouasie-Nouvelle-Guinée/Papua New Guinea/Papua Nueva Guinea:

JOEL, Mr. *(G)*
ARUA, Mr. *(G)*
LIOSI, Mr. *(T)*

Pays-Bas/Netherlands/Países Bajos:

ROOD, Mr. *(G)*
SCHRAMA, Mr. *(G)*
ETTY, Mr. *(T)*

Philippines/Philippines/Filipinas:

VILLARROEL, Mr. *(G)*
CARALE, Mr. *(G)*
TAN, Mr. *(T)*

Pologne/Poland/Polonia:

WOJCIK, Mr. *(T)*

Portugal:

NASCIMENTO RODRIGUES, M. *(G)*
DA SILVA, M. *(G)*

Qatar:

AL-BADI, Mr. *(G)*
KALLA, Mr. *(G)*
AL-BUAINAIN, Mr. *(T)*

Roumanie/Romania/Rumania:

BREHOI, M. *(G)*
NEAGU, M. *(G)*
LECA, M. *(E)*
STETCU, M. *(T)*

Royaume-Uni/United Kingdom/Reino Unido:

WESTON, Mr. *(G)*
HARTWELL, Ms. *(G)*
BRETT, Mr. *(T)*

Russie, Fédération de/Russian Federation/Rusia, Federación de:

EVLYUKHIN, M. *(G)*
BORCHEVSKY, M. *(G)*
KLOCHKOV, M. *(T)*

Rwanda:

RWABUKUMBA, M. *(G)*

Saint-Marin/San Marino/San Marino:

CECCHETTI, M. *(G)*
THOMAS, M. *(G)*
CHIARUZZI, M. *(T)*

Sénégal/Senegal/Senegal:

SENE, M. *(G)*
TOURE, M^{me} *(G)*
DIOP, M. *(T)*

Singapour/Singapore/Singapur:

DANIEL, Ms. *(T)*

Slovénie/Slovenia/Eslovenia

BELOPAVLOVIC, Ms. *(G)*
CICEROV, Mr. *(G)*
MIKLIC, Mr. *(T)*

Sri Lanka:

JAYASINGHE, Mr. *(G)*
WEERAKOON, Mr. *(G)*
SANDRASEKERA, Mr. *(T)*

Suède/Sweden/Suecia:

JONZON, Mr. *(G)*
WIKLUND, Ms. *(G)*
EDSTROM, Mr. *(T)*

Suisse/Switzerland/Suiza:

NORDMANN, M. *(G)*
ELMIGER, M. *(G)*
DREIFUSS, M^{me} *(T)*

Suriname:

DAAL-VOGELLAND, Mrs. *(G)*
NAARENDORP, Mrs. *(G)*
KROSS, Mr. *(T)*

Swaziland/Swaziland/Swazilandia:

BHEMBE, Mr. *(G)*
DLAMINI, Mrs. *(G)*
SITHOLE, Mr. *(T)*

République arabe syrienne/Syrian Arab Republic/República Arabe Siria:

AL-MASRI, Mr. *(G)*
HATEM, Mr. *(G)*
ISSA, M. *(T)*

Tanzanie, République-Unie de/Tanzania, United Republic of/Tanzanía, República Unida de:

VUAI, Mr. *(G)*
JAMAL, Mr. *(G)*
MPANGALA, Mr. *(T)*

Tchad/Chad/Chad:

KEYTORO NWABA'NYOL, M. *(G)*

Tchécoslovaquie/Czechoslovakia/Checoslovaquia:

DOSTAL, Mr. *(G)*
KRALIK, Mr. *(G)*
FALBR, Mr. *(T)*

Thaïlande/Thailand/Tailandia:

BUNNAG, Mr. *(G)*
MAKARATHAT, Mr. *(G)*
VASURATNA, Mr. *(E)*
THAILUAN, Mr. *(T)*

Togo:

KOMI DOUGNA, M. *(G)*
DJIFA BLEDJE, M. *(G)*
N'GUISSAN, M. *(E)*
TEVI-MENSAH, M. *(T)*

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:

Mc SHINE, Mr. *(G)*
PERMANAND, Mr. *(G)*
JOHN, Mr. *(T)*

Tunisie/Tunisia/Túnez:

KCHAOU, M. *(G)*
TEBOURBI, M. *(G)*

Turquie/Turkey/Turquía:

AKTAN, Mr. *(G)*
TURKER, Mr. *(G)*
YILMAZ, Mr. *(T)*

Ukraine/Ukraine/Ucrania:

LIPATOV, M. *(G)*
OZADOVSKI, M. *(G)*
EFIMENKO, M. *(T)*

Uruguay:

FERNANDEZ, Sr. *(T)*

Venezuela:

ARTEAGA, Sr. *(G)*
MENDEZ, Sr. *(G)*
RIOS AREVALO, Sr. *(T)*

Yémen/Yemen/Yemen:

MOGHALLES, Mr. *(G)*
OBAD, Mr. *(G)*

Zaïre/Zaire/Zaire:

ISHISWAKA KABANDA, M. *(G)*

Zambie/Zambia/Zambia:

SHAMENDA, Mr. *(T)*

Zimbabwe:

NKOMO, Mr. *(G)*
HOVE, Mr. *(G)*

Contre/Against/En contra 65

Allemagne/Germany/Alemania:
THUSING, Mr. *(E)*

Argentine/Argentina/Argentina:
EURNEKIAN, Sr. *(E)*

Australie/Australia/Australia:
NOAKES, Mr. *(E)*

Autriche/Austria/Austria:
ARBESSER-RASTBURG, Mr. *(E)*

Belgique/Belgium/Bélgica:
VAN HOLM, Mr. *(E)*

Bénin/Benin/Benin:
GLELE, M. *(E)*

Botswana:
ROBI, Mr. *(E)*

Brésil/Brazil/Brasil:
COSTA, Mr. *(E)*

Burundi:
MUYUMBU, M. *(E)*

Canada/Canada/Canadá:
McVEIGH, Mr. *(E)*

Chine/China/China:
PAN, Mr. *(E)*

Corée, République de/Korea, Republic of/Corea, República de:
WHANG, Mr. *(E)*

Danemark/Denmark/Dinamarca:
RONNEST, Mr. *(E)*

Egypte/Egypt/Egipto:
GAZZARIN, Mr. *(E)*

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:
MATAR, Mr. *(E)*

Equateur/Ecuador/Ecuador:
CORRAL, Sr. *(E)*

Espagne/Spain/España:
FERRER DUFOL, Sr. *(E)*

Etats-Unis/United States/Estados Unidos:
SMITH Jr., Mr. *(E)*

Fidji/Fiji/Fiji:
ROBERTS, Mr. *(E)*

Finlande/Finland/Finlandia:
HULTIN, Mr. *(E)*

France/France/Francia:
OECHSLIN, M. *(E)*

Ghana:
YAMSON, Mr. *(E)*

Grèce/Greece/Grecia:
MITSOS, M. *(E)*

Guatemala:
REYES MAYEN, Sr. *(E)*

Guinée/Guinea/Guinea:
HANN, M. *(E)*

Honduras:
MARTINEZ, Sr. *(E)*

Irlande/Ireland/Irlanda:
DUNNE, Mr. *(E)*

Islande/Iceland/Islandia:
STEFANSDOTTIR, Mrs. *(E)*

Italie/Italy/Italia:
SASSO-MAZZUFFERI, M$^{\text{me}}$ *(E)*

Japon/Japan/Japón:
NAGANO, Mr. *(E)*

Jordanie/Jordan/Jordania:
HABAIBEH, Mr. *(E)*

Kenya:
OWUOR, Mr. *(E)*

Liban/Lebanon/Líbano:
NASR, N. *(E)*

Lituanie/Lithuania/Lituania:
GACHAITE, Mrs. *(E)*

Luxembourg/Luxembourg/Luxemburgo:
JUNG, M. *(E)*

Malaisie/Malaysia/Malasia:
MOKZHANI, Mr. *(E)*

Malawi:
SAUKILA, Mr. *(E)*

Mali/Mali/Malí:
COULIBALY, M. *(E)*

Malte/Malta/Malta:
MALLIA MILANES, Mr. *(E)*

Maurice/Mauritius/Mauricio:
JEETUN, Mr. *(E)*

Mongolie/Mongolia/Mongolia:
BAASANHUU, Mr. *(E)*

Niger/Niger/Níger:
GEORGET, M. *(E)*

Norvège/Norway/Noruega:
SWENSEN, Mr. *(E)*

Ouganda/Uganda/Uganda:
KASWARRA RWAMURA, Mr. *(E)*

Panama/Panama/Panamá:
DURLING, Sr. *(E)*

Papouasie-Nouvelle-Guinée/Papua New Guinea/Papua Nueva Guinea:
HOGG, Mr. *(E)*

Pays-Bas/Netherlands/Países Bajos:
HAK, Miss *(E)*

Philippines/Philippines/Filipinas:
TAN, Mr. *(E)*

Pologne/Poland/Polonia:
PILARSKI, Mr. *(E)*

Portugal:
FERREIRA MONTOYA, M. *(E)*

Qatar:
AL-THANI, Mr. *(E)*

Royaume-Uni/United Kingdom/Reino Unido:
MACKIE, Miss *(E)*

Sénégal/Senegal/Senegal:
SOW, M. *(E)*

Sri Lanka:
DASSANAYAKE, Mr. *(E)*

Suède/Sweden/Suecia:
SELANDER, Mr. *(E)*

Suisse/Switzerland/Suiza:
DECOSTERD, M. *(E)*

Swaziland/Swaziland/Swazilandia:
HLOPHE, Mr. *(E)*

Tanzanie, République-Unie de/Tanzania, United Republic of/Tanzanía, República Unida de:
MAENDA, Mr. *(E)*

Tchécoslovaquie/Czechoslovakia/Checoslovaquia:
POPOVIC, Mr. *(E)*

Tunisie/Tunisia/Túnez:
JILANI, M. *(E)*

Turquie/Turkey/Turquía:
ATASAYAR, Mr. *(E)*

Ukraine/Ukraine/Ucrania:
PONOMAREV, M. *(E)*

Uruguay:
BRUSSONI, Sr. *(E)*

Venezuela:
ARBELOA, Sr. *(E)*

Zimbabwe:
CHIWESHE, Mr. *(E)*

Abstentions / Abstentions / Abstenciones 42

Algérie/Algeria/Argelia:

SLIMANI, M. *(E)*

Bolivie/Bolivia/Bolivia:

SORUCO VILLANUEVA, Sr. *(G)*
BANZER, Sra. *(G)*

République centrafricaine/Central African Republic/República centroafricana:

YANGO-SINDO, M. *(G)*

Costa Rica:

RHENAN SEGURA, Sr. *(G)*
RODRIGUEZ ALPIZAR, Sr. *(G)*

Côte d'Ivoire:

ETTE, M^{me} *(E)*

Cuba:

NAVARRO CABRERA, Sr. *(E)*

Egypte/Egypt/Egipto:

ZAHRAN, Mr. *(G)*
EL-ASSAR, Mr. *(G)*

El Salvador:

MENDOZA, Sr. *(G)*

Etats-Unis/United States/Estados Unidos:

McCAFFREY, Ms. *(G)*
FREEMAN, Mr. *(G)*

Ethiopie/Ethiopia/Etiopía:

BEZABEH, Mr. *(E)*

Guatemala:

CONTRERAS SOLORZANO, Sr. *(G)*
URRUELA PRADO, Sr. *(G)*

Honduras:

URTECHO LOPEZ, Sr. *(G)*
FORTIN MIDENCE, Sr. *(G)*

Hongrie/Hungary/Hungría:

SIMSA, Mr. *(E)*

Japon/Japan/Japón:

UKAWA, Mr. *(G)*
TAKAHASHI, Mr. *(G)*

Koweït/Kuwait/Kuwait:

AL-JASSEM, Mr. *(E)*

Madagascar:

ANDRIANTSITOHAINA, M. *(E)*

Maurice/Mauritius/Mauricio:

TOOFANY, Mr. *(G)*
BOLAKY, Mr. *(G)*

Myanmar:

SHEIN, Mr. *(E)*

Nicaragua:

GARACHE CASTELLON, Sr. *(G)*
ALANIZ PINELL, Sr. *(G)*

Panama/Panama/Panamá:

ROSAS, Sr. *(G)*
VELASQUEZ, Sr. *(G)*

Pérou/Peru/Perú:

SILVA Y SILVA, Sra. *(G)*
VILLAR AGUIRRE, Sr. *(G)*

Pologne/Poland/Polonia:

PIOTROWSKI, Mr. *(G)*
PRZYGODZKI, Mr. *(G)*

Rwanda:

KANYARWANDA, M. *(E)*

Saint-Marin/San Marino/San Marino:

MORRI, M. *(E)*

Sao Tomé-et-Principe/Sao Tome and Principe/Santo Tomé y Príncipe:

ELLOUZE, M. *(G)*

Slovénie/Slovenia/Eslovenia

SKOBERNE, Mr. *(E)*

Suriname:

LIONG AJIN, Mr. *(E)*

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:

CLARKE, Mr. *(E)*

Uruguay:

TURCATTI PESCUERA, Sr. *(G)*
PEREZ DEL CASTILLO, Sr. *(G)*

Quorum: 247

Twenty-ninth sitting

Tuesday, 23 June 1992, 3.15 p.m.

President: Mr. Nascimento Rodrigues

Final record vote on the Convention and Recommendation concerning the protection of workers' claims in the event of the insolvency of their employer

Original – Portuguese: The PRESIDENT – Before we resume our work, namely the report of the Committee on Human Resources, I would like to give the floor to a delegate to explain his vote on the instruments we adopted this morning.

I call on Mr. Wakaki, Government adviser, Japan.

Original – Japanese: Mr. WAKAKI *(Government adviser, Japan)* – I would like briefly to explain the position of the Government of Japan concerning its vote. We recognise the significance of adopting the Convention concerning the protection of workers' claims in the event of the insolvency of their employer, and its accompanying Recommendation, at this session of the International Labour Conference. The adoption of these instruments will certainly help each member State to ensure the payment of wages as the basic means of life of their workers and the protection of workers' claims. In Japan an Act concerning the ensuring of payment of wages to workers has been passed and put into effect in view of the importance of such a system.

The Government of Japan has insisted that the provisions of Conventions should be confined to basic matters – to matters concerning principles – so that they are ratifiable by many countries; indeed, until now, not enough member States have ratified Conventions which have been adopted.

The Government of Japan thinks that the provisions of this Convention are not sufficiently flexible; we also made a similar point during the discussion of the Conclusions of the Committee on the Prevention of Industrial Disasters which were adopted yesterday. We will consider how to deal with the Convention and the Recommendation adopted after we have fully studied their contents.

However, Part II of the Convention contains provisions that cannot be met by our national legislation, thus making it unratifiable.

In view of these circumstances, the Government of Japan abstained from voting for the adoption of the Convention and the Recommendation.

Report of the Committee on Human Resources: Discussion *(concl.)* and adoption

Original – Portuguese: The PRESIDENT – We shall now resume the discussion of the Committee on Human Resources. I give the floor to Mr. Osunde, Workers' adviser, Nigeria, speaking on behalf of Mr. Douglas, Vice-Chairman of the Committee.

Mr. OSUNDE *(Workers' adviser, Nigeria)* – Since this is the first time I am speaking during this Session the Conference, allow me to congratulate the President and his team for the able manner in which they have handled our work. I speak on behalf of the Workers' members of the Committee on Human Resources and I speak in place of our Vice-Chairman, brother Douglas, of the New Zealand Council of Trade Unions, who has had to leave Geneva.

I would first of all like to express the thanks of the Workers' group to all the different people whose work has contributed to the success of this Committee. Therefore we thank Mr. Piotrowski, the Chairman, whose very capable guidance ensured a balanced and always interesting discussion. We thank Mr. Jonzon, the Reporter of the Committee, whose unerring grasp of the English language always enabled a way to be found for agreement.

We thank the team of the ILO secretariat, led by Mr. Salt and Mr. Lee, who prepared the report and whose work and sleepless nights meant that we could manage to complete everything in these short three weeks. We thank the Government members of our Committees for their very interesting and valuable contribution.

Finally we thank the Employers' group under the capable chairmanship of Mr. Owuor for their generally very positive approach to the deliberations of our Committee.

I would like to take this occasion to offer some views of the Workers' group on the content of the conclusions. I will firstly draw attention to what we think is positive in this report. In this regard we would like to emphasise that as stated in paragraph 1 of the conclusions, and I quote: "In all countries securing the highest possible level of education and training for all workers is vital for structural adjustment as well as for economic and social progress."

This priority statement informed the context of every aspect of our conclusions; economic recovery, social development, equality for women and for disadvantaged groups. None of these is even conceivable without investment in education and training. We believe that all these points should be taken very seriously by all governments undertaking structural adjustment and by the IMF and the World Bank. Investment in education and training should not be reduced, at the risk of delaying the necessary adjustment. We must ensure that education and training levels are maintained in order to guarantee the long-term future of every country.

We would like to emphasise some aspects of ILO action which this Committee is recommending. If I may quote from paragraph 43 of the conclusions: the ILO is called upon to "exercise vigorously its unique role among international organisations as the advocate of tripartite collaboration and as champion of the most vulnerable social groups."

In paragraph 40 the ILO is mandated to strengthen its leadership role in advocating that investment in human resources development is a priority of governments and the social partners during structural adjustment. As regards specific action, the ILO should intensify its dialogue with the IMF and the World Bank and prepare a compendium of approaches to mitigate the social cost of adjustment. The ILO should assist the organisation of national tripartite conferences to evaluate adjustment programmes and seriously consider organising a follow-up meeting to the High-Level Meeting on Employment and Structural Adjustment held in 1987. The ILO should conduct a comparative study of the costs and benefits of different approaches to encourage employers to provide training.

All these proposals should be supported most vigorously when the Governing Body prepares the Programmes and Budget proposals for the next biennium at its session next February and we will welcome such support very warmly.

At this time we regret we cannot support these conclusions before we place on record our strong concern about two aspects of them. Firstly, the Workers' group is extremely concerned about the language used in the last sentence of paragraph 11, where reference is made to employers, workers and, where appropriate, their representative organisations. The use of the words "where appropriate" is entirely unacceptable and is contrary to the founding spirit of the ILO as expressed in the Declaration of Philadelphia. The words suggest that where they wish, employers and governments may ignore the existence of workers' organisations and act entirely on their own. As such this undermines the principle of freedom of association of workers in their own organisation, as expressed in Convention No. 87 and is contrary to the promotion of collective bargaining as expressed in Convention No. 98. For this reason the Workers' group very much regrets that our effort to find a compromise wording which would have addressed these concerns were ruled out of order on procedural grounds.

Secondly, the Workers' group strongly regrets that due to opposition from the Employers and certain Governments, it proved impossible to include any reference to the need for the ILO to stop providing technical assistance to countries systematically violating trade union and other human rights. The Workers' group has already indicated our views on this matter and we will continue to press for a link of this kind until it is formally established. There is no justification, under any circumstances, for the ILO to support countries that both impoverish and suppress people and violate fundamental trade union and human rights. With these reservations and observations expressed, the Workers' group would like to recommend to this Conference the adoption of these conclusions.

Mr. PIOTROWSKI *(Government member, Poland; Chairman of the Committee on Human Resources)* – The lively and stimulating discussion of the Committee has touched on issues of critical importance to our Organisation and issues that are of vital concern to the citizens of the member States. Despite the passions in which these issues are often addressed the ambience of the meeting remained friendly with its members united by common agreement on the importance of the topic before them.

The members were also united by their sense of privilege in having the opportunity to influence adjustment and human resources development in the context of structural adjustment. The Committee was able to complete its work successfully because of the conscientious and knowledgeable participation of its members and the superb leadership of the Employers' and Workers' Vice-Chairmen. The Committee owes a special debt of appreciation to the reporter who displayed such excellent professional leadership in guiding the work of the drafting Committee. I express my thanks to them.

I also wish to express the appreciation of the Committee for the skill and hard work of the secretariats of both the Committee and the Office, without which our work could not have been completed.

Finally, it was a privilege and honour for me personally to preside as Chairman, and I express my gratitude to all the members of the Committee and the secretariat, whose support made my duties in that office a pleasure to carry out.

Mr. CORNACCHIO *(Employers' adviser, United States)* – I would like to associate myself with those who, speaking before me, have complimented the work of both the Committee and the Office in addressing this very large and important topic in so short a time; and on behalf of the United States Employers' delegation I should like to say that given the short time available to consider the Committee's conclusions, the report before us today is a good one and we support its adoption.

It reaffirms the need for consultation and cooperation to facilitate structural adjustment. It recognises the need to continually adjust education and training to the needs of the market. It highlights the need to safeguard the most vulnerable groups of the population. And lastly, it offers a number of useful suggestions for ILO action.

The report correctly states that there is no general or universal prescription for successful adjustment, and indicates the broad range of innovative responses to structural adjustment which are possible and which do not fall back on the mistaken path of calling for ever-greater involvement of the State in the economy.

However, the report contains a number of incomplete or incorrect formulations concerning cooperation and consultation, as well as a few blanket statements which prejudge matters best left to member States or other institutions, and, in some places, it contains what can be described as wishes, couched in terms which imply factual truth, and I will briefly illustrate some examples.

Moreover, in this era of zero real growth in the budget of the ILO it is unfortunate that, given the pressures of time, the Committee was unable to establish priorities for the 25 or so suggested areas for ILO action.

As a general observation on the formulation for encouraging consultation and cooperation, I would note that there were a number of clauses which referred only to employers' and workers' organisations, when it is clear that individual employers and workers should also be the subject for consultation and cooperation.

In this regard I would refer to the comments made yesterday by my colleague from the United States Employers' delegation when she emphasised the role and concerns of individual workers and employers in regard to public policy.

I would also refer to the terminology used in the High-Level Meeting on Employment and Structural Adjustment to express this point, which reads "workers, employers, and where appropriate, their representative organisations", which more accurately reflects the range of interested and important actors and the flexibility needed to account for different systems and traditions. This formulation has nothing to do with calling into question freedom of association, but has everything to do with supporting this principle and recognising that workers should have the freedom to choose not to associate.

There is one section of the report which states that employers' and workers's organisations should participate actively in the formulation and implementation of national training policies and programmes. If this is to mean that through this participation these organisations would be able effectively to veto various policies or programmes which are in the interest of all citizens, then I would take firm objection to this statement. The legislators and administrators of law and policy must be accountable to the needs and priorities of the nation as a whole. Safeguards must exist so that certain employers' or workers' organisations do not block necessary changes which would be in the interest of the public as a whole, but which might have an adverse impact on some of their members.

Similarly, the conclusions state that changes in labour standards can be made only after full tripartite consultation with workers' organisations. However, governments must ensure that consultations do not drag out indefinitely, thus postponing indefinitely those changes which must be made for the benefit of all.

In the category of blanket statements, I would include the statement found in the conclusions which calls on the ILO to continue its dialogue with the Bretton Woods institutions in order to maintain expenditures in education and training during adjustment programmes. However, we are not in a position to state what should be done with the level of expenditure in any given country during structural adjustment. In some cases they may need to be temporarily decreased, or permanently increased, or substantially redirected. The ILO can and should emphasise the critical role of investment in education and training to ensure economic and social development, and it should back up this statement with credible studies and evidence.

However, this statement as it stands ignores the possibility that certain expenditures in education and training may have been counter-productive to economic and social development, despite the no-lose label which is often placed on these expenditures simply because they come under the heading of human resources development.

In the wish category, I would include the statement in the conclusions which implies that substantial resources can be redirected from reductions in military expenditure, and which is problematic in that it contributes to the myth that some large cache of funds stands ready for spending from this source. In my own country, which, I would add, has the largest debt in the world, there will be heavy pressure to reduce the federal deficit rather than to increase other spending programmes with any funds that are freed from reduced military expenditure.

With these caveats in mind, I would like to place on record that while we support the adoption of the report, given the number of reservations I have expressed, we see the conclusions of this discussion as a good indication of the direction which the ILO should take in the area of human resource development, and not as a final statement on the issue.

Mr. PETERSON *(Government adviser, United States)* – The ILO has taken up various critical aspects of employment and structural adjustment at recent sessions of the International Labour Conference following the 1987 High-Level Meeting on Employment and Structural Adjustment and throughout most of the past decade. At the 79th Session, we have come to the heart of the matter for the ILO: "adjustment and human resources development."

Report VI, prepared for this Session, provided an excellent summary of ways countries have responded to economic change and widespread restructuring during the past decade. It posed a central question for discussion: "How can education and training be made to support structural adjustment in the best possible manner?"

The Committee report reflects a wide-ranging and very useful discussion of that question from various points of view, all pointing to a common theme: the critical importance of human resources development to economies striving to adjust and achieve sustainable economic growth and create new jobs within the context of structural adjustment.

Structural policies have never been more important than they are today. In particular, reductions in both agricultural and industrial subsidies and the removal of rigidities in labour markets would reduce inflation, contribute to reductions in budget deficits, make higher growth and output possible, and in the final analysis help more people find jobs. Education and training are central to positive adjustment.

The United States strongly supports the conclusions that "investing in its people is perhaps the most effective course of action a country can take in order to ensure its long-term future". We believe that "the ultimate responsibility rests with each country to design and manage its own programmes of education and training in support of its adjustment efforts".

The demands of new technology have made education and training critical to sustainable economic growth and global competitiveness. In today's international economy, workers must be prepared to change the ways they do their jobs in order to capture the benefits from rapidly evolving technology. Training goes hand in hand with productivity, quality, flexibility, and automation in the best performings firms.

The advent of the computer, high-speed communication and universal education are heralding a third industrial revolution, the key feature of which is the high-performance work organisation. It is becoming evident that the key organisational task is not to design the most elegant structure, but to capture individual capabilities and motivate the entire organisation to respond cooperatively to a complicated and dynamic environment.

The assumptions of the past are breaking down. We can no longer categorically say that schools are the problem and business is the solution or that school is school and work is work. Changes in the global economy and in society have made both these assumptions obsolete. Today, more than ever before, "school is about working and work is about learning". Put those thoughts together and they bring us to a provocative conclusion!

In a demanding, competitive, free-market environment, companies cannot prosper unless the schools graduate a continuing stream of well-educated, self-disciplined and motivated young people. Students who finish high school with minimal reading, math and communication skills will not be able to work effectively as part of a team, operate sophisticated machinery, solve problems or take initiative on behalf of customers. Simply put, if workers can do today's jobs – and tomorrow's – their companies will thrive. If they only do yesterday's jobs, sooner or later their companies will fail and unemployment will rise. For many employers, the most effective way to change the schools is to change what happens inside their own companies.

The domestic job market in our economies reflects intense international competition. The continuing need for structural adjustment and adaptation challenges all of us. The need is for a workforce capable of critical thinking and creative problem-solving. Yet, in some cases, we continue to educate youth for the smokestack industries of generations past.

Thus, we face a paradox of our own making. We have created economies that seek literate, technically trained and committed workers, while simultaneously we produce many young men and women who are semi-literate or functionally illiterate, unable to think critically and untrained in technical skills, hampered by high-risk lifestyles and alienated from the social mainstream. In my own country, unemployment rates for high school drop-outs are more than twice those for high school graduates. The few jobs for which these people qualify often pay too little to support a family.

What is left for these young men and women is a life on the edge of society. Those with minimal competencies will barely get by. The most poorly prepared will move in and out of crime, drug abuse or alcoholism. Some will be forced to depend on government assistance in one form or another – income maintenance, health care and housing. Many will pay little in taxes and will be able to contribute only little to social security or to caring for themselves in later years. We have found that:

- each year's class of drop-outs will, over their lifetime, cost the nation about $260 billion in lost earnings and foregone taxes;
- in a lifetime, a male high school dropout will earn $260,000 less than a high school graduate, and contribute $78,000 less in taxes. A female who does not finish high school will earn $200,000 less and contribute $60,000 less in taxes;
- unemployment rates for high school drop-outs are more than twice those of high school graduates. Between 1973 and 1986, young people who did not finish high school suffered a 42 per cent drop in annual earnings in constant 1986 dollars;
- each added year of secondary education reduces the probability of public welfare dependency in adulthood by 35 per cent.

So you see, a second paradox has to do with how we learn: success in the market-place increasingly depends on learning, yet most people do not know how to learn. Most of us engage in "single-loop" learning. To give a simple analogy: a thermostat that automatically turns on the heat whenever the temperature in a room drops below a certain predetermined point is a good example of single-loop learning. A thermostat that could ask "why am I set at 68 degrees?", and then explore whether or not some other temperature might more economically achieve the goal of heating the room would be engaging in "double-loop" learning. The point is that more and more jobs – no matter what the title – are becoming what might be called "knowledge work". People at all levels of the organisation must combine the mastery of some highly specialised technical expertise with the ability to work effectively in teams, form productive relationships with clients and customers, and critically reflect on and then change their own organisational practices. And the nuts and bolts of management – whether of high-powered consultants or service representatives, senior managers or factory technicians – increasingly consists of guiding and integrating the autonomous but interconnected work of highly skilled people.

Isaac Stern, the violinist and philosopher of music education, was once asked how it happened that all professional musicians could play the right notes in the right order, but some made beautiful music and some did not. "The important thing is not the notes", he replied, "it's the intervals between the notes". That is not only a wise comment about music, it is a piece of fundamental wisdom about education – and the ILO. The important thing about any process is not its isolated components; what makes them dynamic is the connections between and among them, connections made by people who understand the whole system, of which their own actions can only be a marginal part.

In the United States, we have undertaken a number of initiatives, with the cooperation of government, business, education and labour leaders, to address these issues. We have launched an important education strategy, "America 2000", designed to ensure that all our citizens acquire the basic tools needed to adapt their skills or acquire new skills throughout their careers. Employers are encouraged to invest in their workers and to reorganise work practices to make maximum use of skilled workers. Business, education and labour leaders have been brought together to define the skills and skill levels needed to obtain entry-level jobs and to earn a decent living. We fully endorse the idea that "A trained workforce is more productive and mobile and better able to adjust to new demands and new opportunities in the labour market".

The fact is that national competitiveness has become one of the central preoccupations of governments, employers and workers in every nation. The only meaningful concept of competitiveness at the national level is productivity – and that means education and training – the kind of "double-loop" learning I mentioned earlier. Productivity is the prime determinant of a nation's long-run standard of living; it is the root cause of national per capita income. Under conditions of structural adjustment, education and training have become increasingly the name of the game.

Beyond that, there is a personal satisfaction which comes from a lifetime of learning. Someone described what I mean when he recently wrote: "There are some needs that we as humans can satisfy and call it done. We can feel safe with an enjoyable but humble shelter and know that we will have enough food for tomorrow. There are other needs that can never be satisfied. The fact is that the more we get the more we want. When people understand love, the need is never completely satisfied. The more they get the more they give and need to give. Education is a similar human need. Some people find that learning just opens more doors of an insatiable appetite to know. Those who find pleasure in new ideas just keep discovering new ideas. I expect that the urge to know is the Fountain of Youth for many people. Those who can get up each day and learn something new and exciting will always be young".

The ILO has an important role to play as an integrator of tripartite experience and perspectives. The ascendancy of liberal democracy, the doctrine of individual freedom and popular sovereignty have made education and training all the more urgent as new markets, legal systems and organisational forms continue to develop.

If, as expected, "the business of business is increasingly education, and the business of education is work", then we all have much to do to prepare for the future.

Original – Portuguese: The PRESIDENT – I have no more speakers on my list. We shall now therefore adopt the report together with the resolution and the conclusions submitted by the Committee.

If there are no objections, I shall consider that the body of the report, that is paragraphs 1 to 79 is adopted.

(The report is adopted, paragraphs 1 to 79.)

Resolution concerning adjustment and human resources development, submitted by the Committee on Human Resources: Adoption

Original – Portuguese: The PRESIDENT – We shall now proceed to the adoption of the resolution concerning adjustment and human resources development.

If there are no objections, I shall consider that the resolution is adopted.

(The resolution is adopted.)

Conclusions concerning adjustment and human resources development, submitted by the Committee on Human Resources: Adoption

Original – Portuguese: The PRESIDENT – We will now move on to the adoption of the conclusions submitted by the Committee.

If there are no objections, I shall consider that the conclusions are adopted.

(The conclusions are adopted.)

Original – Portuguese: The PRESIDENT – We have now completed our examination of the report, the resolution and the conclusions submitted by the Committee on Human Resources.

I warmly congratulate the Chairman, the Vice-Chairmen, and the Reporter of the Committee as well as all the members for the excellent work that they have done.

Closing speeches

Original – Portuguese: The PRESIDENT – We now come to the last item on the agenda; in other words the closing speeches of this 79th Session of the International Labour Conference.

I call on the Vice-Presidents, Mr. Solórzano Martínez, Minister of Labour and Social Welfare, Guatemala, Mr. Decosterd, Employers' delegate, Switzerland, and Mr. Mugalla, Workers' delegate, Kenya, to come up to the rostrum.

Original – Spanish: Mr. SOLORZANO MARTINEZ *(Minister of Labour and Social Welfare, Guatemala; Vice-President of the Conference)* – May I start, Mr. President, by saying that it has been a great honour for me to work under your leadership and to be able to take part in this Conference by your side.

I think we have had a splendid Conference, where discussions have taken place in the best possible way, where we have achieved important resolutions and where, once again, we have justified the importance of our Organisation in the world context.

From that perspective and on behalf of my Government, I should like to conclude by saying that I express my thanks to all delegates, especially those from Latin America, for having nominated and elected me to the office of Government Vice-President. I wish you all a safe journey home and every success in your countries.

Original – French: Mr. DECOSTERD *(Employers' delegate, Switzerland; Vice-President of the Conference)* – Hundreds of speakers have respected the banal and sometimes derisory tradition in this Organisation expressing their thanks to the President.

But I assure you that I speak from the bottom of my heart when I say that greatly I appreciated the brilliant way in which you conducted the work of this Conference. You conducted without actually directing, in other words with a mastery of modern command.

I would also like to express my thanks to my fellow Vice-Presidents of the Conference for the excellent understanding and willingness to compromise which reigned throughout the three weeks of our discussion.

I should also, and above all, like to thank the Secretary-General and his team, and express my admiration for their devotion and motivation. Exemplary devotion it was, indeed. This was something that very much impressed me at a time when people are very keen on criticising public servants. And how could I fail to recall the cheerful efficiency of the Clerk of the Conference? On behalf of all Employer delegates I should like to thank all of those whom one does not see in this hall, those who have worked night and day, and even Saturdays and Sundays to ensure that we will be able to finish the Conference on time.

In just two words then, I can say that as a worker in this Organisation, I experienced the same pleasure that too few workers experience in day-to-day life, that is the pleasure of being well-guided and the pleasure of seeing guidance come from above.

It is only vain people who think that success depends on the personal aptitudes of the individual. Very often it comes from a hazardous combination of circumstances, and so it was in my case when my Employer colleagues appointed me as Vice-President of this Conference. I consider this a great honour and I would like to thank them publicly.

However, these circumstances also had an unfortunate side because never before this year have I so wished to speak in the general debate. Unable to do so before now, on the road that leads to democracy, I would like to make one or two comments, quite simply because I was lucky enough to be born in a country which has always known a system of democracy.

Democracy is an extremely fragile institution. You cannot simply decree it overnight as you can dictatorships. It can only be born and developed from the base upwards, if you know how to care for it.

Swiss democracy, born 700 years ago from the will of three men, encouraged by a few thousands of peasants and farmers, never spared Switzerland from social conflicts or civil and other wars, nor from famine, poverty or intolerable unemployment. But, nevertheless, over 700 years it has enabled this country to overcome all its major crises because there was a democratic spirit, there was a determined will to search for compromise.

Democracy implies, above all, a change in attitude, and that is the most difficult thing. An attitude which recognises that free men do not only enjoy rights, but that they must assume duties. This civic spirit is really the first collective agreement, as it were, between individuals or groups from the village structure upwards. And the willingness to compromise always prevails over individual power.

Tripartism, and this is my final point, is the initial tangible manifestation of freedom, negotiation and democracy. But we have to agree on the definition of the term tripartism, and ensure that it is authentic tripartism and not just some kind of masquerade. In this connection, I would like to recall the communication made to this Conference on the inquiry undertaken by the International Organisation of Employers into the conditions in which delegates of tripartite committees participate in this Conference.

I think that we should remember, ladies and gentlemen, that amongst you there are 37 governments which are still not discharging the obligation to pay for the travel and subsistence expenses for delegates attending this Conference. This point alone demonstrates, as the Director-General recalled this morning, that when it comes to major declarations of principles and day-to-day realities, there is still a huge cleavage, an abyss, between the two which is a source of major concern to us. This is something that we have to try and improve.

So this is my state of mind as this session of the Conference ends. I very much hope that, in the future, the path taken towards democracy and a market economy will give the individual a greater opportunity to be a human being, in other words, a citizen, a worker, a consumer, and that this will give our Organisation the full significance conferred upon it by the Declaration of Philadelphia – in other words to contribute to enhancing the dignity of man at work.

Mr. MUGALLA *(Workers' delegate, Kenya; Vice-President of the Conference)* – In the first place, Mr. President, I would like to address to you my congratulations on the manner in which you have presided over this 79th Session of the International Labour Conference. The positive results that have been reac – and I believe they are considerable – are due in no small part to you, and to the skill, experience, and good humour that you brought to the difficult job of the past weeks. You have more than justified the confidence placed in you by the Conference, and done great credit to your country.

At the same time I wish to place on record my sincere gratitude to my fellow Vice-Presidents, Mr. Solórzano Martínez and Mr. Decosterd, for the friendship and cooperation they showed in carrying out the duties that we shared. It was a pleasure, as well as an honour, to work with them.

Indeed, I think that this session of the Conference will be remembered particularly for the spirit of cooperation demonstrated by representatives from all groups in the search for consensus. They have concentrated on the real objective of the ILO – bettering the lives of working people everywhere – and contributed substantially to their advancement.

In particular, I think it is worth underlining the manner in which this session of the Conference has demonstrated the continuing validity of the standard-setting and supervising functions that are at the heart of the ILO's mandate. In my group, we regard the newly adopted Convention on workers' claims in the event of insolvency as a major achievement. It offers an important means for the protection of those who are most adversely affected by the workings of market forces. As such, it can be a significant component of the social dimension that needs to be built into market-based systems. But for this to be realised it has to be ratified, and I would urge all member States to give early and positive consideration to that basic question.

The Conference has also laid the foundations for the adoption next year of further instruments that can help us prevent the type of industrial disaster of which we have been made so tragically aware in recent years. There can be no doubting the value of those standards and I venture to express the hope that all delegates will contribute actively to their completion at our next session.

Of course, the usefulness of all international labour Conventions, new and old, depends wholly on their effective application and it is that simple fact that makes the work of our Application of Standards Committee so significant. The aim of its work is to encourage and assist governments in meeting their obligations under ratified standards and it is critical to the credibility of the ILO that those governments accept its authoritative recommendations and make genuine efforts to act upon them.

In addition to its standards-related activities, the Conference has also reached substantive conclusions as a result of the general discussion on human resources development which will provide valuable guidance for the Organisation's future work in this field. Perhaps we can never be reminded too often that economic development should always be channelled to the satisfaction of human needs and welfare, and not otherwise.

Similarly, the Resolutions Committee has surpassed itself this year by presenting three texts for adoption. Each of them provides important insight and direction, in respect of enterprise development, employment development, or migrant workers' rights. They deserve to be studied carefully in each of our countries and will doubtless be the subject of detailed Governing Body attention in the near future.

The conclusions adopted concerning the fight against apartheid were, as we all know, the result of long and intensive negotiations. They show that the ILO and its constituents are, indeed, ready to walk the last mile with the oppressed people of South Africa as Nelson Mandela exhorted us to do. Every one of us looks forward to the day when there will be no need to convene the Conference Committee on Action against Apartheid. But that will only be when apartheid is finally and irrevocably abolished. Recent evens only confirm that we must not let up short of that goal.

Under your leadership, Mr. President, this session of the Conference has done its job well. That is cause for satisfaction – but not for complacency – because the tasks before the ILO are immense and the means at its disposal limited. Nevertheless, those who will, in the coming months, continue the task of assessing ways of improving the functioning of the Conference would do well to reflect on the achievements of this session. They must be sure that nothing that is of such particular and unique value in this institution is compromised in the name of short-term economy or out of desire for innovation for its own sake.

My last word is for my brothers and sisters in the Workers' group. I thank them for the honour they have done me by electing me to the vice-presidency of this session of the Conference. I have done all in my power to serve them, and you all, to the best of my capacities. I wish each of you a safe journey home.

Original – French: The SECRETARY-GENERAL – As is the case every year as the session of the conference draws to an end it will have added a number of stones to the edifice of the International Labour Organisation. Once again, the Conference carried on in a spririt of tripartism, which is at the same time its hallmark and its strength in the United Nations system.

The success of this 79th Session is very much thanks to you, Mr. President.

I should like to express our gratitude to you for it. You have placed at the service of the Conference your experience, your diplomacy and a special kind of authority, which you so discreetly used in leading our debate. I would also like to thank your Vice-Presidents who formed a remarkable team with you and who assisted you so capably.

Permit me also to thank the Chairmen, Vice-Chairmen and reporters of the Conference Committees. If we take stock of the Conference's achievements, we see quite clearly that the work which was done day after day, and in some cases even evening after evening, made it possible for us to reach an outcome of which we can be proud.

Allow me also to thank all my colleagues. In this vast ship, there are those who are on the bridge and those who are in the engine room, those who interpret, those who translate, those who print, those who distribute documents, those who try to make your life a little easier during the course of these three weeks. You may not see them, but I believe we need them all. They have all greatly appreciated the kind words you have addressed to them, as indeed have I.

Before finishing, Mr. President, I should just like to wish you, the other Officers of the Conference and each of the delegates a safe return home. May you bear with you the message of hope of the International Labour Organisation, so that it may thrive in your countries. Finally, Mr. President, it is a tradition that the Secretary-General of the Conference should hand over, on behalf of all the delegates of the Conference, the gavel which you have been using to lead our debates. I would like to give it to you as a reminder of the authority you exercised during this session of the Conference. I ask you to accept it as a token of our esteem, on behalf of all those here present.

Original – Portuguese: The PRESIDENT – During the weeks of this session of the Conference, dozens of eminent speakers have come up to this rostrum to pay well-deserved homage to the Director-General's Report *Democratisation and the ILO*. It has been called, and I am sure not just out of politeness, an excellent Report.

So far as I am concerned I would venture to describe it differently because it is one of the most brilliant reports that has been submitted in the course of the long history of the Conference. It is a remarkable document from many points of view and therefore I intend to keep it in my library in order to be able to reread it from time to time, rediscover its rich content and the different lessons it contains and consider the new paths upon which it invites us to reflect.

Indeed this is quite a remarkable text because of its fairness and the eloquence it employs to defend democratic values. The rule of law and human rights are at the heart of all the discussions we have held in this plenary. For this reason, the Report is above all a tribute to democracy and has grasped the eternal values of freedom and justice.

The Report on the other hand includes a rigorous, clear and perspicacious analysis of the vastly different contexts within which democratisation is taking place, sometimes hesitantly, being consolidated in others cases. Sometimes it is taking place with great difficulty. Elsewhere democracy goes through a process of renewal and adapts itself. Even in the oldest democracies of industrialised countries new challenges need to be faced.

For these reasons the Report is really a kind of kaleidoscope of our world. It clearly distinguishes the different situations of various kinds of economy and clearly emphasises the different priorities set by different countries of different regions (and the nuances within them) and explains the differing speeds of the democratisation processes. It wastes no time in recalling two basis truths-democratic values are universal, when it comes to freedom and justice, of course, but always are determined by the cultural characteristics of each people, and secondly, democracy is a piece of work which is never finished and consequently requires constant perserverence when building it.

The reply we have heard from the delegates on the objective of the democratisation of society is unanimous. I do not doubt the sincerity of this reply and the consensus surrounding it but now, however, at this very moment when this wind of democracy is blowing, we must not commit the fatal error of considering democratisation as being a kind of fashion which will change at the end of the season. Nor should we succumb to the fatal illusion that political democracy can exist without economic and social democracy.

I think that that concept of democracy has been understood in all of its facets. Therefore I think that there is no point in repeating the ideas that I have already been able to put forward to you in my introductory statement to this session of the Conference. These ideas were simply a modest contribution of mine to the ardent appeal for democracy launched by the Director-General's Report.

This Report opened and closed with a fundamental question as to what the ILO has to do in the future and how we can all work together for the sake of democracy and social justice. Now we have carefully listened to the statements.

There have been about 300 different speakers who spoke on the matter and we have in our memories the reply given to us by the Director-General this morning. Now I should like to make one or two further points on this issue.

Our Organisation is basically a technical one, I would go as far as saying that it cannot work effectively if we do not take into account the political context that it is working in. The problems of work, of economic development and social justice cannot be resolved outside the framework of true democracy, in the full acceptance and broadest sense of the term.

It is not for the ILO to intervene in political issues nor in institutional matters within the various political systems. However, it is certainly incumbent on the ILO to, firstly, make a specific contribution to the formation of the democratic values that lay the foundations for and encourage the growth of tripartism and social dialogue, which can take place between trade unions and employers or between both sides of industry and governments.

If tripartism is a very special aspect of this Organisation, and if social democracy is an indispensable addition to political and economic democracy, as we have often stressed, then I think that it is perfectly logical to say that the essential task before us over the coming years, the foundation that will allow us to reach gradual solutions to the immense problems we are now facing, is the cooperation that the ILO can provide in this area. Cooperation, above all, with the member States that are taking their first steps down the path towards political democracy, because they have been marked by long years of single-party systems and by the ambiguity of partisans', governmental, trade union and employers' rules. I think therefore that it is very important for them to be able to set up training programmes in democratic values and technical training programmes in the establishment of institutions and processes which will lead to social dialogue, with account begin taken of the specific characteristics of each situation. But we are not just talking about these countries. There are also other countries where democracy seems to be advancing. In these countries the challenge of transition from a centrally planned economy to a socially oriented market economy or the problems of restructuring resulting from the need to adapt the subsistence economies to alleviate the burden of public debt, or to introduce new technologies – or many other factors – make it equally indispensable for change to be based on the exchange of information and consultation, collective bargaining or tripartite concensus.

The beneficiaries of these cooperation programmes should thus be the ministries of the member States which bear social responsibility within the specific field of the ILO's mandate; but also, of course, the trade unions and employers' organisations, enterprises and cooperatives.

In this priority context of the development of healthy industrial relations, which can gradually improve working conditions or the preparation and updating of labour legislation which will guarantee the basic rights of workers, the ILO has a unique authority and unique experience. It must exercise and develop that authority and that experience. I believe that it can do so, above all, through its major programmes of activities for trade unions and employers. But it should also support the training of officials in the social ministries of member States so that they can become the first guarantors of the independence of each party and promote dialogue with trade union and employers' representatives in a relationship which is no longer based on the confrontation of interests and the divergence of positions. If it is not always possible to achieve consensus, at least there should be a better mutual understanding of the arguments advanced by both sides.

If I insist on this aspect of the democratisation of occupational relations and tripartite consensus, it is because I believe that the other major and noble objectives which have been defined as priorities for the coming years will be difficult to achieve without the joint efforts of governments, trade unions, employers' organisations and other free institutions which are now emerging from civil society and whose legitimate objectives also concern the achievement of this democratisation.

I have to pay tribute to the Governing Body of the ILO for the report which its Chairman, Mr. Chotard, has submitted to the plenary and which clearly sets forth the reasons for the choice of the other two priorities, namely the fight against poverty and the better protection of workers.

These will, indeed, require the preparation and implementation of programmes for employment promotion, vocational training, social security, human resources development, improved occupational safety and health, the protection of migrants, the fight against discrimination and the exploitation of child labour.

But is it not also true that all these questions are inter-related and should not therefore be looked at and dealt with on an isolated basis? This seems to me obvious. If we look at the problem of structural readjustment in enterprises or sectors of activity, we can understand very clearly the need to give a coherent and integrated basis to cooperation programmes.

The health of enterprises and economies often makes it necessary to suppress or transform workplaces, retrain workers with out-of-date skills, and change antiquated management methods. If we adopt a purely technocratic approach or solutions which are exclusively economic, not only will we run the risk of not solving the problems caused by these indispensable changes but we may also create more poverty, more unemployment and more social marginalisation. These are always the seeds of violence. And violence, whatever its cause, undermines political democracy, is an obstacles to economic democracy and destroys social democracy.

It is therefore essential for technical cooperation projects to be concluded in consultation with each member State on the basis of an internal dialogue between the respective governments, trade unions and employers' organisations. And it is equally important for these programmes to encompass a comprehensive vision of social and economic questions, within each cultural and political context; they must be formulated at the appropriate moment, promoted in a multi-disciplinary manner and are accompanied in the field with flexibility and the necessary capacity to adapt and make changes as the occasion arises.

It is not difficult to see that all this will lead to a very complex set of relationships. This is why it is important for these to be well-conceived and applied between the various governmental departments in each State, between these departments and the social partners and between the social partners and other social institutions – such as schools, parents' associations, cooperatives, environmental organisations, consumers' organisations, etc. When we turn, for example, to occupational training programmes we must not separate them from the structure of the official or private education of systems existing in each country. In the same way the fight against child labour should not be separated from the creation of productive and economic employment enabling workers to support their families with dignity and their children to enjoy the elementary right to education.

This increasingly close connection between economic, financial, social, educational, environmental and many other problems requires an overall vision which highlights their interdependence.

This basically is the reason why the ILO, which has always been at the forefront when fighting for social justice, must continue to lead this struggle. The Organisation has to readjust its methods of functioning, to get to the heart of each specific situation and make its organisational structures flexible enough to further enrich the field within which it works so that it can better meet the needs of its various constituents, with increasing speed and credibility.

These changes presuppose the training and motivation of its own officials who are the strength, the image and the voice of ILO technical cooperation. This means that there has to be an appropriate strategy for developing human resources within the Organisation. I have no doubt that this will be achieved and gradually put into practice.

I have already had an opportunity to describe this 79th Session of the International Labour Conference as one of tranquility and efficiency. There are excellent reasons to congratulate the delegates for that. Tranquility does not mean inaction or conformity. It is, on the contrary, a climate of tranquillity which facilitates serious reflection and in which activities are planned in a rational manner and effective results are achieved.

The proof of this is the very fruitful debates on the Reports of the Director-General and the Governing Body which have taken place in the plenary.

Proof is also found in the excellent work produced by the committees and in the adoption of the new Convention concerning the protection of workers' claims in the event of the insolvency of their employer, with its Recommendation. I should like to pay tribute to all of the chairmen and vice-chairmen and the members of the committees and the representatives of the Secretary-General in these committees, because they have all fully participated in the prestigious work that has taken place.

Proof can also be found in the dispassionate atmosphere in which the special sitting on the situation of the workers in the occupied Arab territories took place and also the debates on apartheid, which were always difficult but disciplined and for which the timetables were always respected.

And, finally, what better proof than the note worthy but difficult-to-resume statement made by President Chiluba who honoured us with his presence at the Conference?

So, a Conference therefore of tranquility, but also a Conference of efficiency, efficiency which is due to you all, beginning with the Vice-Presidents of the Conference, who have given me such firm support, then the delegates, the technical advisers, our illustrious Secretary-General and his senior colleagues and the huge number of anonymous of officials who have devoted themselves at all times of day and night to ensure that everthing should work effectively and rapidly. I should like to express my deep gratitude to all of you, not forgetting the Portuguese-language interpreters who were used for the first time at this session of the Conference, both in plenary and in the committees, to the justifiable satisfaction of those of us representing the seven Portuguese-speaking countries.

May I express my particular thanks also to the Chairman and Vice-Chairmen of the Selection Committee for the new and effective procedure which was inaugurated this year? This system has proved highly efficient and has allowed us to avoid long meetings.

So, we have come to the very last minutes of this Conference. The President passes on, the Conference will continue next year. What shall I say at this last moment?

When I spoke at the opening sitting, I did not hide the major concerns that weigh on us all. Consequently, our response to the problems of social justice, whether old or new, cannot be utopian, which would lead us to disaster. Nor can we allow ourselves to be deluded by some kind of mirage to believe that tomorrow we shall be living in a better world. We must be realistic, pragmatic, combative but lucid, in the eternal fight for human society.

Yet, precisely because we are human beings and not gods, and precisely because we are human beings and not working machines, we have a soul.

Allow me, then, to end my final message by quoting a line from a singer of my country that says "when a man dreams, the world advances".

I should like to wish all of you an excellent journey home to your respective countries.

I now solemnly declare the 79th Session of the International Labour Conference closed.

(The Conference adjourned sine die at 4.30 p.m.)

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Corrigenda

Provisional Record No.	Page	
7	1	Left-hand column, 2nd paragraph, lines 5-7 should read: “... representatives of Estonia, Latvia, Lithuania, the Republic of Korea, Azerbaijan, Kyrgyzstan, Slovenia and Viet Nam.”
	9	Left-hand column, letter from the presidency of the European Communities: in the 5th line replace “constitutes” by “continues”.
	Annex	List of accredited delegates and advisers: Mauritius: one Government adviser (not 4).
8	20	Right-hand column, 3rd paragraph: The name of the Employers' delegate of Malaysia should read: Mr. MOKHZANI.
10	8	Right-hand column, first full paragraph. The first two sentences should read: “Slightly more than half a year ago, on 1 December 1991, the people of Ukraine confirmed a previously adopted parliamentary Act proclaiming the country's independence by means of a referendum. An overwhelming majority – more than 90 per cent – voted in favour.”
	9	Left-hand column, 3rd full paragraph: Last sentence should begin: “In addition, employers' structures are being formed, new trade union associations...”; 5th full paragraph, in third and fourth lines read: “...require tremendous efforts and the combined and task-oriented work of government, employers, workers...”.
10	26	Left-hand column, 8th full paragraph: first sentence should end: “...as a result of eight years of imposed war”. Right-hand column, 3rd line, sentence should end: “...the regime occupying the Quds”.
12	1	Left-hand column, top of page. The reference to the admission of a new member State should, of course, be to Moldova not Moldavia.
12	30	Right-hand column. The speech beginning near top of page should read: “*Original – Vietnamese:* Mr. TRAN DINH HOAN *(Minister of Labour, Invalids and Social Affairs, Viet Nam)*”.
	32	Right-hand column, eight lines from bottom of page, replace 60,000 by 600,000.
	33	Left-hand column, 2nd full paragraph: replace “per cent” by “times” after the figures.
14	4	Left-hand column: The designation of Mr. BUNNAG should read “*(Government delegate, Thailand)*”.
	11	Right-hand column, 2nd full paragraph, should begin “I must state, in no uncertain terms, that the Fiji Trades Union Congress rejects the labour reforms in their entirety as it believes...”.
	11 and 12	Sentence beginning on the bottom line of page 11 should read “From my personal status as a son of the two principal communities in Fiji, I can attest to the intensity of the feelings over the 1990 Constitution.” The last sentence in that paragraph should read: “International labour standards and references in the Director-General's Report – in particular those relating to human rights, indigenous people and trade union rights – should be a major reference in any dialogue on the Constitution.”
15	2	Right-hand column, as from the last sentence in the 3rd full paragraph, the following two paragraphs should read: “Such a result brings me a feeling of certain satisfaction. The more it was not only an honour and pleasure for me to chair the committee but it also honoured, after nearly 20 years, my country to have such a possibility in one of the International Labour Conference committees. It seems that the process of further improvement and simplification of the ILO procedures is not only desirable but also possible and – if well prepared – even widely acceptable. This is very encouraging for the future.”
15	10	Left-hand column, 4th full paragraph, last line: for “Slovakia” read “Slovenia”.
	26	Left-hand column, 1st full paragraph, 2nd line: for “drive” read “triumph”; 4th full paragraph, after “Malta Labour Party” add “which had existed since May 1978”.
	27	Left-hand column, 2nd full paragraph, should begin: “Democracy is a fragile plant which must be nurtured in a climate of the widest possible consensus.”
	34	Right-hand column: After the name Mrs. DE VITS read “*(Workers' substitute delegate, Belgium)*” instead of “*(Workers' delegate, Belgium)*”. Since the Workers' delegate of Belgium had already spoken in plenary on the subject of the Director-General's Report, it was by mistake that Mrs. de Wits was given the floor.

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15	35	Right-hand column, 5th paragraph. Mr. Sandrasekera's speech should begin: "First of all I would like to convey to the Conference fraternal greetings from my own organisation, the Ceylon Workers' Congress, which represents the workers of Sri Lanka".
	36	Left-hand column, last paragraph, should begin: "My union… whose President is Bro. Thondaman". Right-hand column, 1st full paragraph, line 7: for "administration" read "ownership"; last paragraph, line 1: for "actions" read "activities".
16	10	Left-hand column. The speaker's name should be spelt Mr. GRIPPO.
17	17	Left-hand column. The speaker's name should read Mr. SAID ALI MOHAMED.
19	19	Right-hand column, 5th full paragraph: in penultimate line for "malicious" read "mendacious"; the 7th full paragraph should read: "The State Law and Order Restoration Council will be meeting the representatives-elect of the Pyithu Hluttaw on the 23rd of this month to coordinate with the representatives for convening a National Convention to draft a new Constitution to establish a multi-party democratic system based on democratic principles." In the 8th full paragraph, last line, insert "human" between "fundamental" and "rights".
22	10	Left-hand column, 1st full paragraph, 2nd sentence should begin: "I am proud to say that although we were not only able to uphold the cardinal principles…"; 5th full paragraph should end: "…we have got to a point where we are not able to help ourselves".
	25	Right-hand column, speech by Mr. Agaguseinov: the speaker's name should be preceded by "*Original – Azeri*".
	26	Left-hand column, 2nd full paragraph, line 7: after "education" insert: "In the 20th century we have witnessed a policy of genocide against the Azerbaijanis in total disregard of the International Covenants on Human Rights." Right-hand column, at the end of Mr. Agaguseinov's speech, add the following four paragraphs: "In nominal terms, household income has risen. However, these increases have quickly been outstripped by rises in the cost of living. A social protection concept is currently being drawn up by the Republic's Government. This work has highlighted a number of deficiencies in the social standards of our Republic and the specific situation it now faces. It is therefore extremely important first and foremost to earmark a minimum budget for social programmes, taking into account the various social and demographic groups. Of course, we know that the new concept should not mean that everyone receives an equal share from the distribution system and from social benefits. It is thus important that we make as extensive use as possible of international experience by adapting it to our country's specific case. Our job now is to derive legislative and economic principles to set the parameters of our social protection system. Before concluding I would like to emphasise that one of the most difficult tasks facing the trade unions will be to earn the trust of the workers. Already, existing trade unions are introducing reforms, and new trade unions have been established. We believe it is essential to guarantee freedom of association if the trade union movement is to develop. Thanks to the right of legislative initiative, we have brought before the Supreme Council a draft law which guarantees freedom of association, including certain basic rights of workers, such as the right to strike. We shall make every effort to see this law through the adoption process, as it establishes the conditions required for the development of a democratically based trade union movement. I should like to make one last remark before concluding. Mr. Hansenne has quite rightly noted that no sooner is political freedom established than the population feels more destitute than ever, since reactionary forces made use of their poverty for their own ends. I call on the International Labour Organisation to do everything possible to assist the countries that recently shed totalitarianism, so as to avoid a rebirth of dictatorship."
23	19	Right-hand column, 4th and 6th full paragraphs. The acronym of the Southern African Trade Union Coordination Council was mistakenly indicated as SATU instead of SATUCC.
	22	Right-hand column, 5th full paragraph, 2nd sentence should read: "The union associations and movements promoting human rights and peace are, with the Churches, the architects of a climate of confidence in South Africa."
24	1	Paragraph 3, line 4, the name of the Employers' member (France) should read Mr. G. SIMONNET.
	5	Paragraph 47, line 11, replace "remarked" by "stated".
	9	Paragraph 94, line 16, after "technology", replace "of" by "or".
	14	Point 28 (2), 2nd line, for "subpoint (1)" read "point 28 (1)".

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2 Paragraph 8, line 11. As from the 4th sentence, read: "The Office considered that it was the Conference rather than the Office that should amend the texts adopted during the previous discussion. Nevertheless, the Office thought it was its duty to bring to the attention of the member States and the Conference..."

Paragraph 13 should begin: "The Government member of the United States stated...".

7 Paragraph 64, line 6. The 3rd sentence should read: "In reply to this request, a member of the Secretariat explained that the first paragraph of Article 3 offered member States the possibility of applying Part II or Part III or both Parts."

9 Paragraph 92, line 2: delete the word "whereas".

11 Paragraph 114, line 9: for "international" read "intentional".

12 Paragraph 124, line 5: after "Government" insert "member".

15 Paragraph 151. Second sentence should read: "The difference between this modest sum and the rest of his or her claim would then be granted a rank of privilege lower than that of the State or the social security system but higher than that of other privileges."

16 Paragraph 169, line 5: for "developed countries" read "developing countries".

19 Paragraph 205. The 3rd sentence should read: "If the Convention were to impose obligations that were too great...".

Paragraph 207, line 7: insert the word "severance" before "pay".

29 Paragraph 335, line 9: insert the word "banks" after "largest".

32 Paragraph 363. Insert Italy after Ireland.

39 The title of Part III of the proposed Recommendation should read: "Protection of workers' claims by a guarantee institution".

22 *Lebanon:* the last paragraph should read: "The Committee took note of the information supplied by the Government representative which referred to the exceptional circumstances existing in the country".

2 Paragraph 9: the number of votes cast for the first two resolutions should read 559,226 and 346,544 respectively.

1 Right-hand column. At the end of the footnote add: "See also ILO: *Human resources development: Vocational guidance and training, Paid educational leave,* Report III (Part 4 B), International Labour Conference, 78th Session, 1991.

16 Left-hand column. The penultimate paragraph of Mr. Wakaki's speech should read as follows: "However, *at least* Part II of the Convention contains provisions that cannot be met by our national legislation; thus it is unlikely that we will ratify it."

AUTHENTIC TEXTS OF INSTRUMENTS ADOPTED BY THE CONFERENCE

CONVENTION CONCERNING THE PROTECTION OF WORKERS' CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 79th Session on 3 June 1992, and

Stressing the importance of the protection of workers' claims in the event of the insolvency of their employer and recalling the provisions on this subject in Article 11 of the Protection of Wages Convention, 1949, and Article 11 of the Workmen's Compensation (Accidents) Convention, 1925, and

Noting that, since the adoption of the Protection of Wages Convention, 1949, greater value has been placed on the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment, and

Noting that since the adoption of the aforementioned standards, significant developments have taken place in the law and practice of many Members which have improved the protection of workers' claims in the event of insolvency of their employer, and considering that it would be timely for the Conference to adopt new standards on the subject of workers' claims, and

Having decided upon the adoption of certain proposals with regard to the protection of workers' claims in the event of the insolvency of their employer, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this twenty-third day of June of the year one thousand nine hundred and ninety-two the following Convention, which may be cited as the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992.

PART I. GENERAL PROVISIONS

Article 1

1. For the purposes of this Convention, the term "insolvency" refers to situations in which, in accordance with national law and practice, proceedings have been opened relating to an employer's assets with a view to the collective reimbursement of its creditors.

2. For the purposes of this Convention, a Member may extend the term "insolvency" to other situations in which workers' claims cannot be paid by reason of the financial situation of the employer, for example where the amount of the employer's assets is recognised as being insufficient to justify the opening of insolvency proceedings.

3. The extent to which an employer's assets are subject to the proceedings referred to in paragraph 1 above shall be determined by national laws, regulations or practice.

Article 2

The provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice.

Article 3

1. A Member which ratifies this Convention shall accept either the obligations of Part II, providing for the protection of workers' claims by means of a privilege, or the obligations of Part III, providing for the protection of workers' claims by a

CONVENTION CONCERNANT LA PROTECTION DES CRÉANCES DES TRAVAILLEURS EN CAS D'INSOLVABILITÉ DE LEUR EMPLOYEUR

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 3 juin 1992 en sa soixante-dix-neuvième session;

Soulignant l'importance de la protection des créances des travailleurs en cas d'insolvabilité de leur employeur et rappelant les dispositions y relatives de l'article 11 de la convention sur la protection du salaire, 1949, et de l'article 11 de la convention sur la réparation des accidents du travail, 1925;

Notant que, depuis l'adoption de la convention sur la protection du salaire, 1949, une plus grande importance a été accordée au redressement des entreprises insolvables et que, compte tenu des conséquences sociales et économiques de l'insolvabilité, des efforts devraient être faits autant que possible pour redresser les entreprises et sauvegarder l'emploi;

Notant que, depuis l'adoption desdites normes, d'importants développements ont eu lieu dans la législation et la pratique de nombreux Membres dans le sens d'une amélioration de la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, et considérant qu'il serait opportun que la Conférence adopte de nouvelles normes relatives aux créances des travailleurs;

Après avoir décidé d'adopter diverses propositions relatives à la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, question qui constitue le quatrième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une convention internationale,

adopte, ce vingt-troisième jour de juin mil neuf cent quatre-vingt-douze, la convention ci-après, qui sera dénommée Convention sur la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, 1992.

PARTIE I. DISPOSITIONS GÉNÉRALES

Article 1

1. Aux fins de la présente convention, le terme «insolvabilité» désigne les situations où, en conformité avec la législation et la pratique nationales, une procédure portant sur les actifs d'un employeur et tendant à rembourser collectivement ses créanciers a été ouverte.

2. Aux fins de la présente convention, tout Membre peut étendre le terme «insolvabilité» à d'autres situations où les créances des travailleurs ne peuvent être payées en raison de la situation financière de l'employeur, par exemple lorsque le montant des actifs de l'employeur est reconnu comme étant insuffisant pour justifier l'ouverture d'une procédure d'insolvabilité.

3. La mesure dans laquelle les actifs d'un employeur sont assujettis aux procédures mentionnées au paragraphe 1 sera déterminée par la législation ou la pratique nationale.

Article 2

Les dispositions de la présente convention doivent être appliquées par voie de législation ou par tous autres moyens conformes à la pratique nationale.

Article 3

1. Tout Membre qui ratifie la présente convention doit accepter soit les obligations de la partie II, prévoyant la protection des créances des travailleurs au moyen d'un privilège, soit les obligations de la partie III, prévoyant la protection

guarantee institution, or the obligations of both Parts. This choice shall be indicated in a declaration accompanying its ratification.

2. A Member which has initially accepted only Part II or only Part III of this Convention may thereafter, by a declaration communicated to the Director-General of the International Labour Office, extend its acceptance to the other Part.

3. A Member which accepts the obligations of both Parts of this Convention may, after consulting the most representative organisations of employers and workers, limit the application of Part III to certain categories of workers and to certain branches of economic activity. Such limitations shall be specified in the declaration of acceptance.

4. A Member which has limited its acceptance of the obligations of Part III in accordance with paragraph 3 above shall, in its first report under article 22 of the Constitution of the International Labour Organisation, give the reasons for limiting its acceptance. In subsequent reports it shall provide information on any extension of the protection under Part III of this Convention to other categories of workers or other branches of economic activity.

5. A Member which has accepted the obligations of Parts II and III of this Convention may, after consulting the most representative organisations of employers and workers, exclude from the application of Part II those claims which are protected pursuant to Part III.

6. Acceptance by a Member of the obligations of Part II of this Convention shall *ipso jure* involve the termination of its obligations under Article 11 of the Protection of Wages Convention, 1949.

7. A Member which has accepted only the obligations of Part III of this Convention may, by a declaration communicated to the Director-General of the International Labour Office, terminate its obligations under Article 11 of the Protection of Wages Convention, 1949, in respect of those claims which are protected pursuant to Part III.

Article 4

1. Subject to the exceptions provided for in paragraph 2 below, and to any limitations specified in accordance with Article 3, paragraph 3, this Convention shall apply to all employees and to all branches of economic activity.

2. The competent authority, after consulting the most representative organisations of employers and workers, may exclude from Part II, Part III or both Parts of this Convention specific categories of workers, in particular public employees, by reason of the particular nature of their employment relationship, or if there are other types of guarantee affording them protection equivalent to that provided by the Convention.

3. A Member availing itself of the exceptions provided for in paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organisation, provide information on such exceptions, giving the reasons therefor.

PART II. PROTECTION OF WORKERS' CLAIMS BY MEANS OF A PRIVILEGE

PROTECTED CLAIMS

Article 5

In the event of an employer's insolvency, workers' claims arising out of their employment shall be protected by a privilege so that they are paid out of the assets of the insolvent employer before non-privileged creditors can be paid their share.

des créances des travailleurs par une institution de garantie, soit les obligations des parties II et III. Ce choix doit être indiqué dans une déclaration accompagnant la ratification.

2. Tout Membre qui n'a accepté initialement que les obligations de la partie II ou de la partie III de la présente convention peut, par la suite, par une déclaration communiquée au Directeur général du Bureau international du Travail, étendre son acceptation à l'autre partie.

3. Tout Membre qui accepte les obligations des deux parties de la présente convention peut, après consultation des organisations d'employeurs et de travailleurs les plus représentatives, limiter l'application de la partie III à certaines catégories de travailleurs et à certaines branches d'activité économique; cette limitation doit être spécifiée dans la déclaration d'acceptation.

4. Tout Membre ayant limité son acceptation des obligations de la partie III conformément au paragraphe précédent doit, dans le premier rapport qu'il soumet conformément à l'article 22 de la Constitution de l'Organisation internationale du Travail, donner les raisons pour lesquelles il a limité son acceptation. Dans les rapports ultérieurs, il devra fournir des informations relatives à l'extension éventuelle de la protection résultant de la partie III de la convention à d'autres catégories de travailleurs ou à d'autres branches d'activité économique.

5. Tout Membre qui a accepté les obligations des parties II et III de la présente convention peut, après consultation des organisations d'employeurs et de travailleurs les plus représentatives, exclure de l'application de la partie II les créances protégées en vertu de la partie III.

6. L'acceptation par un Membre des obligations de la partie II de la présente convention met fin de plein droit aux obligations découlant pour lui de l'article 11 de la convention sur la protection du salaire, 1949.

7. Tout Membre qui n'a accepté que les obligations de la partie III de la présente convention peut, par une déclaration communiquée au Directeur général du Bureau international du Travail, mettre fin aux obligations découlant pour lui de l'article 11 de la convention sur la protection du salaire, 1949, pour ce qui est des créances protégées en vertu de la partie III.

Article 4

1. Sous réserve des exceptions prévues au paragraphe suivant et, le cas échéant, des limitations introduites conformément à l'article 3, paragraphe 3, la présente convention s'applique à tous les travailleurs salariés et à toutes les branches d'activité économique.

2. L'autorité compétente peut, après consultation des organisations d'employeurs et de travailleurs les plus représentatives, exclure de la partie II ou de la partie III, ou des deux parties, de la présente convention, des catégories déterminées de travailleurs, en particulier les agents publics, en raison de la nature particulière de leur relation d'emploi, ou s'il existe d'autres garanties qui leur offrent une protection équivalant à celle résultant de la convention.

3. Tout Membre qui se prévaut des exceptions prévues au paragraphe précédent doit, dans ses rapports au titre de l'article 22 de la Constitution de l'Organisation internationale du Travail, fournir des informations sur ces exceptions et en donner les raisons.

Partie II. Protection des créances des travailleurs au moyen d'un privilège

CRÉANCES PROTÉGÉES

Article 5

En cas d'insolvabilité d'un employeur, les créances des travailleurs au titre de leur emploi doivent être protégées par un privilège, de sorte qu'elles soient payées sur les actifs de l'employeur insolvable avant que les créanciers non privilégiés puissent se faire payer leur quote-part.

Article 6

The privilege shall cover at least:

(a) the workers' claims for wages relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment;

(b) the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;

(c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment; and

(d) severance pay due to workers upon termination of their employment.

LIMITATIONS

Article 7

1. National laws or regulations may limit the protection by privilege of workers' claims to a prescribed amount, which shall not be below a socially acceptable level.

2. Where the privilege afforded to workers' claims is so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

RANK OF PRIVILEGE

Article 8

1. National laws or regulations shall give workers' claims a higher rank of privilege than most other privileged claims, and in particular those of the State and the social security system.

2. However, where workers' claims are protected by a guarantee institution in accordance with Part III of this Convention, the claims so protected may be given a lower rank of privilege than those of the State and the social security system.

PART III. PROTECTION OF WORKERS' CLAIMS BY A GUARANTEE INSTITUTION

GENERAL PRINCIPLES

Article 9

The payment of workers' claims against their employer arising out of their employment shall be guaranteed through a guarantee institution when payment cannot be made by the employer because of insolvency.

Article 10

In giving effect to this Part of the Convention, a Member may, after consulting the most representative organisations of employers and workers, adopt appropriate measures for the purpose of preventing possible abuse.

Article 11

1. The organisation, management, operation and financing of wage guarantee institutions shall be determined pursuant to Article 2.

Article 6

Le privilège doit porter au moins sur les créances des travailleurs:

a) au titre des salaires afférents à une période déterminée, qui ne doit pas être inférieure à trois mois, précédant l'insolvabilité ou la cessation de la relation d'emploi;

b) au titre des congés payés dus en raison du travail effectué dans le courant de l'année dans laquelle est survenue l'insolvabilité ou la cessation de la relation d'emploi, ainsi que dans l'année précédente;

c) au titre des montants dus pour d'autres absences rémunérées afférentes à une période déterminée, qui ne doit pas être inférieure à trois mois, précédant l'insolvabilité ou la cessation de la relation d'emploi, et

d) au titre d'indemnités de départ qui sont dues aux travailleurs à l'occasion de la cessation de la relation d'emploi.

LIMITATIONS

Article 7

1. La législation nationale peut limiter l'étendue du privilège des créances des travailleurs à un montant prescrit qui ne doit pas être inférieur à un seuil socialement acceptable.

2. Lorsque le privilège des créances des travailleurs est ainsi limité, ce montant doit être ajusté en tant que de besoin pour en maintenir la valeur.

RANG DU PRIVILÈGE

Article 8

1. La législation nationale doit placer les créances des travailleurs à un rang de privilège plus élevé que la plupart des autres créances privilégiées, et en particulier celles de l'Etat et de la sécurité sociale.

2. Toutefois, lorsque les créances des travailleurs sont protégées par une institution de garantie conformément à la partie III de la présente convention, les créances ainsi protégées peuvent être placées à un rang de privilège moins élevé que celles de l'Etat et de la sécurité sociale.

PARTIE III. PROTECTION DES CRÉANCES DES TRAVAILLEURS PAR UNE INSTITUTION DE GARANTIE

PRINCIPES GÉNÉRAUX

Article 9

Le paiement des créances des travailleurs à l'égard de leur employeur, au titre de leur emploi, doit être garanti par l'intermédiaire d'une institution de garantie lorsqu'il ne peut être effectué par l'employeur en raison de son insolvabilité.

Article 10

Dans la mise en œuvre de la présente partie de la convention, tout Membre peut, après consultation des organisations d'employeurs et de travailleurs les plus représentatives, adopter les mesures appropriées pour éviter les abus possibles.

Article 11

1. Les modalités d'organisation, de gestion, de fonctionnement et de financement des institutions de garantie doivent être déterminées conformément à l'article 2.

2. The preceding paragraph shall not prevent a Member, in accordance with its particular characteristics and needs, from allowing insurance companies to provide the protection referred to in Article 9, as long as they offer sufficient guarantees.

CLAIMS PROTECTED BY A GUARANTEE INSTITUTION

Article 12

The workers' claims protected pursuant to this Part of the Convention shall include at least:

(a) the workers' claims for wages relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of the employment;

(b) the workers' claims for holiday pay due as a result of work performed during a prescribed period, which shall not be less than six months, prior to the insolvency or prior to the termination of the employment;

(c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of employment; and

(d) severance pay due to workers upon termination of their employment.

Article 13

1. Claims protected pursuant to this Part of the Convention may be limited to a prescribed amount, which shall not be below a socially acceptable level.

2. Where the claims protected are so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

FINAL PROVISIONS

Article 14

This Convention revises the Protection of Wages Convention, 1949, to the extent provided for in Article 3, paragraphs 6 and 7 above, but does not close that Convention to further ratifications.

Article 15

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 16

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Le paragraphe précédent n'empêche pas un Membre, conformément à ses caractéristiques et ses besoins, de permettre à des compagnies d'assurance de fournir la protection visée à l'article 9, pourvu qu'elles présentent les garanties suffisantes.

CRÉANCES PROTÉGÉES PAR UNE INSTITUTION DE GARANTIE

Article 12

Les créances des travailleurs protégées en vertu de la présente partie de la convention doivent comprendre au moins:

a) les créances au titre des salaires afférents à une période déterminée, qui ne doit pas être inférieure à huit semaines, précédant l'insolvabilité ou la cessation de la relation d'emploi;

b) les créances au titre des congés payés dus en raison du travail effectué pendant une période déterminée, qui ne doit pas être inférieure à six mois, précédant l'insolvabilité ou la cessation de la relation d'emploi;

c) les créances au titre des montants dus pour d'autres absences rémunérées afférentes à une période déterminée, qui ne doit pas être inférieure à huit semaines, précédant l'insolvabilité ou la cessation de la relation d'emploi, et

d) les indemnités de départ dues aux travailleurs à l'occasion de la cessation de leur relation d'emploi.

Article 13

1. Les créances des travailleurs protégées en vertu de la présente partie de la convention peuvent être limitées à un montant prescrit qui ne doit pas être inférieur à un seuil socialement acceptable.

2. Lorsque les créances protégées sont ainsi limitées, ce montant doit être ajusté en tant que de besoin pour en maintenir la valeur.

DISPOSITIONS FINALES

Article 14

La présente convention révise, dans la mesure spécifiée à l'article 3, paragraphes 6 et 7 ci-dessus, la convention sur la protection du salaire, 1949, qui reste cependant ouverte à la ratification des Membres.

Article 15

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 16

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 17

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 20

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides–

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

The English and French versions of the text of this Convention are equally authoritative.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 18

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations qui lui seront communiquées par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 19

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 20

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 21

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention n'en dispose autrement:

a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 17 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;

b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 22

Les versions française et anglaise du texte de la présente convention font également foi.

Recommendation 180

RECOMMENDATION CONCERNING THE PROTECTION OF WORKERS' CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 79th Session on 3 June 1992, and

Stressing the importance of the protection of workers' claims in the event of the insolvency of their employer and recalling the provisions on this subject in Article 11 of the Protection of Wages Convention, 1949, and Article 11 of the Workmen's Compensation (Accidents) Convention, 1925, and

Noting that, since the adoption of the Protection of Wages Convention, 1949, greater value has been given to the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment, and

Noting that since the adoption of the aforementioned standards, significant developments have taken place in the law and practice of many Members which have improved the protection of workers' claims in the event of the insolvency of their employer, and considering that it would be timely for the Conference to adopt new standards on the subject of workers' claims, and

Recognising that guarantee institutions, if properly designed, afford greater protection of workers' claims, and

Having decided upon the adoption of certain proposals with regard to the protection of workers' claims in the event of the insolvency of their employer, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992;

adopts this twenty-third day of June of the year one thousand nine hundred and ninety-two the following Recommendation, which may be cited as the Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992.

I. DEFINITIONS AND METHODS OF APPLICATION

1. (1) For the purposes of this Recommendation, the term "insolvency" refers to situations in which, in accordance with national law and practice, proceedings have been opened relating to an employer's assets with a view to the collective reimbursement of its creditors.

(2) For the purposes of this Recommendation, Members may extend the term "insolvency" to other situations in which workers' claims cannot be paid by reason of the financial situation of the employer, and in particular to the following:

(a) where the enterprise has closed down or ceased its activities or is voluntarily wound up;

(b) where the amount of the employer's assets is insufficient to justify the opening of insolvency proceedings;

(c) where, in the course of proceedings to recover a worker's claim arising out of employment, it is found that the employer has no assets or that these are insufficient to pay the debt in question;

(d) where the employer has died and his or her assets have been placed in the hands of an administrator and the amounts due cannot be paid out of the estate.

(3) The extent to which an employer's assets are subject to the proceedings referred to in subparagraph (1) should be determined by national laws, regulations or practice.

RECOMMANDATION CONCERNANT LA PROTECTION DES CRÉANCES DES TRAVAILLEURS EN CAS D'INSOLVABILITÉ DE LEUR EMPLOYEUR

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 3 juin 1992, en sa soixante-dix-neuvième session;

Soulignant l'importance de la protection des créances des travailleurs en cas d'insolvabilité de leur employeur et rappelant les dispositions y relatives de l'article 11 de la convention sur la protection du salaire, 1949, et de l'article 11 de la convention sur la réparation des accidents du travail, 1925;

Notant que, depuis l'adoption de la convention sur la protection du salaire, 1949, une plus grande importance a été accordée au redressement des entreprises insolvables et que, compte tenu des conséquences sociales et économiques de l'insolvabilité, des efforts devraient être faits autant que possible pour redresser les entreprises et sauvegarder l'emploi;

Notant que, depuis l'adoption desdites normes, d'importants développements ont eu lieu dans la législation et la pratique de nombreux Membres dans le sens d'une amélioration de la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, et considérant qu'il serait opportun que la Conférence adopte de nouvelles normes relatives aux créances des travailleurs;

Reconnaissant que des institutions de garantie, si elles sont correctement conçues, offrent une protection plus large aux créances des travailleurs;

Après avoir décidé d'adopter diverses propositions relatives à la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, question qui constitue le quatrième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une recommandation complétant la convention sur la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, 1992,

adopte, ce vingt-troisième jour de juin 1992, la recommandation ci-après, qui sera dénommée Recommandation sur la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, 1992.

I. DÉFINITIONS ET MÉTHODES D'APPLICATION

1. (1) Aux fins de la présente recommandation, le terme «insolvabilité» désigne les situations où, en conformité avec la législation et la pratique nationales, une procédure portant sur les actifs d'un employeur et tendant à rembourser collectivement ses créanciers a été ouverte.

(2) Aux fins de la présente recommandation, les Membres peuvent étendre le terme «insolvabilité» à d'autres situations où les créances des travailleurs ne peuvent être payées en raison de la situation financière de l'employeur, notamment:

a) lorsque l'entreprise est fermée ou que ses activités ont cessé, ou qu'elle est liquidée volontairement;

b) lorsque le montant des actifs de l'employeur est insuffisant pour justifier l'ouverture d'une procédure d'insolvabilité;

c) lorsque la créance d'un travailleur, au titre de son emploi, est en instance de recouvrement et qu'il est constaté que l'employeur n'a pas d'actifs ou que ceux-ci sont insuffisants pour acquitter la dette en question;

d) lorsque l'employeur est décédé, que son patrimoine a été remis à un administrateur et que les montants dus ne peuvent être payés au moyen de l'actif successoral.

(3) La mesure dans laquelle les actifs d'un employeur sont sujets au sous-paragraphe (1) devrait être déterminée par la législation ou la pratique nationale.

2. The provisions of this Recommendation may be applied by means of laws or regulations or by any other means consistent with national practice.

II. PROTECTION OF WORKERS' CLAIMS BY MEANS OF A PRIVILEGE

PROTECTED CLAIMS

3. (1) The protection afforded by a privilege should cover the following claims:

(a) wages, overtime pay, commissions and other forms of remuneration relating to work performed during a prescribed period prior to the insolvency or prior to termination of the employment. This period should be fixed by national laws or regulations and should not be less than 12 months;

(b) holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;

(c) amounts due in respect of other types of paid absence, end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescribed period, which should not be less than 12 months, prior to the insolvency or prior to the termination of the employment;

(d) payments due in lieu of notice of termination of employment;

(e) severance pay, compensation for unfair dismissal and other payments due to workers upon termination of their employment;

(f) compensation payable directly by the employer in respect of occupational accidents and diseases.

(2) The protection afforded by a privilege might cover the following claims:

(a) contributions due in respect of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(b) contributions due in respect of private, occupational, inter-occupational or enterprise social protection schemes independent of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(c) benefits to which the workers were entitled prior to the insolvency by virtue of their participation in enterprise social protection schemes and which are payable by the employer.

(3) Claims enumerated in subparagraphs (1) and (2) that have been awarded to a worker through an adjudication or arbitration within 12 months prior to the insolvency should be covered by the privilege regardless of the time-limits specified in those subparagraphs.

LIMITATIONS

4. Where the amount of the claim protected by a privilege is limited by national laws or regulations, in order that this amount should not fall below a socially acceptable level it should take into account variables such as the minimum wage, the part of the wage which is unattachable, the wage on which social security contributions are based or the average wage in industry.

2. Les dispositions de la présente recommandation peuvent être appliquées par voie de législation ou par tous autres moyens conformes à la pratique nationale.

II. PROTECTION DES CRÉANCES DES TRAVAILLEURS AU MOYEN D'UN PRIVILÈGE

CRÉANCES PROTÉGÉES

3. (1) La protection conférée par un privilège devrait couvrir les créances suivantes:

a) les salaires, primes d'heures supplémentaires, commissions et autres formes de rétribution, au titre du travail effectué au cours d'une période déterminée précédant l'insolvabilité ou la cessation de la relation d'emploi; cette période devrait être fixée par la législation nationale et ne devrait pas être inférieure à douze mois;

b) les congés payés dus en raison du travail effectué dans le courant de l'année dans laquelle est survenue l'insolvabilité ou la cessation de la relation d'emploi, ainsi que dans l'année précédente;

c) les montants dus au titre d'autres absences rémunérées, les primes de fin d'année et autres primes prévues par la législation nationale, les conventions collectives ou les contrats individuels de travail, afférents à une période déterminée, qui ne devrait pas être inférieure à douze mois, précédant l'insolvabilité ou la cessation de la relation d'emploi;

d) tout paiement dû en lieu et place du préavis de licenciement;

e) les indemnités de départ, les indemnités de licenciement injustifié et autres paiements dus aux travailleurs à l'occasion de la cessation de leur relation d'emploi;

f) les indemnisations relatives aux accidents du travail et aux maladies professionnelles lorsqu'elles sont à la charge directe de l'employeur.

(2) La protection conférée par un privilège pourrait couvrir les créances suivantes:

a) les cotisations dues au titre des régimes légaux nationaux de sécurité sociale, lorsque le défaut de versement de ces cotisations porte préjudice aux droits des travailleurs;

b) les cotisations dues au titre des régimes privés, professionnels, interprofessionnels ou d'entreprise, de protection sociale qui existent indépendamment des régimes légaux nationaux de sécurité sociale, lorsque le défaut de versement de ces cotisations porte préjudice aux droits des travailleurs;

c) les prestations auxquelles les travailleurs avaient droit, avant l'insolvabilité, en vertu de leur participation à des régimes d'entreprise de protection sociale et dont le paiement incombe à l'employeur.

(3) Les créances énumérées aux sous-paragraphes (1) et (2), qui ont été reconnues au travailleur, par décision judiciaire ou sentence arbitrale, rendue dans les douze mois précédant l'insolvabilité, devraient être couvertes par le privilège, nonobstant les délais prévus dans ces sous-paragraphes.

LIMITATIONS

4. Lorsque le montant de la créance protégée en vertu d'un privilège est limité par la législation nationale, ce montant devrait, pour ne pas devenir inférieur à un seuil socialement acceptable, tenir compte de variables telles que le salaire minimum ou la fraction insaisissable du salaire ou le salaire qui sert de base de calcul aux cotisations à la sécurité sociale ou le salaire moyen dans l'industrie.

CLAIMS WHICH FALL DUE AFTER THE INSOLVENCY PROCEEDINGS HAVE BEEN OPENED

5. Where, in accordance with national laws and regulations, an enterprise in respect of which insolvency proceedings have been opened is authorised to continue its activities, workers' claims arising out of work performed as from the date when the continuation was authorised should not be subject to the proceedings and should be paid, out of the funds available, as and when they fall due.

ACCELERATED PAYMENT PROCEDURES

6. (1) Where the insolvency proceedings cannot ensure rapid payment of workers' privileged claims, there should be a procedure for accelerated payment to ensure that the claims are paid, without awaiting the end of the proceedings, out of available funds or as soon as funds become available, unless the rapid payment of workers' claims is ensured by a guarantee institution.

(2) Accelerated payment of workers' claims may be ensured as follows:

(a) the person or institution responsible for administering the employer's assets should pay such claims as soon as it has been determined that they are genuine and payable;

(b) if the claim is contested, the worker should be able to have its validity determined by a court or any other body with jurisdiction over the matter, so as to have it paid in accordance with clause (a).

(3) The accelerated payment procedure should cover the totality of the claim protected by a privilege, or at least a part of it to be fixed by national laws or regulations.

III. PROTECTION OF WORKERS' CLAIMS BY A GUARANTEE INSTITUTION

SCOPE

7. The protection of workers' claims by a guarantee institution should have as wide a coverage as possible.

OPERATING PRINCIPLES

8. Guarantee institutions might operate according to the following principles:

(a) they should be administratively, financially and legally independent of the employer;

(b) employers should contribute to financing these institutions, unless this is fully covered by the public authorities;

(c) they should assume their obligations vis-à-vis protected workers irrespective of whether any obligation the employer may have of contributing to their financing has been met;

(d) they should assume a subsidiary responsibility for the liabilities of insolvent employers in respect of claims protected by the guarantee and should, by way of subrogation, be able to act in place of the workers to whom they have made payments;

(e) the funds managed by guarantee institutions, other than those from general revenues, may only be used for the purpose for which they were collected.

CRÉANCES ÉCHUES APRÈS LA DATE DE L'OUVERTURE DE LA PROCÉDURE D'INSOLVABILITÉ

5. Lorsque, en vertu de la législation nationale, l'entreprise faisant l'objet d'une procédure d'insolvabilité est autorisée à poursuivre ses activités, les créances des travailleurs au titre du travail effectué à partir de la date où cette continuation a été décidée ne devraient pas être soumises à la procédure et devraient être payées à leur échéance sur les fonds disponibles.

PROCÉDURES DE PAIEMENT ACCÉLÉRÉ

6. (1) Lorsque la procédure d'insolvabilité ne permet pas d'assurer le paiement rapide des créances privilégiées des travailleurs, il devrait exister une procédure de paiement accéléré afin qu'elles soient payées sans attendre la fin de la procédure d'insolvabilité sur les fonds disponibles, ou qui viendraient à rentrer, à moins que le paiement rapide des créances des travailleurs ne soit assuré par une institution de garantie.

(2) Le paiement accéléré des créances des travailleurs pourrait être assuré comme suit:

a) la personne ou l'institution chargée d'administrer le patrimoine de l'employeur devrait payer lesdites créances sitôt établies leur authenticité et leur exigibilité;

b) en cas de contestation, le travailleur devrait pouvoir faire établir la validité de sa créance par un tribunal ou par tout autre organisme compétent en la matière pour en obtenir le paiement conformément à l'alinéa *a)*.

(3) La procédure de paiement accéléré devrait pouvoir bénéficier à la totalité de la créance protégée par un privilège, ou au moins à une partie de celle-ci qui serait fixée par la législation nationale.

III. PROTECTION DES CRÉANCES DES TRAVAILLEURS PAR UNE INSTITUTION DE GARANTIE

CHAMP D'APPLICATION

7. L'étendue de la protection des créances des travailleurs par une institution de garantie devrait être aussi large que possible.

PRINCIPES DE FONCTIONNEMENT

8. Les institutions de garantie pourraient fonctionner selon les principes suivants:

a) elles devraient jouir de l'autonomie administrative, financière et juridique à l'égard de l'employeur;

b) les employeurs devraient contribuer au financement, à moins que celui-ci ne soit assuré intégralement par les pouvoirs publics;

c) elles devraient assumer leurs obligations à l'égard des travailleurs protégés, que l'employeur se soit ou non acquitté de ses obligations éventuelles de contribuer à leur financement;

d) elles devraient assumer à titre subsidiaire les obligations des employeurs insolvables en ce qui concerne les créances protégées par la garantie et pouvoir se subroger dans les droits des travailleurs à qui elles ont versé des prestations;

e) les fonds gérés par les institutions de garantie, autres que les fonds provenant du Trésor public, ne pourraient être utilisés que pour les buts pour lesquels ils ont été collectés.

CLAIMS PROTECTED BY THE GUARANTEE

9. (1) The guarantee should cover the following claims:

(a) wages, overtime pay, commissions and other forms of remuneration relating to work performed during a prescribed period, which should not be less than three months, prior to the insolvency or prior to the termination of the employment;

(b) holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;

(c) end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescribed period, which should not be less than 12 months, prior to the insolvency or prior to the termination of the employment;

(d) amounts due in respect of other types of paid absence relating to a prescribed period, which should not be less than three months, prior to the insolvency or prior to the termination of the employment;

(e) payments due in lieu of notice of termination of employment;

(f) severance pay, compensation for unfair dismissal and other payments due to workers upon termination of their employment;

(g) compensation payable directly by the employer in respect of occupational accidents and diseases.

(2) The guarantee might cover the following claims:

(a) contributions due in respect of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(b) contributions due in respect of private, occupational, inter-occupational, or enterprise social protection schemes independent of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;

(c) benefits to which the workers were entitled prior to the insolvency by virtue of their participation in enterprise social protection schemes and which are payable by the employer;

(d) wages or any other form of remuneration consistent with this Paragraph, awarded to a worker through adjudication or arbitration within three months prior to the insolvency.

LIMITATIONS

10. Where the amount of the claim protected by means of a guarantee institution is limited, in order that this amount should not fall below a socially acceptable level, it should take into account variables such as the minimum wage, the part of the wage which is unattachable, the wage on which social security contributions are based or the average wage in industry.

IV. PROVISION COMMON TO PARTS II AND III

11. Workers or their representatives should receive timely information and be consulted with regard to insolvency proceedings which have been opened and to which the workers' claims pertain.

CRÉANCES PROTÉGÉES PAR LA GARANTIE

9. (1) La garantie devrait protéger les créances suivantes:

a) les salaires, primes d'heures supplémentaires, commissions et autres formes de rétribution du travail au titre du travail effectué au cours d'une période déterminée, qui ne devrait pas être inférieure à trois mois, précédant l'insolvabilité ou la cessation de la relation d'emploi;

b) les congés payés dus en raison du travail effectué dans le courant de l'année dans laquelle est survenue l'insolvabilité ou la cessation de la relation d'emploi ainsi que dans l'année précédente;

c) les primes de fin d'année et autres primes prévues par la législation nationale, les conventions collectives ou les contrats individuels de travail, afférentes à une période déterminée, qui ne devrait pas être inférieure à douze mois, précédant l'insolvabilité ou la cessation de la relation d'emploi;

d) les montants dus au titre d'autres absences rémunérées afférentes à une période déterminée, qui ne devrait pas être inférieure à trois mois, précédant l'insolvabilité ou la cessation de la relation d'emploi;

e) tout paiement dû en lieu et place du préavis de licenciement;

f) les indemnités de départ, les indemnités de licenciement injustifié et autres paiements dus aux travailleurs à l'occasion de la cessation de leur relation d'emploi;

g) les indemnisations relatives aux accidents du travail et aux maladies professionnelles lorsqu'elles sont à la charge directe de l'employeur.

(2) La garantie pourrait protéger les créances suivantes;

a) les cotisations dues au titre des régimes légaux nationaux de sécurité sociale lorsque le défaut de versement de ces cotisations porte préjudice aux droits des travailleurs;

b) les cotisations dues au titre des régimes privés, professionnels, interprofessionnels ou d'entreprise, de protection sociale, qui existent indépendamment des régimes légaux nationaux de sécurité sociale lorsque le défaut de versement de ces cotisations porte préjudice aux droits des travailleurs;

c) les prestations auxquelles les travailleurs avaient droit, avant l'insolvabilité, en vertu de leur participation à des régimes d'entreprise de protection sociale et dont le paiement incombe à l'employeur;

d) les salaires ou toute autre forme de rémunération compatible avec ce paragraphe, reconnus à un travailleur par décision judiciaire ou sentence arbitrale rendue dans les trois mois précédant l'insolvabililté.

LIMITATIONS

10. Lorsque le montant de la créance protégée par une institution de garantie est limité, ce montant devrait, pour ne pas devenir inférieur à un seuil socialement acceptable, tenir compte de variables telles que le salaire minimum, ou la fraction insaisissable du salaire, ou le salaire qui sert de base de calcul aux cotisations à la sécurité sociale, ou le salaire moyen dans l'industrie.

IV. Disposition commune aux parties II et III

11. Les travailleurs ou leurs représentants devraient recevoir des informations en temps utile et être consultés au sujet des procédures d'insolvabilité qui ont été ouvertes et concernent les créances des travailleurs.

RESOLUTIONS ADOPTED BY THE CONFERENCE

RESOLUTIONS

I

Resolution concerning the procedure at the Thirteenth Conference of American States Members of the ILO[1]

The General Conference of the International Labour Organisation,

Recalling that, in the light of the reforms introduced on an experimental basis at the Eleventh Asian Regional Conference to reduce the length and cost of regional conferences provided for in the 1992-93 budget, the Governing Body has decided that it is necessary to introduce certain other changes for the Thirteenth Conference of American States Members of the International Labour Organisation and that, pending revision of the Rules concerning the Powers, Functions and Procedure of Regional Conferences Convened by the International Labour Organisation, authority should be given to the said Conference to derogate from them, as required, to implement these changes on an experimental basis before deciding on a possible revision of the above-mentioned Rules;

Hereby authorises the Thirteenth Conference of American States Members of the International Labour Organisation, by way of derogation from the applicable Rules,

(a) to consider the business carried out at preliminary group meetings preceding the formal opening of the Conference as having been carried out in official group meetings;

(b) to dispense with the appointment of a Selection Committee and entrust its functions (except in respect of resolutions for which a Resolutions Committee may be appointed under article 13, paragraph 3, of the Rules) to the Officers of the Conference;

(c) to limit the composition of the Resolutions Committee to not more than five members from each group;

(d) to authorise, in case of need, any drafting subcommittee or other subsidiary body set up by a committee of the Conference to report direct to the plenary of the Conference instead of through the Committee;

(e) to suspend the requirement that reports on technical items on the agenda be dispatched by the Office so as to reach governments at least three months before the opening of the Conference if any such report is included in a single volume with other reports of the Director-General, which would thus be required to reach governments two months beforehand;

(f) to reduce the time-limit for addresses to the Conference from 15 to ten minutes.

II

Resolution concerning adjustment and human resources development[2]

The General Conference of the International Labour Organisation,

Having taken note of Report VI on adjustment and human resources development:

1. Adopts the following conclusions;

2. Invites the Governing Body to request the Director-General:

(a) to bring these conclusions to the attention of member States and of employers' and workers' organisations;

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[1] Adopted on 4 June 1992.

[2] Adopted on 23 June 1992.

(b) to take these conclusions into account in preparing future activities of the International Labour Organisation.

Conclusions concerning adjustment and human resources development

INTRODUCTION

1. All countries need to pursue policies that enable adjustment to the changing conditions of an interdependent world economy. Such policies should contribute to an international effort to promote growth, increase investment and overcome the debt crisis. There can, of course, be no general or universal prescription for the achievement of these goals; each country's situation is different and policies need to be designed that are specific to national problems and perspectives. For example, rising interest rates have had a particularly adverse impact on developing countries. Countries at all levels of development, however, have been reviewing and changing policies that have led to stagnation, unemployment and declining competitiveness. They also have had to adjust their economic structures in response to the trend towards democracy, as well as to changes in technology, changes in international trading patterns and to new market forces. Structural adjustment is a corrective process aimed at achieving improved living standards, full employment, competitive and profitable undertakings, and sustainable, non-inflationary economic growth. The magnitude and intensity of these adjustments have varied according to the initial conditions of an economy. Economies that are competitive, and have well-functioning markets, responsive economic and social institutions, and effective social protection have tended to adjust most smoothly. Those countries without these advantages face difficult challenges of adjustment, including the need for major policy and institutional reforms as well as special policies to mitigate the social costs of adjustment. In all countries, securing the highest possible level of education and training for all workers is vital for structural adjustment as well as for economic and social progress.

2. Both the nature of adjustment and its effects differ amongst countries at different levels of development and among regions. In industrialised and newly industrialising economies, adjustment consists primarily of the adaptation of the industrial structure to technological change; improved work organisation and practices; shifts in the international division of labour; new characteristics of work; and the successful development of an entrepreneurial spirit in the economy. In transition economies, the adjustment process is more complex, involving the formulation of new policies to cope with the closure of many uncompetitive industries and the development of institutions necessary for a market economy. In developing countries, adjustment often has to be implemented against a background of a heavy burden of external debt and widespread poverty. This imposes severe constraints on their ability to bring about major reforms necessary for economic recovery and long-term growth while having at the same time to prevent an aggravation of already high levels of poverty. These countries often require external assistance to achieve the objectives of their structural adjustment programmes. Such programmes need to pay special attention to the social dimensions of adjustment and the pace and intensity of reforms have to be framed with these considerations in mind. In all countries, structural adjustment policies should be formulated in agreement with the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in 1987, which suggested, among other things, appropriate measures to encourage sustained, non-inflationary growth, increase the adaptability of the labour force and economic enterprise, overcome the debt burden of developing countries, promote international trade, stimulate fuller employment, promote dialogue and cooperation with employers' and workers' organisations, reduce poverty and mobilise the support of international organisations to facilitate action by governments to these ends.

3. In this context, the conclusions of the ILO's High-Level Meeting on Employment and Structural Adjustment need to be re-emphasised. In particular, it is important to recall the principles which should guide the formulation and implementation of structural adjustment programmes. These include: the need to pro-

tect the poorest and most vulnerable groups from the negative effects of adjustment programmes; the maintenance and extension of an open world trading system recognising that protectionism in all its various forms delays needed adjustment; the need to reduce debt; the promotion of tripartite consultation and cooperation; respect for basic ILO standards; and the promotion of collective bargaining.

4. Adjustment programmes should be implemented on the basis of full respect for democratic principles, human rights and social consensus. They should also attempt to ensure a fair distribution of the costs and rewards of the process of adjustment. Successful adjustment requires policies that are complementary and economically, politically and socially sustainable. Labour standards should not be violated and changes in these standards should be introduced only after full tripartite consultations on the issue. Every effort should be made to prevent any excessive widening of social inequalities.

5. Education and training are preconditions for achieving economic growth and vital ingredients for the success of adjustment programmes. In addition, they enhance the ability of enterprises to respond more effectively to their customers' needs. The education process, for which governments have the primary responsibility, should have as one of its main outputs an increase in the ability and motivation of all individuals to learn and to acquire the level of education necessary to play a full and active part in the democratic process. By providing workers with the skills required in new industries education and training support the growth of these industries while at the same time facilitating the redeployment of redundant workers. In addition, by upgrading the skills of the workforce, training enhances the capacity of an economy to adopt new technologies and new forms of work organisation, thereby raising the productivity and international competitiveness of industries. Training can also make a crucial contribution to enterprise creation, including productive and freely chosen self-employment, a strategic component of economic growth.

6. Raising the general level of education and improving basic skills such as literacy, numeracy, problem-solving ability and communication skills are important social and economic objectives. Governments should consequently endeavour to ensure universal free access to basic education since this is a fundamental human right and an obligation of government. Workers should also be given opportunities for personal development, education and skill upgrading at appropriate stages in their working lives. Education and training also contribute importantly to the attainment of social objectives such as the advance of democracy, broader social participation, greater industrial democracy, improved industrial relations and social stability. Well-educated and trained workers are more employable, better equipped to assume responsibility and accountability, more easily change jobs, and are better able to participate effectively in the affairs of enterprises and society.

7. To realise these potential benefits, education and training policies have to be guided by several important considerations. One basic requirement is that the education and training system should be flexible and responsive to changing labour market conditions. This maximises both the individual and social benefits derived from investments in education and training. Individuals find employment appropriate to their skills, enterprises obtain the types of workers they need and society benefits from fuller employment and higher productivity. However, education and training policies also have to meet important social objectives. Consequently, market forces should not be the only determinant of the educational and training needs of society. These needs should be defined through a democratic process that takes full account of the long-term goals of society, the development of national culture and the preferences of individuals. Equitable and non-discriminatory access to training opportunities is a precondition for equal employment opportunities. Training is also a potentially powerful instrument for improving the integration of disadvantaged groups into economic and social life. Training policies focused on women, the poor, the unemployed, older workers, youth, minority groups and disabled persons can significantly enhance their employability. Training in occupational safety and health is an important component of an integrated national training programme.

8. Structural adjustment programmes, especially in their early phase, have often caused declines in levels of economic activity, lower tax receipts and reductions in government expenditures. As a result, many countries have been forced to cut their public expenditures, including expenditures on education and training. The results of those cuts have often been negative, contributing to the erosion of countries' endowment of skills and knowledge and thereby jeopardising their prospects of recovery and sustained, long-term economic development. In some circumstances, budget cuts for education and training may have disproportionately affected poorer groups who have seen their access to education and training and prospects for future employment and income earning opportunities reduced. In some countries, the lack of appropriate investments in education and training and the failure to encourage investment, especially in skill-intensive industry, have contributed to the increase in the number of low-skilled, low-wage jobs and to job loss.

9. It is important for governments to avoid these negative effects and to strengthen the positive contribution that education and training can make to support successful adjustment. Education provides the general literacy, numeracy, communication, scientific and problem-solving skills that improve the individual's ability to adapt to change and learn new skills. Training, when responsive to the changing needs of the labour market, can facilitate the adjustment process by equipping workers with the specific skills needed to shift from declining to expanding sectors of economic activity. It can provide skills necessary to become productively self-employed. By raising the productivity and adaptability of workers, education and training increase enterprises' competitiveness and their ability to adjust to rapidly changing markets and consumer preferences. By increasing the occupational, regional and functional mobility of workers, education and training increase the efficiency of labour markets and allow workers to orient themselves vocationally and choose jobs in which they will be most productive. Experience shows that investments in a good educational system, followed by appropriate training efforts for workers, when combined with appropriate national policies and enterprise structures, contribute significantly to rapid economic and social development, even in circumstances when natural resources are limited. Education and training therefore constitute an essential element in a virtuous circle consisting of training and skill development, higher work motivation, higher productivity, continuous adjustment of enterprises and workers to change, higher employment and increased incomes and well-being.

10. Governments should have the political will to mobilise all appropriate human, material and financial resources to reverse the negative impact that stabilisation and adjustment have had on education and training in many countries. For example, the reduction of military spending should enable governments to channel substantial resources to productive and socially beneficial activities, such as education and training. Improved targeting and greater cost-effectiveness in the use of public expenditures will also make an important contribution to boosting education and training programmes to adequate levels. Governments should mobilise resources for education and training on the grounds of both equity and impact on the economy: equity because the burden of adjustment should not fall disproportionately on the least educated and least able to pay, and economically because increased investment in human resources would have an expansionary effect on the economy and increase the availability of skills. Where cost recovery measures have been introduced the effect has often been to limit the access of low-income groups to education and training. Safeguards should therefore be established to ensure that the fees charged do not constitute an insurmountable barrier to the poor.

11. The mobilisation of non-governmental sources of funding for education and training should be given high priority. Adjustment has encouraged a variety of actors, including enterprises, trade unions, national and local governments, non-governmental organisations and community groups, to develop innovative responses to the need for education and training in order to cope with adjustment.

Government and the social partners should encourage enterprises to engage in business-education partnerships, promote community training institutions and undertake other activities conducive to expanding access to training opportunities. Education and training institutions should be encouraged to support adjustment by expanding their training programmes for business creation and promotion and distance learning. Employers, workers and, where appropriate, their representative organisations should cooperate in establishing comprehensive training programmes, including improvements of existing schemes.

12. The use of low-cost, innovative training methods offers another means of maximising the impact of limited training resources and overcoming the effects of budgetary restrictions. Most conventional training methods are expensive for developing countries and can reach only a small proportion of the population needing access to education and training. Large numbers of workers in the urban informal and rural sectors, as well as the growing number of unemployed workers, require access to training in order to improve their situation. Governments, enterprises, education and training institutions, workers' and employers' organisations and other training providers should therefore give priority to developing and disseminating low-cost training methods that save on scarce resources without compromising the quality of training. These would include audio-visual training methods, training by correspondence, distance learning and new, cost-effective instructional technologies.

COMPREHENSIVE HUMAN RESOURCES DEVELOPMENT POLICIES

13. Comprehensive human resource development policies should be formulated by governments in consultation with the social partners. Governments and the social partners may consider vesting in a tripartite national training authority or other nationwide board the tasks of formulating and reviewing national training policies. A basic objective should be to promote the creation of an institutional framework and infrastructure for implementing these policies.

14. Comprehensive human resources policies should be formulated and implemented within the framework of adherence to democratic principles, tripartism, and consultation between the government, the social partners and community groups. This will ensure maximum popular support for these policies and create a collective ownership of solutions to problems of training and skill development.

15. Under the overall umbrella of comprehensive human resources development policies, a new division of roles in training should be envisaged among governments, training institutions and the social partners. It is incumbent on governments to create an economic and social climate favourable to learning and skill development, as well as to ensure basic education and training. Governments are responsible for providing the economic and social framework that promotes long-term growth. They should make training policy and investments in education and training an integral element of long-term strategic planning and economic policy-making. Governments should mobilise public and private resources for education and training and create a supportive policy environment that encourages enterprises, training institutions and other actors to invest in training and that promotes and supports the individual's desire for learning and skill development.

16. In the context of comprehensive human resources policies, governments should ensure an effective and supportive infrastructure for training. This infrastructure should be capable of responding quickly to the specific needs of local labour markets by promoting training that meets the demand of enterprises and individuals for skills and employment-related qualifications. Governments should maintain a system of certification of skills and accreditation of institutions in order to ensure the quality and comparability of training. They should also define the desired core competencies required for improved economic and enterprise performance and ensure that vocational qualifications provide links to career advancement by giving workers access to higher levels of education. Governments should provide incentives for firms and individuals to engage in training activities, offer vocational guidance and counselling services, and also provide training sup-

port to small and medium-sized firms and the self-employed, often lacking the resources to organise and finance their own training. While preserving their role as catalyst and regulator of national laws affecting training, they may, where adequate alternatives exist, consider reducing their role in providing training programmes.

17. Structural and technological change creates demand for new skills and make it necessary to develop new forms of training. Training and education in today's rapidly changing labour markets cannot take place only in schools and training institutions. Theoretical instruction combined with practical training is widely recognised as an effective means of facilitating the transition between school and the world of work. There is therefore a need increasingly to make use of the enterprises that are capable of organising this kind of training. It is also important to exploit innovative training schemes that in various forms combine school-based education with practical training and which offer a variety of choices in career and skill development. The best prospects for adapting training is therefore in the development of various links between schools, public and private training institutions and enterprises.

18. An important objective of human resources development policies should be to make training respond better to the demand for skills and knowledge of the economy, enterprises and individuals. This can be achieved by strengthening tripartite consultations on training objectives and content, decentralising training decisions from central training authorities to regional and local community bodies and by linking enterprises, unions and training institutions in activities related to curriculum development, enrolment planning, vocational guidance and student placement. These measures are likely to improve the ability of training institutions and individual programme managers to adjust their training programmes to enterprises' and the economy's needs for skills and qualifications. They are also likely to contribute to greater equity in access to education and training.

19. Successful adjustment depends on improved company performance, which cannot be achieved without a more skilled workforce and the creation of an enterprise culture that can harness the creative and productive potential of workers and prepare them for change. It can be promoted by enterprise reforms that would increase staff participation in matters affecting their daily work, improve work organisation and practices and promote positive attitudes to change. In particular, education and training to upgrade staff skills will contribute to breaking down those hierarchical working relations that stifle initiative and prevent mobility and career advancement. The social partners should pursue these objectives through negotiations and improve wages and working conditions as a consequence.

20. Enterprises benefit greatly from training and have a responsibility to make a financial contribution to its costs. Many experiences around the world demonstrate that there are several ways in which governments can encourage enterprises to improve the quantity and quality of training. Measures which have been introduced successfully in different countries include levy schemes on enterprise payrolls to finance training, tax rebates based on expenses incurred in training, subsidising part of training costs, and the channelling of public funds through national, regional and local bodies on which the social partners are represented. It is also argued that, if properly managed, a levy can contribute to a more equitable sharing of the costs of training, raise employers' awareness about the importance of training for enterprise success and encourage them to review their investments and provisions for training. In undertaking these measures governments should ensure that they are not just financing bureaucratic institutions, but that funding is effectively used to promote skill development activities for enterprises. Governments can encourage employers to undertake training through financing innovative promotion schemes, workplace reforms, training awards, and the exchange of information about best practices in training.

21. Policy-makers, training institutions and enterprises require accurate, up-to-date information about the demand for and supply of skills in order to design relevant training programmes. Training institutions, the social partners and policy-makers should collaborate in developing such information systems. Regular surveys of skill needs should be instituted to support the planning of training and retraining programmes and to increase labour capabilities.

CONTAINING THE SOCIAL COSTS OF ADJUSTMENT

22. In developing countries undergoing structural adjustment, the initial phase is often associated with recession; a consequent rise in unemployment; a decline in real wages and the earnings of the self-employed; and reduced social expenditures. This is often exacerbated by the retrenchment of civil servants and employees of state enterprises as a result of cuts in public budgets and the phasing out of unprofitable state enterprises. These developments can be of long duration in cases where structural adjustment measures are ineffective, incomplete or are slow in producing the anticipated revival of economic growth. In these circumstances, special measures should be considered to mitigate the social costs of adjustment. These measures include the retraining of retrenched workers; the promotion of productive and freely chosen self-employment through training, credit and other support programmes; and targeted social assistance for the most vulnerable.

23. In many developing countries such measures are part of structural adjustment programmes and are usually implemented through social funds which are partly financed by external assistance. While this is a welcome development, there is significant room for improvement. The resources available under such social funds are often meagre in relation to the scale of the needs. Increased external assistance is called for, especially in the case of least developed countries. Where the social costs of adjustment are particularly acute, it may be necessary to reconsider the pace of implementation of certain aspects of structural adjustment programmes.

24. These social funds are normally implemented without the involvement of the social partners. They can be made more effective, more relevant and enjoy wider support if the social partners are consulted in their management. Tripartite consultations on programme priorities, project design, implementation and evaluation will ensure greater sensitivity to the needs of potential beneficiaries and result in more participative forms of programme implementation. In addition, national tripartite consultation on the design of overall structural adjustment programmes would make a significant contribution to minimising the social costs of structural adjustment.

25. Active policies focused on vulnerable groups and depressed regions should be implemented in all countries undergoing economic restructuring. The loss of unproductive jobs is an inevitable consequence of economic restructuring and anticipatory policies for retraining and redeployment of displaced workers should constitute an integral part of adjustment programmes. Retraining programmes must respond to the new demands in the labour market and the intervention must be as early as possible and accompanied by a full range of services such as assistance in job search, vocational guidance and placement. Countries that provide unemployment benefits should ensure that they provide a basic income. However, the level and duration of benefits should encourage an early return to work and thereby increase the effectiveness of retraining programmes. It is also important to integrate training and retraining policy with employment, welfare and income support policies since these policies are inter-related and should be mutually compatible and supportive.

26. Apart from government-run programmes, retraining opportunities can also be expanded by providing incentives to private enterprises to organise retraining programmes. These incentives have taken different forms in different countries, depending on national law and practice, and have included grants drawn from training levies, tax rebates and tax credits as well as relevant community-based training initiatives.

EQUITY IN TRAINING

27. Equality of access to training is a requirement for the elimination of discrimination in economic and social life. Every effort should therefore be made to ensure equitable and non-discriminatory access to training opportunities. Equity issues assume a heightened significance during structural adjustment because dis-

advantaged groups are particularly vulnerable to a deterioration in their economic condition and reduced opportunities for training. Special measures to prevent this are therefore required.

28. Governments have the primary responsibility for ensuring equal and non-discriminatory access to training and consequently should establish an appropriate body to ensure that this is done. Equal opportunity commissions should, where appropriate, be established. These commissions can make an important contribution to the elimination of discrimination in training and employment on the grounds of gender, religion, ethnic origins, age or disability. Such commissions can stimulate the introduction of equal opportunity legislation and monitor its enforcement. They can also promote voluntary action to reduce discrimination through funding research and action programmes in this area. Furthermore, they can undertake research to identify systemic barriers to the integration of the disadvantaged into mainstream training and employment and to formulate measures to remove these barriers.

29. In most societies, the employment opportunities for women are substantially less than those for men, and programmes to eliminate discrimination against women in education, training and employment merit special attention. A comprehensive set of measures needs to be introduced and executed to ensure gender equality. Equal opportunity legislation needs to be supplemented by measures such as the creation of equal parental rights, the provision of child-care facilities, campaigns against sexual harassment, and information programmes to change the attitudes of employers and workers and break cultural stereotypes that are detrimental to women. Special measures to promote equal access to educational and training opportunities are also important. These include the provision of vocational guidance and other measures to encourage women to enter non-traditional fields of training. The design of training programmes should make allowance for the time constraints women face because of family responsibilities.

30. Special training programmes should be provided for other disadvantaged groups such as ethnic minorities, migrant workers, older workers, marginalised youth and disabled persons. These programmes should aim at integrating such disadvantaged groups into the mainstream of economic and social life. In order to maximise their effectiveness, the design of these programmes has to take into account the special needs of particular groups. Measures such as training in language and numeracy skills may have to precede vocational training, and institutional support in the form of child-care and other facilities may be required to encourage participation. It is also desirable to design customised training initiatives based on an assessment of individual and enterprise needs. Although governments have the main responsibility for financing and organising these programmes, initiatives by employers' organisations, enterprises, trade unions, international and national NGOs and community organisations should be encouraged. Where possible these organisations should be used as implementing agencies of training programmes.

31. Among these disadvantaged groups, migrant workers deserve special attention in view of their growing numbers and the severe difficulties they face in gaining access to training opportunities. These difficulties often spring from their insecure status in host countries and their unfamiliarity with local languages and cultures.

32. Developing countries face a major challenge in extending training opportunities to large numbers of the poor, who are normally illiterate or semi-literate, in rural areas and in the urban informal sector. Intensive programmes need to be organised that involve basic literacy training and supporting measures to boost income-generating opportunities, provide basic social protection and promote collective action by informal sector producers and workers. In view of the large numbers that must be reached, audio-visual and other innovative and low-cost alternatives to conventional training programmes should be used. Special attention should be given to encouraging an entrepreneurial approach and developing the necessary skills for enterprise development.

33. Training and other programmes directed at the informal sector in developing countries should have as a basic objective the progressive integration of this sector into the formal sector. Training programmes have to be supported by the provision of basic infrastructure and credit. Special efforts should be made to remove constraints to the integration of small informal sector enterprises into the formal sector by increasing their productivity and ability to meet accepted business practices in the formal sector. Basic social protection should be provided to informal sector producers and workers placing particular emphasis on freedom of association and freedom from forced labour, the development of some elementary forms of social security, and providing information and training to informal sector enterprises on measures that can be taken to reduce exposure to occupational safety and health risks. Governments should support the initiatives to improve social protection in the informal sector undertaken by producer cooperatives, trade unions and other groupings in that sector.

ROLE OF THE SOCIAL PARTNERS

34. Employers' and workers' organisations should participate actively in the formulation of national and sectoral training policies and in the implementation of training programmes at the national, regional and local levels. Workers' organisations have a major role in encouraging their members to undertake training. Both employers' and workers' organisations have an important role to play in defining the current and future training needs of the economy and thereby ensuring that the training system is fully responsive to market needs. Employers' and workers' organisations have a contribution to make in ensuring that training policies and programmes are sensitive to training needs broader than those solely determined by the market as well as to equity issues.

35. Employers' and workers' organisations should be consulted in determining national systems of skill certification and the content of training courses. They can also contribute to the monitoring and evaluation of training policies. Of particular importance is the feedback they can provide to policy-makers on whether the current policy environment provides sufficient incentives for enterprises to train and for workers to undertake training. In addition they can provide regular feedback on performance to training institutions.

36. Employers' organisations have an important role to play in stimulating training by enterprises through the provision of information and technical services on the design and implementation of industry and plant-level courses that would facilitate the access of workers to training. These services will be particularly useful for small enterprises. Management training and entrepreneurship development programmes run or supported by employers' organisations are particularly useful additions to national training efforts. Similarly, initiatives by enterprises such as the setting up of training centres for deprived urban youth and the organisation of retraining programmes for displaced workers contribute significantly to the attainment of social objectives. Employers can also stimulate training through promoting work organisation and payments systems that value and reward skill acquisition. Collaboration between enterprises and training institutions in training initiatives should be encouraged.

37. Workers' organisations play an important role in organising training programmes for their members and in negotiating better training by enterprises, its extension to workers not adequately covered, and the provision of adequate incentives and assistance for workers to acquire additional skills. Workers' organisations can also play a very important role in providing training in occupational safety and health and in ensuring that training programmes in enterprises are sensitive to the special needs of women workers and young workers. They can also make a significant contribution to poverty alleviation through training programmes for rural and urban informal sector workers.

38. Industrial relations approaches that allow for consultation and cooperation can play an important role in facilitating the introduction of new, more flexible, forms of work organisation and production technologies that permit enterprises to

adjust to rapidly changing and increasingly competitive markets; and to encourage the integration of training into the overall enterprise strategy.

ACTION BY THE ILO

39. The activities of the ILO in the promotion of human resources development must be seen in the context of national circumstances and relevant international labour standards, particularly the Human Resources Development Convention, 1975 (No. 142), the Human Resources Development Recommendation, 1975 (No. 150), the Employment Policy Convention, 1964 (No. 122) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). They also need to be planned and developed within the framework established by the High-Level Meeting on Employment and Structural Adjustment held in 1987. In addition these activities need to be sharply focused to make the best use of limited ILO resources to promote human resources development. Outputs should be assessed and the cost-effectiveness of specific activities and projects evaluated. There are four areas described in paragraphs 40-43 below which the ILO should continue to emphasise in its efforts to ensure the critical importance of human resources development in economies faced with the demands of structural adjustment. In continuing to emphasise these efforts the ILO should:

40. In respect of *human resources development policies*

(a) strengthen its leadership role in advocating that investment in human resources development and especially in basic education and in vocational training is a priority of governments and the social partners during structural adjustment; not only to facilitate the process of adjustment but, in addition, to ensure the equal participation of all individuals and the social groups in the labour market and to maintain or increase the skills of workers necessary for long-term economic and social development;

(b) intensify continuing dialogue between the ILO and the Bretton Woods institutions in order to maintain expenditures in education and training during adjustment programmes. This advocacy should be supported by in-depth analytic studies, information dissemination, advisory services and, where appropriate, participation in structural adjustment missions;

(c) encourage and facilitate consultation with the social partners when structural adjustment programmes are being designed and negotiated. The ILO should encourage and assist the social partners to participate fully in such consultations by helping them to develop their capacity to analyse structural adjustment issues within the framework of broad national social, especially educational, and economic objectives;

(d) assist governments and the social partners in designing training and retraining activities as part of programmes to compensate for the social costs of adjustment. In circumstances where many new employment opportunities are located in the informal sector, the ILO should assist member States to develop innovative, low-cost training methods for helping informal sector workers to improve their productivity and working conditions. The ILO also should prepare for policy-makers a compendium of approaches to mitigate the social costs of adjustment, particularly for use in countries in transition and in developing countries;

(e) intensify its assistance to policy-makers to improve their capacity to design training activities that are linked to and benefit from general educational programmes. The ILO also should assist the social partners in developing their own capacity to analyse adjustment;

(f) encourage and assist policy-makers to evaluate training needs and plan appropriate responses within a broad educational, economic and social framework;

(g) assist in the organisation of national tripartite conferences to evaluate adjustment programmes with a view to promoting successful responses;

(h) consider organising a follow-up meeting to the High-Level Meeting on Structural Adjustment held in 1987;

(i) give policy advice to governments, based on in-depth research concerning training and education, in line with the policy priorities identified by the conclusions of this Committee;

(j) assist member States in examining means to ensure equal access to education and training for all groups of the population.

41. In respect of *national capacities to implement human resources development programmes*

(a) intensify its technical cooperation programmes with developing countries and with countries shifting from centrally planned to more market-oriented economies. These technical cooperation activities normally should be managed by national organisations rather than donors and should draw on national expertise, including employers' and workers' organisations, so as to ensure enhanced national capacity and not merely the achievement of relatively narrow project objectives. In implementing technical cooperation activities, emphasis should be put on the promotion of international labour standards, tripartite cooperation, collective bargaining and safety and health in the workplace;

(b) give priority to strengthening the capacity of employers, especially in small and medium firms, to design and implement training programmes that increase the productivity of their enterprises and contribute to the personal development of their employees, particularly where such programmes are based on a strong collaborative partnership between employers and trade unions;

(c) collaborate with member States in developing guidelines, procedures and training materials that increase opportunities for productive and freely chosen self-employment and that raise the productivity of workers, especially those working in the informal sector, leading to improved wages, living and working conditions;

(d) develop a programme for promoting partnerships between education and training institutions and the social partners. This programme would, in particular, endeavour to link employers' and workers' organisations, where they exist, with such institutions in jointly developing and implementing training programmes;

(e) encourage and promote developed and developing country dialogue leading to closer cooperation, the development of the interchange of information, the transfer of technology, the provision of training programmes and skills, and the analysis of markets on a continuing basis, leading to closer forms of partnership.

42. In respect of *research and information dissemination*

(a) undertake applied and practical research that will assist countries to develop appropriate human resources development responses to the challenges posed by structural adjustment. For example, the ILO should compile and publicise information on the impact of various structural adjustment policies on national populations, workers, and vulnerable social groups. Secondly, given the widespread interest in finding the most effective means of encouraging employers to provide training, the ILO should conduct a comparative study of the costs and benefits of different approaches, including tax rebates, enterprise-based training levies and the channelling of public funds for training through accountable bodies in which the social partners are represented. The study should provide countries with practical means of assessing the effectiveness and relevance of these different approaches to their own particular national circumstances, and guidelines for their implementation;

(b) strengthen the capabilities of national statistical offices, national training authorities, individual training institutions and enterprises to collect and analyse data on the demand and supply of training, including training for informal sector activities. This information will provide the basis for designing and implementing training policies and programmes in support of formal and informal sector training activities so as to improve the income earning abilities, living and working conditions of producers and workers, including the strengthening and modernisation of traditional apprenticeship training;

(c) reinforce its role as an international clearing-house for the collection, analysis and dissemination of information about training policy developments, institutional reforms in training, including the effects of privatisation of training institutions, incentive systems that encourage private sector training and innovations in extending training to groups that have been particularly hard hit by structural adjustment and have limited access to training. A particularly important objective of the ILO should be to publicise innovative local approaches to human resource development by enterprises, non-governmental and community organisations, employers' organisations and trade unions, as well as activities conducted jointly by the social partners. An important means of strengthening its clearing-house role is through the establishment of networking arrangements with educational and training institutions, especially at the regional level;

(d) prepare and disseminate a synopsis of research findings of national training experiences contained in the ILO's publications on training;

(e) undertake a programme of national and regional tripartite workshops and seminars that provide opportunities for the social partners to share their experiences in human development, especially the results of innovative responses to structural adjustment. The International Training Centre of the ILO should play an important role in this area, both in the conduct of such activities, at the Centre or in the regions, and in the preparation of appropriate background and instructional materials;

(f) undertake comparative analytical studies of the institutional framework for training in different countries. These studies should identify different institutional mechanisms and policies that have been employed for adjusting training programmes to meet better enterprises' skill demand and the skill needs of the informal sector, while ensuring equity in training. They should also endeavour to identify the technical, managerial and financial means by which traditional apprenticeship training could be strengthened and modernised to meet the skill and development needs of the informal sector. Based on these evaluations effective strategies for undertaking training policy reforms should be developed.

43. In respect of *special programmes*

(a) exercise vigorously its unique role among international organisations as the advocate of tripartite collaboration and as champion of the most vulnerable social groups. This responsibility is greater today than ever because of the difficult world economic conditions and the necessity for many countries to undergo substantial restructuring of their economies. The ILO must continue to assert its message concerning social equity and the development and efficient utilisation of human resources both in international forums and in its collaborative activities with the Bretton Woods institutions and regional development banks. The ILO should continue to reiterate that structural adjustment should emphasise social justice and the sharing of the burdens of adjustment, the improvement in working and living conditions which will result from structural adjustment, and tripartite consultation and cooperation on adjustment to improve the probability of its success;

(b) intensify its efforts to improve opportunities for women to participate on an equal basis in all human resource development and labour market programmes. In addition, it must strengthen technical cooperation programmes that promote the full economic social equality of women and improve the working and living conditions of the poorest groups of women, especially in rural areas, who have not had the opportunity to attend school and who, in addition to family responsibilities, are burdened with heavy work responsibilities outside the home;

(c) reinforce its programmes, consistent with the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), to make sure that disabled persons, one of the most vulnerable social groups, are not unfairly impacted by structural adjustment programmes, reduction in social expenditures and privatisation. The ILO should assist countries moving to more market-oriented economies to develop policies and programmes that demonstrate methods of providing equal opportunities for disabled persons in competitive labour markets;

(d) strengthen the role of the International Training Centre of the ILO, which represents a substantial potential to advance the ILO's efforts in human resources development. The Centre should continue to intensify its programmes aimed at enhancing the capacity of training organisations to develop effective managerial and professional skills, especially through training of senior managers and trainers of trainers. The Centre should also develop innovative, low-cost instructional methods and materials for use in developing and transitional economies. The Centre has a key role to play in the functioning of information networks. Its management training and workers' education programmes should be strengthened.

III

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled: "Prevention of major industrial accidents"[1]

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention and a Recommendation concerning prevention of industrial disasters,

Decides that an item entitled "Prevention of major industrial accidents" shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.

IV

Resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment[1]

The General Conference of the International Labour Organisation,

Recalling the obligation of the ILO to further programmes which will achieve, inter alia, full employment, the raising of standards of living, and a just share of the fruits of progress to all,

Recalling the Employment Policy Convention, 1964 (No. 122) and Recommendation, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169),

Recalling also the conclusions of the High-Level Meeting on Employment and Structural Adjustment, held in November 1987,

Recalling that the standards of the ILO relating to employment address all forms of productive activity which provide means of earning a livelihood,

Considering that continuing structural adjustment in the context of technological developments and changes in world markets requires intensified efforts to maximise employment opportunities in all countries,

Recognising that a key element in solving the problems of unemployment and underemployment faced by many countries lies in the creation of a favourable climate for the efficient utilisation of human skills including entrepreneurial and management skills, and the exercise of these skills by individuals, within the framework of policies that encourage the creation and growth of enterprises, especially small and medium-sized ones, that are competitive nationally, regionally and internationally,

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[1] Adopted on 22 June 1992.

Considering that there is a need for tripartite cooperation in the creation of an environment that would stimulate enterprise and investment, and through that, employment growth and improved living standards and working conditions, freedom of association and free collective bargaining,

Considering also that the full use of consultation between governments and the social partners, at all appropriate levels, greatly facilitates such cooperation and the achievement of these objectives,

Convinced of the need for government policies which provide the appropriate infrastructure and framework for economic and employment growth, investment and active labour market policies;

1. Calls upon governments and employers' and workers' organisations to:

(a) promote economic, industrial, investment and employment policies, including active labour market policies, that provide an environment in which enterprise can develop and flourish and new small and medium-sized enterprises are established, so that self-sustaining new jobs, offering full, productive and freely chosen employment can be created, and living standards and working conditions can be improved;

(b) make full use of consultation in the formulation of such policies;

(c) encourage constructive industrial relations systems, including collective bargaining systems where relevant, in order to facilitate the implementation of these policies;

(d) improve employment services and training and retraining programmes;

(e) take appropriate measures to encourage an entrepreneurial approach and the necessary skills for enterprise development, in particular through training and retraining programmes;

(f) devote particular attention to measure which will assist the most marginalised sections in society, such as women and rural workers, to find employment opportunities.

2. Invites the Governing Body of the ILO to instruct the Director-General:

(a) to give special emphasis, when implementing the programme of the ILO and when planning future activities, to:

  (i) activities that promote the development of appropriate economic and employment policies that would:
    - encourage an entrepreneurial approach and the necessary skills for enterprise development, especially in small and medium-sized enterprises, with a view to expanding sustainable and productive employment;
    - enhance the potential of enterprise in the creation of full productive, and freely chosen employment; and
    - help to improve living standards and working conditions;

  (ii) training and retraining programmes directed towards enabling unemployed people, including new entrants to the workforce, those displaced by structural adjustment and those in marginalised sections of society, to acquire the necessary skills and qualifications to find employment or re-employment or to start their own economic activities;

  (iii) activities fostering the creation of new enterprises as a significant means of re-employing people who may lose their jobs in the process of structural adjustment, as well as providing employment for new entrants to the workforce;

(b) to promote and organise exchanges of experience among countries adopting as essential elements of their economic and employment policies, in order to increase opportunities for sustainable and productive employment:

  - a diversified and efficient market economy;
  - the promotion and encouragement of the creation and development of enterprises without unnecessary regulation and excessive bureaucratic interference;

- the promotion of freedom of association and free and voluntary collective bargaining;
- facilities for, and the promotion of, adequate consultations between the social partners, at all appropriate levels, on how to cope with and facilitate the implementation of structural adjustment in the labour market;
- the full incorporation of adequate social considerations into economic programmes.

V

Resolution concerning employment promotion as an essential component of overall development[1]

The General Conference of the International Labour Organisation,

Considering that the Universal Declaration of Human Rights provides that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment",

Recalling the ILO's responsibility, according to the Declaration of Philadelphia, to promote programmes which will achieve full employment, and the fact that the Preamble to the Constitution of the Organisation advocates the prevention of unemployment and the provision of an adequate living wage, and reaffirming continuous support for the Employment Policy Convention, 1964 (No. 122),

Considering that the International Labour Organisation affirmed in the Declaration of Philadelphia that "the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy", and further affirmed that it was the responsibility of the Organisation "to examine and consider all international economic and financial policies and measures in the light of this fundamental objective",

Recalling the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in November 1987,

Recalling also ILO standards on employment policy,

Noting with concern the decline in employment opportunities in various regions of the world and the increase in unemployment and underemployment in several industrialised countries as well as in developing countries and countries in transition,

Recognising the need to ensure respect for the principles contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Workers' Representatives Convention, 1971 (No. 135), and the Rural Workers' Organisations Convention, 1975 (No. 141),

Recognising the responsibility of governments in the field of development policy and in the promotion of an environment which stimulates growth and employment and the importance of consultation with employers' and workers' organisations in the formulation of relevant policies in these areas;

1. Urges governments and, where appropriate, employers' and workers' organisations:

(a) to formulate and apply, as a matter of priority, an active policy to promote full, productive and freely chosen employment, through sustained economic growth and development, and thereby raise the standard of living of the population;

(b) to adopt policies which encourage job-creative economic activities, in line with national policies and development criteria; to develop employment and vocational guidance services so as to facilitate access to the labour market;

(c) to continue and intensify efforts to devise coherent training systems and policies:

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[1] Adopted on 22 June 1992.

(d) to develop social, employment and training programmes that would help to prepare the entry of young people into working life and the reintegration in the labour market of the long-term unemployed, workers displaced by restructuring or reconversion and workers who have interrupted their working life for various reasons, such as family responsibilities;

(e) to take appropriate measures to ensure that employment conditions in all categories of establishments respect the principles of ILO labour standards;

(f) to increase economic cooperation between countries which are at different stages of economic development;

(g) to promote long-term development of world trade on a fair basis, as a means of increasing economic activity and thus to increase employment opportunities, improve living standards and eliminate hunger and poverty;

(h) to develop a market-oriented macroeconomic environment as a means of solving problems of unemployment and developing overall growth.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:

(a) encourage member States to establish a framework for substantial employment growth, in both quantitative and qualitative terms, and to take the appropriate economic and social policy measures at the national and international levels and, for this purpose, to advise member States on the means of achieving their objectives as regards employment and the meeting of basic needs;

(b) assess the developments since the adoption of the World Employment Programme, taking especially into account the conclusions of the High-Level Meeting on Employment and Structural Adjustment held in November 1987, and submit relevant proposals for action to the Governing Body at an early date;

(c) continue and strengthen training activities at the national and regional levels, ensuring the optimum distribution and enhanced effectiveness of these programmes;

(d) cooperate fully with other organisations of the United Nations system in the search for solutions to problems of employment and the meeting of basic needs.

VI

Resolution concerning the role of the ILO in the protection and promotion of the rights of migrant workers and their families[1]

The General Conference of the International Labour Organisation,

Guided by the recognition in the Preamble to the ILO Constitution of the urgent need to protect the interests of workers when employed in countries other than their own,

Noting the standards embodied in the relevant ILO Conventions, including the Migration for Employment Convention (Revised), 1949 (No. 97), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Maintenance of Social Security Rights Convention, 1982 (No. 157), and by the accompanying Recommendations,

Noting the resolution on migrant workers in Asia adopted by the 11th Asian Regional Conference of the ILO (Bangkok, 26 November-2 December 1991),

Recalling previous relevant resolutions concerning migrant workers adopted by the Conference in 1967 and 1971,

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[1] Adopted on 22 June 1992.

Recalling also the adoption by the United Nations General Assembly in December 1990 (resolution 45/158) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which the ILO made a positive contribution,

Noting the terms of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), which calls on Members to create more employment opportunities and better conditions of work in countries of emigration so as to reduce the need to migrate to find employment, and to ensure that international migration takes place under conditions designed to promote full, productive and freely chosen employment,

Considering that with increasing economic integration and the movement of workers between countries, countries should consider questions relating to migrant workers and may need to cooperate more effectively in tackling any problems,

Concerned that migration can embody practices which are not in keeping with the principles embodied in relevant ILO standards and considering that there is need to ensure that the conditions of recruitment and employment of migrant workers are in line with those principles,

Expressing concern about acts of racism and xenophobia and the discrimination in employment to which migrant workers may sometimes be exposed,

Calling for effective means to eliminate illegal migration for employment, including through effective measures against labour-recruiting agents, intermediaries and employers of illegal migrant workers,

Convinced that the ILO has an important and valuable role to play in international efforts, including those of the United Nations system, concerning the welfare and the fundamental rights of all migrant workers and their families,

Stressing the need for employers' and workers' organisations to be associated, wherever relevant, in the work of all national, regional and international bodies concerned with questions affecting migrant workers and members of their families;

1. Invites governments and, where appropriate, employers' and workers' organisations:

(a) to take all appropriate measures to ensure that the terms and conditions of employment of migrant workers respect the principles of freedom of association and non-discrimination, and the provisions of the relevant ILO instruments;

(b) to consider ratification of relevant ILO Conventions concerning the rights of migrant workers and their families;

(c) to take appropriate national measures and to cooperate effectively in the field of international assistance, designed to eradicate migrationary pressures;

(d) to take duly into account all pertinent national and international standards when concluding bilateral agreements on migration;

(e) to take appropriate action which may include legislation to combat all acts of racism and xenophobia against migrant workers, and to intensify information and educational activities to this end;

(f) to ensure that migrant workers have access to information on their rights, including, where necessary, in their own languages;

(g) to involve, through appropriate means, workers' and employers' organisations in the formulation and monitoring of the effects of policies which cover recruitment, employment and the working conditions of migrant workers.

2. Requests the Governing Body of the Intenational Labour Office to instruct the Director-General:

(a) to make the necessary provision in his programme and budget proposals for the 1994-95 biennium for activities which appropriately address the need for the protection and promotion of migrant workers' rights;

(b) to present to an early session of the Governing Body a report on the conditions of migrant workers, to make proposals regarding any appropriate action to be taken when these are not in conformity with the principles embodied in relevant ILO instruments and to keep the Governing Body informed at regular intervals on matters pertaining to these issues;

(c) to continue and, where appropriate, intensify ILO cooperation with other international institutions concerned, including the International Organisation for Migration (IOM), on policies affecting migrant workers, including social and economic policies and employment creation in all countries and to consider appropriate measures to provide the necessary tripartite guidance for the ILO input in this area;

(d) to provide adequate advisory services, monitoring and technical cooperation on migration issues, with the aim of helping governments and, where appropriate, employers' and workers' organisations to formulate and apply effectively policies to protect the rights of migrant workers and to promote their welfare;

(e) to promote the dissemination of information on the rights of migrant workers and members of their families that are recognised in the relevant international instruments, and specifically on their right to freedom of association;

(f) to cooperate closely with the United Nations Compensation Commission so as to ensure that the work already undertaken by the ILO to register migrant workers displaced by the Gulf conflict of 1990-91 is put to use in ensuring that proper compensation reaches the largest possible number of those with just entitlements and to draw conclusions from this experience for situations which may arise in the future;

(g) to continue to examine relevant migration issues and problems, and ways of tackling them, in all the appropriate forums of the ILO.

VII

Resolution concerning the granting to Paraguay of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation[1]

The General Conference of the International Labour Organisation,

Having regard to the terms of the financial arrangement adopted by the Conference at its 78th Session (1991) for the settlement of the arrears of Paraguay,

Having regard further to the fact that Paraguay has brought itself up to date within the terms of the financial arrangement by payment of the balance of the amounts due in 1991 on 13 January 1992;

Decides that Paraguay be permitted to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organisation.

VIII

Resolution concerning appointments to the Administrative Board (ILO Staff Pensions Fund) and the ILO Staff Pension Committee (United Nations Joint Staff Pension Fund)[1]

The General Conference of the International Labour Organisation,

Appoints to the Administrative Board of the ILO Staff Pensions Fund and the ILO Staff Pension Committee (United Nations Joint Staff Pension Fund), for a period of three years until 8 October 1995, the following members and substitute members of these bodies, namely:

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[1] Adopted on 11 June 1992.

Members: Mr. Y. Chotard (France)
Miss A. M. Mackie (United Kingdom)
Mr. R. Vanni (Italy)

Substitute members: Mr. D. Pelekanos (Cyprus)
Mr. R. M. Schibli (Switzerland)
Mr. W. M. Yoffee (United States).

IX

Resolution concerning the Statute of the Administrative Tribunal of the ILO[1]

The General Conference of the International Labour Organisation

Decides:

(a) to amend article III, paragraph 1, of the Statute of the Administrative Tribunal of the International Labour Organisation to read as follows:

> The Tribunal shall consist of [three judges and four deputy] *seven* judges, who shall all be of different nationalities;

(b) to delete the words "and deputy judges" from article III, paragraph 2;

(c) to amend article III, paragraph 4, as follows:

> A meeting of the Tribunal shall be composed of three members [, of whom one at least must be a judge] *or, in exceptional cases, five, or seven, to be designated by the President.*

(d) to delete (as being no longer relevant) article III, paragraph 3, of the Statute which reads as follows:

> The terms of office of the judges and deputy judges who were in office on 1 January 1940 are prolonged until 1 April 1947 and thereafter until otherwise decided by the appropriate organ of the International Labour Organisation. Any vacancy which occurs during the period in question shall be filled by the said organ.

X

Resolution concerning of the composition of the Administrative Tribunal of the ILO[1]

The General Conference of the International Labour Organisation,

In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organisation,

Decides to appoint as judge of the Administrative Tribunal, for a term of three years, with effect from 18 November 1992:

Mr. Michel Gentot (France),

Decides to appoint as judge of the Administrative Tribunal, for a term of three years and with immediate effect:

Mr. Mark Fernando (Sri Lanka),

Decides to extend the term of office of Mr. Pierre Pescatore by a further period of three years,

Declares that, as from the adoption by the Conference of the proposed amendment to article III of the Statute of the Administrative Tribunal repealing the distinction between judges and deputy judges, all deputy judges in office will be considered as judges for the remaining part of their term of office.

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[1] Adopted on 11 June 1992.

XI

Resolution concerning the contributions of the Republic of Korea[1]

The General Conference of the International Labour Organisation,

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for the period of its membership in 1991 an annual assessment rate of 0.68 per cent for the contribution of the Republic of Korea to the 1990-91 Programme and Budget of the International Labour Organisation;

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for 1992 an annual assessment rate of 0.68 per cent for the contribution of the Republic of Korea to the 1992-93 Programme and Budget of the International Labour Organisation.

XII

Resolution concerning the contributions of Viet Nam[1]

The General Conference of the International Labour Organisation,

In accordance with article 9, paragraph 2, of the Financial Regulations, fixes for 1992 an annual rate of 0.01 per cent for the contribution of Viet Nam to the 1992-93 Programme and Budget of the International Labour Organisation.

XIII

Resolutions concerning the contributions of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia, and the scale of assessment of contributions for 1993[1]

A. The General Conference of the International Labour Organisation,

Following the practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations,

Noting that the assessment rates of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia in the United Nations for their periods of membership in the United Nations in 1991 and 1992 will not be approved by the General Assembly of the United Nations until later in 1992;

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that consideration of the rates of assessment of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia for their periods of membership in the Organisation in 1991 and 1992, together with those of any other new member States for which rates of assessment have not been established in the 1992-94 United Nations scale of assessments, be deferred to the 80th Session (June 1993) of the International Labour Conference.

B. The General Conference of the International Labour Organisation,

Following the practice of harmonising the rates of assessment of ILO member States with their rates of assessment in the United Nations,

Noting that the assessment rates of Azerbaijan, Estonia, Kyrgyzstan, Latvia, Lithuania and Slovenia in the United Nations scale of assessments for the years 1992, 1993 and 1994 will not be approved by the General Assembly of the United Nations until later in 1992;

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations:

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[1] Adopted on 11 June 1992.

(a) to adopt the draft scale of assessments for 1993 as set out in column 1 of Appendix I to this document[1];

(b) that the rates of assessment of Azerbaijan, Estonia, Kyrgyzstan, Latvia and Lithuania for 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of assessment be deducted from the rate of assessment of the Russian Federation in the draft scale;

(c) that the rates of assessment for 1993 of any other States which formed part of the former USSR and may become Members of the ILO before 1 January 1993 be the same as the rates at which they would be assessed for 1993 in the United Nations, and that the total of their rates of assessment be deducted from the rate of assessment of the Russian Federation in the draft scale;

(d) that consideration of the rate of assessment in 1993 for Slovenia be deferred to the 80th Session (June 1993) of the International Labour Conference;

(e) that consideration of the rates of assessment for 1993 of any other new member States for which rates of assessment have not been established in the 1992-94 United Nations scale of assessments be deferred to the 80th Session (June 1993) of the International Labour Conference.

XIV

Resolutions concerning the operation of the Working Capital Fund and proposals to amend the Financial Regulations[2]

A. The General Conference of the International Labour Organisation,

Decides that, in accordance with article 19, paragraphs 2 (a) and 4, of the Financial Regulations, the amounts standing to the credit of member States in Part I of the Working Capital Fund on 31 December 1991 shall be liberated and applied to reduce regular budget contributions payable by member States for 1993, without prejudice to the amendment of the Financial Regulations referred to in the following resolution;

Decides that interest accruing for the year ended 31 December 1992 on the amount so liberated shall be credited to the Working Capital Fund.

B. The General Conference of the International Labour Organisation,

Recalling that, at the 248th Session (November 1990) of the Governing Body, the Programme, Financial and Administrative Committee had set up a Working Party to review the current arrangements governing the Working Capital Fund,

Recognising that amendments to the Financial Regulations are required in order to implement the recommendations of the Governing Body concerning the operation of the Working Capital Fund,

Recalling that the 78th Session (1991) of the International Labour Conference decided that amendments to the Financial Regulations required to establish the incentive scheme for early payment of member States' assessed contributions would be introduced at the same time,

Recognising that the 77th Session (1990) of the International Labour Conference decided that one-half of any net premium earned for a biennium on forward purchasing transactions between US dollars and Swiss francs should be distributed to the Incentive Fund, but did not define specific criteria for the distribution of this half of the net premium to member States;

Decides to approve in principle the amendments set out in Appendix III,[1] on the understanding that it will be for the Governing Body, after having had an opportunity to consider more closely at its next session their possible interrelationships with other amendments and proposals still pending, to bring them into effect definitively as from 1 January 1993, and to make proposals for any amendments as may appear appropriate.

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[1] See the first report of the Finance Committee of Government Representatives in *Provisional Record* No. 11.

[2] Adopted on 11 June 1992.

XV

Resolution concerning the Financial Report and Audited Financial Statements for 1990-91[1]

The General Conference of the International Labour Organisation;

Decides to adopt the Financial Report and Audited Financial Statements for 1990-91 in accordance with article 29 of the Financial Regulations.

XVI

Resolution concerning the treatment of the 1990-91 cash surplus[1]

The General Conference of the International Labour Organisation,

Noting that for the 1990-91 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 19,369,458 Swiss francs;

1. Decides, as an exceptional one-time measure and in derogation of article 18 of the Financial Regulations, to set aside 10,324,000 Swiss francs of the 1990-91 cash surplus in a special account, to be used for the purpose of financing the purchases of capital equipment itemised in Appendix II to this report[2], and 2 million Swiss francs to be transferred to the Building and Accommodation Fund, thereby reducing by corresponding amounts the sum which would otherwise be available for reducing member States' assessed contributions for 1993.

2. Notes that, taking account of the above appropriations, the amount available under article 18 of the Financial Regulations for reducing the assessed contributions of member States for 1993 will be 7,045,458 Swiss francs.

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[1] Adopted on 11 June 1992.

[2] See the first report of the Finance Committee of Government Representatives in *Provisional Record* No. 11.

Supplément au *Compte rendu provisoire* (19 juin 1992)

Conférence internationale du Travail

Soixante-dix-neuvième session, Genève

DÉLÉGATIONS

Supplement to the *Provisional Record* (19 June 1992)

International Labour Conference

Seventy-ninth Session, Geneva

DELEGATIONS

Suplemento de *Actas Provisionales* (19 de junio de 1992)

Conferencia Internacional del Trabajo

Septuagésima novena reunión, Ginebra

DELEGACIONES

1992

LISTE FINALE
FINAL LIST
LISTA FINAL

La liste des délégations est présentée sous une forme trilingue dans l'ordre alphabétique français des pays représentés à la Conférence.

Toutes les informations concernant les noms des pays ou des organisations sont données en français, anglais et espagnol.

Les autres informations essentielles (titres et qualités des participants à la Conférence tels qu'ils figurent dans les pouvoirs officiels et fonctions exercées à la Conférence) sont indiquées dans une seule de ces langues: celle que doit utiliser le Bureau international du Travail dans la correspondance officielle avec le pays dont relève la personne intéressée.

The list of delegations is presented in trilingual form, in the French alphabetical order of the countries represented at the Conference.

All details relating to the names of countries and organisations are given in French, English and Spanish.

Other essential details (titles, positions or functions of participants as indicated in the official credentials and the Conference status of participants) are given in the language used for official correspondence between the ILO and the country in question.

En la lista trilingüe de delegaciones los países representados en la Conferencia figuran en orden alfabético francés.

Figuran en francés, inglés y español los nombres de los Estados y organizaciones asistentes a la Conferencia.

Por el contrario, los demás datos (títulos, profesiones y cargos de los participantes, tal como figuran en los poderes oficiales, y funciones ejercidas en la Conferencia) aparecen en la lengua utilizada por la Oficina Internacional del Trabajo para sus comunicaciones oficiales con el correspondiente Estado.

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ETATS MEMBRES MEMBER STATES ESTADOS MIEMBROS

AFGHANISTAN
AFGHANISTAN
AFGANISTAN

Délégués gouvernementaux

AABED, Mawlawi Abdulmanan, M., ministre chargé du Travail et des Affaires sociales.

AMANI, Mohammad Nabi, M., ambassadeur; représentant permanent à Genève.

Conseillers techniques

AAZAM, Mohammad, M.

MOKHTARZADA, Taufiq, M.

SOLHDOST, Mohammad Afzal, M.

Délégué des employeurs

MOMEN, Abdul, M.

Délégué des travailleurs

SADIQYAR, Sarboland, M.

ALBANIE ALBANIA ALBANIA

Government delegates

SHEHI, Dashamir, Mr., Minister of Labour, Emigration, Social Sustain and Ex-Political Persecutees.

CENKO, Kadri, Mr., Chargé d'Affaires, Permanent Mission, Geneva.

Workers' delegate

KAMBA, Imir, Mr., Independent Unions.

Adviser

LAMANI, Filimon, Mr., Confederation of Free Unions.

ALGERIE ALGERIA ARGELIA

MINISTRE ASSISTANT A LA CONFERENCE

ZIARI, Abdelaziz, M., ministre du Travail.

Accompagné de SEMICHI, Abdel Hamid, M., ambassadeur; représentant permanent à Genève.

Délégués gouvernementaux

OUZIR, El Hachemi, M., directeur, ministère du Travail.

ABDELWAHEB, Fifi, Mme, directrice, ministère du Travail.

Conseillers techniques et délégués suppléants

ASSALA, Mahmoud, M., sous-directeur, ministère du Travail.

ADJABI, Mourad, M., secrétaire des affaires étrangères à la mission permanente à Genève.

LOUMI, Said, M., ministère du Travail.

SARNI, Zahir, M., ministère du Travail.

SLIMANI, Said, M., ministère de l'Intérieur.

STAMBOULI, Mohamed El Hafed, M., ministère de l'Energie.

SENHADRI, Hafid, M., directeur de Cabinet, ministère de la Formation professionnelle et de l'Emploi.

TOUATI, Hadda, Mlle.

NIA, Hocine, M., chargé d'étude et de synthèse, ministère du Travail.

Délégué des employeurs

SLIMANI, Ali, M., membre de l'Union nationale des entrepreneurs publics (UNEP).

Conseillers techniques et délégués suppléants

BENALI, Mohandarezki, M., membre de l'UNEP.

BOUDCHACHA, Mohamed, M., membre de l'UNEP.

CHAOU, Omar, M., membre de l'Union générale des entrepreneurs algériens (UGEA).

KAHOUL, Said, M., membre de l'UGEA.

LOUNIS KHODJA, Small, M., membre de l'UGEA.

KRERBI, Fouad, M., membre de l'UGEA.

FERDJANI, M'hamed, M., membre de l'UGEA.

Délégué des travailleurs

BENHAMOUDA, Abdelhak, M., secrétaire général de l'Union générale des travailleurs algériens (UGTA).

Conseillers techniques et délégués suppléants

ZAAF, Mohamed, M., secrétaire national de l'UGTA.

DJEFFEL, Abdelaziz, M., membre de l'UGTA; membre suppléant du Conseil d'administration du BIT.

DILMI, Mohamed Tahar, M., membre de l'UGTA.

Conseiller technique

BELAID, Meziane, M., UGTA.

ALLEMAGNE GERMANY ALEMANIA

MINISTER ATTENDING THE CONFERENCE

TEGTMEIER, Werner, Mr., Secretary of State, Federal Ministry of Labour and Social Affairs.

Accompanied by SCHEMKEN, Heinz, Mr., Member of German Bundestag; Deputy Chairman, Bundestag Committee for Labour and Social Affairs.

KELLER, Peter, Mr., Member of German Bundestag.

LOUVEN, Julius, Mr., Member of German Bundestag.

OSTERTAG, Adolf, Mr., Member of German Bundestag.

POHL, Eva, Mrs., Member of German Bundestag.

SCHARRENBROICH, Heribert, Mr., Member of German Bundestag.

WEILER, Barbara, Ms., Member of German Bundestag.

JELONEK, Alois, Mr., Ambassador; Permanent Representative, Geneva.

Government delegates

CLEVER, Peter, Mr., Head, International Social Policy Department, Federal Ministry of Labour and Social Affairs; Government Representative, Governing Body of the ILO.

FRITZ, Gernot, Mr., Head, Section for Social Policy Abroad (excluding European Community), Federal Ministry of Labour and Social Affairs; Substitute Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

ROSENGARTEN, Ulrich, Mr., Minister, Permanent Mission, Geneva.

WILLERS, Dietrich, Mr., Head, Section for ILO Affairs, Federal Ministry of Labour and Social Affairs; Substitute Government Representative, Governing Body of the ILO.

Advisers

OHNDORF, Wolfgang, Mr., Permanent Mission, Geneva.

SCHLEEGER, Magdalena, Mrs., Substitute Head, Section for ILO Affairs, Federal Ministry of Labour and Social Affairs.

KEMPER, Jutta, Mrs., Head, Section for Insolvency Law Reform, Federal Ministry of Justice.

GROSSE-JAGER, André, Mr., Section Head, Federal Ministry for Labour and Social Affairs.

KOCH, Thomas, Mr., Section Head, Federal Ministry for Labour and Social Affairs.

SCHEDDLER, Albrecht, Mr., Section Head, Federal Ministry for Labour and Social Affairs.

FREY, Martin, Mr., Committee Secretary, German Bundestag.

GOETZ, Thomas, Mr., Permanent Mission, Geneva.

MILZOW, Wolfgang, Mr., Permanent Mission, Geneva.

SCHEMEL, Joachim, Mr., Permanent Mission, Geneva.

Employers' delegate

THUESING, Rolf, Mr., Member, Executive Board, Confederation of German Employers' Associations (BDA).

Advisers and substitute delegates

WISSKIRCHEN, Alfred, Mr., Expert, Deputy Head, Labour Law Department, BDA.

GRIMSMANN, Joachim, Mr., Expert, Deputy Head, International Social Policy and European Community Department, BDA.

Advisers

LINDNER, Wolf Dieter, Mr., Confederation of German Employers' Associations; Member, Governing Body of the ILO.

WEISS, Hans Michael, Mr., Expert, Collective Bargaining Policy and Collective Law Department, Federation of Employers' Associations in North Rhine-Westphalia.

GEHRUNGER, Richard, Mr., Director, Head, Social and Works Administration, Hoechst AG.

Workers' delegate

ENGELEN-KEFER, Ursula, Ms., Vice-President, German Confederation of Trade Unions (DGB); Member, Governing Body of the ILO.

Adviser and substitute delegate

ADAMY, Wilhelm, Mr., Executive Board, Labour Market Policy Department, DGB.

Advisers

BOBKE-VON-CAMEN, Manfred, Mr., Executive Board, Labour Market Policy Department, DGB.

FALKENBERG, Rolf Dieter, Mr., German Salaried Employers' Union (DAG).

KONSTANTY, Reinhold, Mr., Executive Board, Environment and Health Department, DGB.

PICHOTTKA, Andred, Mrs., Chemical, Paper and Ceramics Workers' Union.

WAGNER, Dieter, Mr., Executive Board, International Department, DGB.

ANGOLA

Délégués gouvernementaux

DE JESUS, Diogo Jorge, M., ministre du Travail, de l'Administration publique et de la Sécurité sociale.

DA COSTA, Manuel, M., directeur des relations et coopération internationales au ministère du Travail, de l'Administration publique et de la Sécurité sociale.

Conseillers techniques et délégués suppléants

N'GOVE LUSSOKE, David, M., chef du Département national de la sécurité et de l'hygiène du ministère du Travail, de l'Administration publique et de la Sécurité sociale.

SILVA NETO, Joyo, M., directeur national de l'emploi et de la formation professionnelle, ministère du Travail, de l'Administration publique et de la Sécurité sociale.

MAXIMINO, Antonio Francisco, M., juriste, Département des relations et coopération internationales du ministère du Travail, de l'Administration publique et de la Sécurité sociale.

Conseillers techniques

JESUS NETO, Rolando Felicidade, M., chef du Département des agences spécialisées au ministère des Relations extérieures.

DA COSTA RODRIGUES, Filomena de Fátima, Mlle, membre du secrétariat exécutif du Cabinet du ministre du Travail, de l'Administration publique et de la Sécurité sociale.

Délégué des employeurs

TIAGO GOMES, Antonio, M., secrétaire exécutif de la Chambre de commerce et d'industrie d'Angola (CCIA).

Conseillers techniques

RODRIGUES, José Maria, M., juriste, ENDIAMA; membre de la CCIA.

GABRIEL, Daniel Joaquim, M., directeur commercial du SUT.

Délégué des travailleurs

N'ZAKUNDOMBA, Cordiro Ernesto, M., coordinateur du secrétariat exécutif de l'Union nationale des travailleurs de l'Angola (UNTA).

Conseillers techniques

DA COSTA, Abilio, M., membre du secrétariat de l'UNTA.

CASTELO BRANCO, Camilo, M., directeur du Département des relations internationales de l'UNTA.

ANTIGUA-ET-BARBUDA
ANTIGUA AND BARBUDA
ANTIGUA Y BARBUDA

Government delegate

FREELAND, Adolphus Eleazer, Mr., Minister of Labour, Health, Co-operatives and Merchant Shipping.

Employers' delegate

BASS, Henderson, Mr., Secretary, Employers' Federation Union.

Workers' delegate

ROBINSON, William, Mr., Senator, President, The Antigua Trades and Labour Union.

ARABIE SAOUDITE
SAUDI ARABIA ARABIA SAUDITA

MINISTER ATTENDING THE CONFERENCE

AL-FAYEZ, Mohammed Ben Ali, Mr., Minister of Labour and Social Affairs.

Government delegates

AL-YAHYA, Ahmad Ben Hamad, Mr., Deputy Minister for Labour Affairs.

AL-KHALIDI, Mohammed Said, Mr., Director-General, International Organisations Affairs.

Advisers and substitute delegates

FAKIH, Ahmed Ben Jafar, Mr., Director-General, Main Social Insurance Office, Western Region.

AL-BWARDY, Abdulrahman Saad, Mr., Labour Adviser, Manpower Department.

SKAIT, Ali Abdullah, Mr., Vocational Counsellor, General Organisation for Technical Education and Vocational Training.

Employers' delegate

DAHLAN, Abdullah Ben Sadeq, Mr., Secretary-General, Jeddah Chamber of Commerce and Industry.

Workers' delegate

JUMA'A, Adnan Ben Saleh, Mr., Chief, Labour Relations, Saudi Aramco.

ARGENTINE ARGENTINA ARGENTINA

MINISTRO ASISTENTE A LA CONFERENCIA

DIAZ, Rodolfo A., Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

RODRIGUEZ, Enrique, Sr., representante gubernamental, Consejo de Administración de la OIT, Secretario de Trabajo.

LANUS, Juan Archibaldo, Sr., Embajador; representante permanente en Ginebra.

Consejeros técnicos y delegados suplentes

STREGA, Enrique A., Sr., Subsecretario de Trabajo Adjunto.

QUADRI CASTILLO, Mario A., Sr., director de asuntos internacionales, Ministerio de Trabajo y Seguridad Social.

MAYORAL, César Fernando, Sr., consejero de embajada, misión permanente en Ginebra; representante suplente gubernamental, Consejo de Administración de la OIT.

Consejeros técnicos

TORRES, Carlos, Sr., director nacional de Higiene y Seguridad en el Trabajo, Ministerio de Trabajo.

DI SARLI, Horacio, Sr., director nacional de Policía del trabajo.

OREFICE DE OTAOLA, Elena, Sra., asesora, Ministerio de Trabajo y Seguridad Social.

CARVAJAL, Guillermo, Sr., consejero, misión permanente en Ginebra.

ESTEVEZ, Antonio, Sr., asesor de la Secretaría de Trabajo.

VASQUEZ, Ricardo, Sr., diputado nacional.

LOPEZ, Alcides, Sr., diputado nacional.

Personas designadas de conformidad con el artículo 2, párrafo 3 i), del Reglamento de la Conferencia

ALVAREZ, Hector, Sr., diputado nacional.

GOMEZ, José E., Sr., diputado nacional.

SALUSSO, Horacio R., Sr., diputado nacional.

PARENTE, Rodolfo, Sr., diputado nacional.

SANGUINETI, Edgardo, Sr., director del Senado de la Nación.

MIEMBROS DEL PARLAMENTO ASISTENTES A LA CONFERENCIA

BRASESCO, Luis A., Sr., senador nacional.

BRITOS, Oraldo, Sr., senador nacional.

LUDUEÑA, Felipe, Sr., senador nacional.

Delegado de los empleadores

EURNEKIAN, Murat, Sr., miembro del Consejo de Administración de la OIT.

Consejero técnico y delegado suplente

FUNES DE RIOJA, Daniel, Sr.

Consejeros técnicos

HERMIDA MARTINEZ, Dario, Sr.

MANTILLA, Enrique, Sr.

SPAGHI, P., Sr.

BOLO, Ovidio, Sr.

FIORE, Luis María, Sr.
AZUBEL, Alberto José, Sr.
BARCIA, Juan Eudoro, Sr.

Persona designada de conformidad con el artículo 2, párrafo 3 i), del Reglamento de la Conferencia

GELMI, Juan Carlos, Sr.

Delegado de los trabajadores

LESCANO, Oscar, Sr., Secretaría general, representante legal de la Confederación General de Trabajadores (CGT).

Consejeros técnicos y delegados suplentes

MARTINEZ, Anibal, Sr., Secretaría general de la CGT.
BALDASSINI, Ramón, Sr., Secretaría general de la CGT.

Consejeros técnicos

DIGON, Roberto, Sr., Secretaría de Relaciones Internacionales de la CGT.
VENTURINI, Enrique Oscar, Sr., Secretaría de Relaciones Internacionales de la CGT.
FARINA, Nelson, Sr., Secretaría de Relaciones Internacionales de la CGT.
VALLE, Ramón, Sr., Secretaría de Relaciones Internacionales de la CGT.
UBALDINI, Saúl, Sr., Secretaría de Relaciones Internacionales de la CGT.
FERRO, Horacio, Sr., asesor de la CGT.

Personas designadas de conformidad con el artículo 2, párrafo 3 i), del Reglamento de la Conferencia

CHAVARRIA, Julio, Sr.
MARTINEZ, Gerardo, Sr.

AUSTRALIE AUSTRALIA AUSTRALIA

MINISTER ATTENDING THE CONFERENCE

COOK, Peter, Mr., Senator, Minister for Industrial Relations.
Accompanied by GRAY, Susan, Ms., Adviser to the Minister.

STATE MINISTERS ATTENDING THE CONFERENCE

GREGORY, Bob, Mr., Minister for Labour (South Australia).
HENDERSON, Yvonne, Ms., Minister for Productivity and Labour Relations (Western Australia).

MEMBERS OF PARLIAMENT ATTENDING THE CONFERENCE

HOWARD, John, Mr., Opposition Spokesman for Industrial Relations, Employment and Training.
BELL, Robert, Mr., Senator, Australian Democrats Spokesperson on Industrial Relations.

Government delegates

DEJONG, Bill, Mr., Minister (Special Labour Adviser), Permanent Mission, Geneva; Representative, Governing Body of the ILO.
MACDONALD, David, Mr., Assistant Secretary, International and Secretariat Branch, Department of Industrial Relations; Substitute Representative, Governing Body of the ILO.

Adviser and substitute delegate

DEEGAN, Barbara, Ms., Assistant Secretary, Legislation Branch, Department of Industrial Relations.

Advisers

BRADLEY, Brian, Mr., Director, Policy and Information, Department of Occupational Health, Safety and Welfare (Western Australia).
HOLMES, Graham, Mr., Director-General, Department of Labour (Victoria).
BARKER, Bill, Mr., Deputy Permanent Representative, Geneva.
HANNOUSH, John, Mr., First Secretary, Permanent Mission, Geneva.

Employers' delegate

NOAKES, Bryan, Mr., Director-General, National Employers' Industrial Council, Confederation of Australian Industry; Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates

JOHN, Greg G., Mr., Director of Operations, Victorian Employers Chamber of Commerce and Industry.
WHIFFIN, Rex, Mr., Executive General Manager Australian Mines and Metals Association.
HAMPTON, Peter, Mr., Deputy Director, South Australian Employers' Federation.

Workers' delegate

LESSES, John, Mr., Secretary, United Trades and Labour Council of South Australia.

Advisers

POLESON, Lynne, Ms., Secretary, New South Wales Branch, Australian Bank Employees Union.
MAYMAN, Stephanie, Ms., Industrial Officer, Federated Miscellaneous Workers' Union of Australia.
MATHESON, Alan, Mr., Industrial Officer, Australian Council of Trade Unions.

AUTRICHE AUSTRIA AUSTRIA

MINISTER ATTENDING THE CONFERENCE

HESOUN, Josef, Mr., Federal Minister for Labour and Social Affairs.
Accompanied by POELTNER, Walter, Mr., Secretary to the Minister.
STOCKBAUER, Harald, Mr., Secretary to the Minister.
BUCHACHER, Ulrike, Ms., Secretary to the Minister.

Government delegates

MELAS, Heinz-Michael, Mr., Director, Federal Ministry for Labour and Social Affairs.
LANGHAMMER, Herbert, Mr., Director, Federal Ministry for Labour and Social Affairs.

Adviser and substitute delegate

LANG, Winfried, Mr., University Professor; Ambassador; Permanent Representative, Geneva.

Advisers

LENTSCH, Wolfgang, Mr., Director, Federal Ministry for Economic Affairs.

BAIER, Thomas Michael, Mr., Minister Counsellor, Permanent Mission, Geneva.

HOMOLYA, Ferenc, Mr., Director, Federal Ministry for Economic Affairs.

PIFFL-PAVELEC, Susanne, Mrs., Counsellor, Federal Ministry for Labour and Social Affairs.

DEMBSHER, Iris, Ms., Federal Ministry for Labour and Social Affairs.

Employers' delegate

ARBESSER-RASTBURG, Max, Mr., Professor; Manager, Herz Armaturen AG; Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

BRAUNER, Heinrich, Mr., Chief of Social Insurance and Workers' Protection Division, Federation of Austrian Industrialists.

KAINZ, Christophe, Mr., Industry Section, Federal Chamber of Commerce.

STRIMITZER, Dietmar, Mr., Social Policy Division, Federal Chamber of Commerce.

Workers' delegate

VERZETNITSCH, Friedrich, Mr., President, Austrian Confederation of Trade Unions.

Advisers and substitute delegates

FRIEHS, Franz, Mr., Social Policy Division, Austrian Confederation of Trade Unions.

RAUB, Gerhard, Mr., Secretary, Workers' Union for Metal, Mining and Energy.

NEUGEBAUER, Fritz, Mr., Vice-President, Austrian Confederation of Trade Unions.

AZERBAIDJAN
AZERBAIJAN
AZERBAIYAN

Government delegate

KASUMOVA, Svetlana Chingizkyzy, Mrs., Chairman of the State Committee for Labour and Social Affairs.

Employers' delegate

BABAYEV, Nureddin Bargah Ogly, Mr., Director General, Production Association "Organic Syntez".

Workers' delegate

AGAGUSEINOV, Kamran Yusif Ogly, Mr., President of Trade Union.

BAHREIN BAHRAIN BAHREIN

MINISTER ATTENDING THE CONFERENCE

AL-KHALIFA, Shaikh Khalifa bin Salman bin Mohamed, Mr., Minister of Labour and Social Affairs.

Government delegate

AL-MADANI, Abdulla Rashid, Mr., Under-Secretary, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

AL-HADDAD, Ahmed Mahdi, Mr., Permanent Mission, Geneva.

AL-ZAYANI, Abdul Rahman Salman, Mr., Director, Labour Directorate, Ministry of Labour and Social Affairs.

AL-WAZZAN, Hamad Ebrahim, Mr., Chief, Labour Relations, Ministry of Labour and Social Affairs.

Advisers

AL-MODEHKI, Abdul Aziz, Mr., Chief, Labour Inspection Section, Ministry of Labour and Social Affairs.

SATER, Adel Yousif, Mr., First Secretary, Permanent Mission, Geneva.

BU-HIJI, Abdul-Hakim Mohamed, Mr., Second Secretary, Permanent Mission, Geneva.

GHAZI, Ezzat Abdul-Nabi, Mr., Legal and Labour Adviser, Ministry of Labour and Social Affairs.

AL-DOSERI, Sabah Salem, Mr., Secretary to the Minister of Labour and Social Affairs.

Employers' delegate

ZAIN AL-ABIDEEN, Hassan Mohamed, Mr., Second Vice-President, Bahrain Chamber of Commerce and Industry.

Workers' delegate

AL-SAMAK, Saeed Abbas, Mr., Chairman, General Committee of Bahrain Workers.

Advisers and substitute delegates

AL-ALI, Saad Sultan, Mr., General Committee of Bahrain Workers.

ALMOSANI, Sayed Mohsen, Mr., General Committee of Bahrain Workers.

AL-ALI, Saad Sultan, Mr., General Committee of Bahrain Workers.

AL-MOSAWI, Saïd Mohsen Saïd Mohamed, Mr.

BANGLADESH

MINISTER ATTENDING THE CONFERENCE

BHUIYAN, Abdul Mannan, Mr., Minister for Labour and Manpower.

Government delegates

OSMANY, Mufleh R., Mr., Ambassador; Permanent Representative, Geneva.

ALI, Asharaf, Mr., Deputy-Chief (Labour), Ministry of Labour and Manpower.

Advisers and substitute delegates

KARIM, Iftikharul, Mr., Counsellor, Permanent Mission, Geneva.

FIRDAUS, Nasim, Ms., Counsellor, Permanent Mission, Geneva.

Employers' delegate

RAHMAN, Latifur, Mr., Former-President, Bangladesh Employers' Association.

Adviser and substitute delegate

HYDER, C.K., Mr., Secretary-General, Bangladesh Employers' Association.

Workers' delegate

KHAN, Nazrul Islam, Mr., Secretary-General, Bangladesh Jatioyatabadi Sramik Dal.

BARBADE BARBADOS BARBADOS

Government delegates

CLARKE, Carl, Mr., Minister of Labour, Consumer Affairs and the Environment.

BREWSTER, Fozlo, Mr., Permanent Secretary, Ministry of Labour, Consumer Affairs and the Environment.

Employers' delegate

MARSHALL, Deighton, Mr., President, Barbados Employers' Confederation.

Workers' delegate

TROTMAN, Leroy, Mr., Acting General Secretary, Barbados Workers' Union.

BELARUS

MINISTER ATTENDING THE CONFERENCE

KEBITCH, Vjatcheslav F., Mr., Prime Minister of the Republic of Belarus.

Government delegates

BADEI, G.P., Mr., Chairman, State Committee for Labour and Social Protection.

MARDOVICH, A.A., Mr., Ambassador; Permanent Representative, Geneva.

Advisers

JOUKOWSKY, N., Mr., Head, International Relations Department, State Committee for Labour and Social Protection; Government Representative, Governing Body of the ILO.

GALKA, V.V., Mr., Second Secretary, Permanent Mission, Geneva.

Employers' delegate

KUNYAVSKY, M.S., Mr., Co-Chairman, Coordinating Council of Entrepreneurs; President, Union of Leaseholders and Entrepreneurs.

Advisers

MIKHAL KEVICH, S., Mr., President, INFAST, Industrial, Scientific and Commercial Company.

LFRON, M.B., Mr., Director, "Kristina" independent enterprise.

MERKULOVA, G.P., Ms., Deputy Director, "Kristina" independent enterprise.

GAIDUCHENKO, N.P., Ms., Deputy Director, "Miloritsa" enterprise.

VINOKUROVA, M.M., Ms., Director, house panel factory.

MAKAR, V.I., Mr., Director, experimental mechanical works.

Workers' delegate

GONCHARIK, V.I., Mr., Chairman, Federation of Trade Unions.

Advisers

BOULGAK, V.A., Mr., Deputy Chairman, Federation of Trade Unions.

PODOLINSKIY, O.V., Mr., Head of Division, International Relations Department, Federation of Trade Unions.

BELGIQUE BELGIUM BELGICA

MINISTRE ASSISTANT A LA CONFERENCE

SMET, Miet, Mme, ministre de l'Emploi et du Travail.

Accompagné de MAXIMUS, Lydia, Mme, sénateur, président de la Commission des affaires sociales du Sénat.

FLAMANT, Emiel, M., député, président de la Commission des affaires sociales de la Chambre.

COX, Guy, M., chef de Cabinet du ministre de l'Emploi et du Travail.

MONBALLYU, Jo, Mme, chef de Cabinet adjoint du ministre de l'Emploi et du Travail.

ASEGLIO, Michel, M., chef de Cabinet adjoint du ministre de l'Emploi et du Travail.

Délégués gouvernementaux

LEEMANS, Edward, M., ministre d'Etat; représentant, Conseil d'administration du BIT.

SOENEN, Julien, M., directeur d'administration; chef du Service des relations internationales, ministère de l'Emploi et du Travail; représentant suppléant au Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

REYN, Alex, M., ambassadeur; représentant permanent à Genève.

Conseillers techniques

DE GOLS, Michel, M., directeur d'administration à l'Administration de la réglementation et des relations du travail, ministère de l'Emploi et du Travail.

VAN CRAEN, Marc, M., représentant permanent adjoint à Genève.

GEDOPT, Marc, M., premier secrétaire, mission permanente, Genève

VANDAMME, François, Mr., conseiller, Service des relations internationales, ministère de l'Emploi et du Travail.

GERARD, Maurice, M., ingénieur principal, chef de service, Administration de la sécurité du travail, ministère de l'Emploi et du Travail.

CLOESEN, Joseph, M., conseiller adjoint au Service des relations internationales du ministère de l'Emploi et du Travail.

HEYMAN, Pascal, Mr., attaché, mission permanente, Genève.

LEMOINE, Jacqueline, Mme, déléguée de la Communauté française de Belgique auprès des organisations internationales à Genève.

WALGRAVE, Jo, Mme, président, Conseil national du travail.

LETAWE, Guy, M., ingénieur principal, chef de service à l'Administration de la sécurité du travail du ministère de l'Emploi et du Travail.

Délégué des employeurs

VAN HOLM, Jan, M., directeur du Service des relations et conditions de travail, Fédération des entreprises de Belgique.

Conseiller technique et délégué suppléant

ARETS, Paul, M., directeur honoraire de la Fédération des entreprises de Belgique (FEB); membre suppléant du Conseil d'administration du BIT.

Conseillers techniques

DE KOSTER, Arnout, M., conseiller, FEB.

MINNE, Willy, M., directeur, Fédération des industries agricoles et alimentaires de Belgique.

DA COSTA, Jacques, M., directeur, Fédération pétrolière.

BAELEN, William, M., directeur, Fédération des industries chimiques de Belgique.

CHIMKOVITCH, Serge, M., attaché de direction, Division nationale Benelux Solvay.

Délégué des travailleurs

PEIRENS, Willy, M., président, Confédération des syndicats chrétiens (CSC).

Conseiller technique et délégué suppléant

DE VITS, Mia, Mme, secrétaire général, Fédération générale du travail de Belgique (FGTB); membre adjoint suppléant, Conseil d'administration du BIT.

Conseillers techniques

WALDACK, Willy, M., président national, Centrale générale des syndicats libéraux de Belgique.

DELARUE, Rudy, M., conseiller juridique, Service d'études, CSC.

SPAEY, René, M., conseiller juridique, FGTB.

DEBRULLE, Andrée, Mme, conseiller juridique, CSC.

MAETER, Pierre-Paul, M., conseiller juridique, FGTB.

LEEMANS, Marc, M., conseiller, CSC.

Personnes désignées conformément à l'article 2, alinéa 3 i), du Règlement de la Conférence

JANSSENS, François, M., président de la Fédération générale du travail.

PIETTE, Josly, M., secrétaire général de la Confédération des syndicats chrétiens.

DE REYMAEKER, Jan, M., chef du Service international de la Confédération des syndicats chrétiens.

BELIZE BELIZE BELICE

Government delegates

CASTILLO, Valdemar, Mr., Minister of Labour, Public Service and Local Government.

BENNETT, Edney E., Mr., Deputy Labour Commissioner.

Employers' delegate

WILLIAMS, Greta Martha, Mrs.

Workers' delegate

FRAZER, George H.A., Mr.

BENIN

Délégués gouvernementaux

AHOYO, Véronique, Mme, ministre du Travail et des Affaires sociales.

ZANNOU, Pierre A., M., directeur du travail.

Délégué des employeurs

GLELE, Lucien, M., membre du bureau exécutif de l'Organisation nationale des employeurs du Bénin (ONEB); membre suppléant du Conseil d'administration du BIT.

Délégué des travailleurs

ADJANOHOUN, Basile, M.

BOLIVIE BOLIVIA BOLIVIA

MINISTRO ASISTENTE A LA CONFERENCIA

ZAMORA MEDINACELLI, Oscar, Sr., Ministro del Trabajo y Desarrollo Laboral.

Delegados gubernamentales

SORUCO VILLANUEVA, Jorge, Sr., Embajador; representante permanente en Ginebra; representante gubernamental del Consejo de Administración de la OIT.

BANZER, Wilma, Sra., consejero, misión permanente en Ginebra.

Consejero técnico y delegado suplente

VALCARCE PEÑAFIEL, J. Rafael, Sr., primer secretario, misión permanente en Ginebra; representante gubernamental suplente del Consejo de Administración de la OIT.

Delegado de los empleadores

ESPAÑA-SMITH, Raúl, Sr., miembro del consejo directivo de la Confederación de Empresarios Privados.

Delegado de los trabajadores

SALAS, Oscar, Sr., representante de la Central Obrera Boliviana.

Consejero técnico y delegado suplente

CAMARGO, Carlos, Sr., representante de la Central Obrera Boliviana.

BOTSWANA

MINISTER ATTENDING THE CONFERENCE

BALOPI, Patrick K., Mr., Minister of Labour and Home Affairs.

Government delegates

MASOGO, Keetla M., Mr., Permanent Secretary.

PALAI, Mothusi B.R., Mr., Commissioner of Labour.

Advisers

MOOKI, Nthato Ezekiel, Mr., Deputy Labour Commissioner.

TAOLO, Daniel M., Mr., Acting Chief Inspector of Factories.

Employers' delegate

ROBI, Modibedi M., Mr., Senior Industrial Relations Officer, BOCCIM.

Workers' delegate

GABORONE, K., Mr., Assistant Secretary-General, Botswana Federation of Trade Unions, BFTU.

BRESIL BRAZIL BRASIL

MINISTER ATTENDING THE CONFERENCE

NETO, Joao Meliao, Mr., Minister of State of Labour and Administration.

Accompanied by AMORIM, Celso, Mr., Ambassador; Permanent Representative, Geneva.

GRAC LIMA, José Alfredo, Mr., Minister-Counsellor, Permanent Mission, Geneva.

Government delegates

ZYLBERSTAJN, Helió, Mr., National Labour Secretary, Ministry of Labour and Administration.

DE MELO, Carmelito, Mr., Government Representative, Government Body of the ILO.

Advisers

DOS SANTOS, Maria Helena Gomes, Ms., International Adviser, Ministry of Labour and Administration.

DA SILVA, Nara Conceiçao Nascimento Moreira, Ms., Coordinator, National Department of Labour, Ministry of Labour and Administration.

HOSANNAH, Eduardo de Mattos, Mr., First Secretary, Permanent Mission, Geneva.

GAMA, Marcos Vinicius Pinta, Mr., First Secretary, Permanent Mission, Geneva.

AUR, Bahij Amin Ar, Mr., Substitute Government Representative, Governing Body of the ILO.

Representatives of the Legislative and of the Judiciary attending the Conference

DE LIMA, Tidei, Mr., House of Representatives.

PAIM, Paulo, Mr., House of Representatives.

PINTO, Almir Pazzianotto, Mr., Labour Supreme Court.

DOS PASSOS, Joao Pedro Ferraz, Mr., Attorney-General, Public Ministry of Labour.

Employers' delegate

COSTA, Thiers Fattori, Mr., President, National Confederation of Transport.

Adviser and substitute delegate

WEBER, Jorge Aloysio, Mr., President, Federation of Industries of State of Paraná.

Advisers

DOS SANTOS, Narciso Gonçalves, Mr., Secretary-Director, Federation of the Roadways Transport Companies, Brazilian Meridional East.

SFOGGIA, Ubajara Alvers Carvalho, Mr., Legal Adviser, Union and Federation of Roadways Transport Companies of State of Rio Grande do Sul.

CHRISTOFIS, George, Mr., President, Federation of Commerce of State of Paraná.

RODRIGUES, Renato de Oliveira, Mr., Legal Adviser, National Confederation of Commerce.

FETT, Milton, Mr., President, Federation of Industries of State of Santa Catarina.

LINHARES, Lúcia Maria Rondon, Ms., Adviser, Legal Department of National Confederation of Industries.

Workers' delegate

OLIVEIRA, José Olivio Miranda, Mr., Secretary, Central Unica dos Trabalhadores (CUT).

Advisers and substitute delegates

IBRAHIM, José, Mr., Secretary, International Relations, Forca Sindical (FS).

DE BARROS, Valdir Vicente, Mr., Director, International Relations, Confederaçao Geral dos Trabalhadores (CGT).

COUTINHO, Orlando, Mr., President of the National Confederation of Workers in the Roadways Transport.

SIMOES DE CARVALHO, Armando, Mr., Deputy Financial Secretary of the National Confederation of Workers in Communications and Publicity.

BULGARIE BULGARIA BULGARIA

MINISTER ATTENDING THE CONFERENCE

VANOV, Vekil, Mr., Minister for Labour and Social Affairs.

Government delegates

DICHEV, Todor, Mr., Ambassador; Permanent Representative, Geneva.

ZLATANOV, Zlatan, Mr., Head, International Relations Department, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

DOBREV,, Mr., Counsellor, Permanent Mission, Geneva.

BALTOV, Atanas, Mr., Second Secretary, Ministry of Foreign Affairs.

Adviser

MARKOVA, Plamenka, Ms., Senior Expert, Ministry of Labour and Social Affairs.

Employers' delegate

ANDONOV, Ivan, Mr., Member, Executive Board, Bulgarian Industrial Association.

Adviser and substitute delegate

KARAPTCHIAN, Onik, Mr., Director, Management Centre, Bulgarian Industrial Association.

Advisers

SIMEONOV, Tzvetan, Mr., Legal Expert, Bulgarian Chamber of Industry and Commerce.

MATEINA, Diana, Mrs., Union for Citizens' Economic Initiative.

Workers' delegate

PETKOV, Krustio, Mr., President, Confederation of Independent Trade Unions.

Adviser and substitute delegate

NEYKOV, Ivan, Mr., Vice-President, Confederation of Independent Trade Unions.

Advisers

DAMIANOVA, Diana, Mrs., Vice-President, Confederation of Independent Trade Unions.

ABADJIEV, Emilian, Mr., Head, International Relations, Confederation of Independent Trade Unions.

NEIKOVA, Svetlana, Mrs., Expert, International Relations, Confederation of Independent Trade Unions.

KOSSEVA, Euguenia, Mrs., Secretary, Labour Confederation "Podkrepa".

PETROVA, Mariana, Mrs., Legal Adviser, Labour Confederation "Podkrepa".

BURKINA FASO

MINISTRE ASSISTANT A LA CONFERENCE

HIEN, Armand Arsène, M., ministre de l'Emploi, du Travail et de la Sécurité sociale.

Délégués gouvernementaux

OUEDRAOGO, Karim François, M., directeur général du travail et de la sécurité sociale.

GUINDO, Oumar, M., directeur général par intérim de l'Office national de la promotion de l'emploi.

Conseiller technique et délégué suppléant

SOME, Maniko Victor, M., directeur des relations internationales du travail.

Délégué des employeurs

OUEDRAOGO, Christophe, M., Conseil national du patronat burkinabé.

Délégué des travailleurs

SEBGO, Rigobert, M., Organisation nationale des syndicats libres (ONSL).

BURUNDI

MINISTRE ASSISTANT A LA CONFERENCE

NGIRIYE, Julie, Mme, ministre du Travail et de la Sécurité sociale.

Délégués gouvernementaux

SAMOYA, C., Mme, Ambassadeur; représentant permanent à Genève.

NZEYIMANA, Pierre C., M., conseiller technique au Cabinet du ministre.

Conseillers techniques et délégués suppléants

RUSUKU, Simon, M., directeur général de l'Institut national de sécurité sociale (INSS).

BUSHAHU, Salvator, M., chef du Bureau de la législation et des contentieux de l'INSS.

NEGAMIYE, Aloys, M., deuxième conseiller à la mission permanente à Genève.

Délégué des employeurs

MUYUMBU, André, M., coprésident de l'Association des employeurs du Burundi (AEB); membre adjoint du Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

KIRAHUZI, Aloys, M., vice-président de l'AEB.

Délégué des travailleurs

NIYIREMA, Sylvestre, M., secrétaire général adjoint, Confédération des syndicats libres du Burundi.

CAMEROUN CAMEROON CAMERUN

MINISTRE ASSISTANT A LA CONFERENCE

SAMGBA, Jean-Bosco, M., ministre du Travail et de la Prévoyance sociale.

Délégués gouvernementaux

NGOUBEYOU, François-Xavier, M., ambassadeur; représentant permanent à Genève; représentant gouvernemental au Conseil d'administration du BIT.

NYANGANG, Claire, Mme, directeur du travail au ministère du Travail et de la Prévoyance sociale.

Conseillers techniques et délégués suppléants

MPANA, Martin, M., sous-directeur des institutions spécialisées au ministère des Relations extérieures.

BELL, Mathias Louis, M., chef de service des relations internationales, ministère du Travail et de la Prévoyance sociale.

TANTOH, Chebo Charles, M., premier secrétaire à la mission permanente à Genève.

Délégué des employeurs

NGAHA, Moïse, M., représentant de l'Union des syndicats professionnels.

Délégué des travailleurs

SOMBES, Louis, M., secrétaire général de la Confédération syndicale des travailleurs.

CANADA

MINISTRE ASSISTANT A LA CONFERENCE
MINISTER ATTENDING THE CONFERENCE

JAMES, Ken, Mr., Parliamentary Secretary to the Minister of Labour.

Accompanied by TREPANIER, Joanne, Mme, Cabinet du ministre du Travail.

Délégués gouvernementaux
Government delegates

CARON, Lucille, Mme, directrice exécutive du Bureau des affaires internationales au ministère du Travail du Canada; représentante gouvernementale au Conseil d'administration du BIT.

McNICOLL, Madeleine, Mrs., Associate Director, Office of International Affairs, Department of Labour.

Conseillers techniques et délégués suppléants
Advisers and substitute delegates,

SHANNON, Gerald E., Mr., Ambassador; Permanent Representative, Geneva.

DUBOIS, Paul, M., représentant permanent adjoint à Genève.

AUSMAN, John, Mr., Counsellor, Permanent Mission, Geneva; représentant gouvernemental suppléant au Conseil d'administration du BIT.

CAPELLO, Gerry, Mr., Deputy Minister of Labour.

Conseillers techniques
Advisers

MOYNIHAN, Katherine, Mrs., International Affairs Officer, Office of International Affairs, Department of Labour.

SALIB, Michael, Mr., Executive Director, Major Industrial Accidents Council of Canada.

DEPUTES ASSISTANT A LA CONFERENCE
MEMBERS OF PARLIAMENT ATTENDING THE CONFERENCE

LANGAN, Joy, Ms., Member of Parliament for Mission-Coquitlam.

PARENT, Gilbert, Mr., Member of Parliament for Welland-St. Catherines- Thorold.

DOBBIE, Dorothy, Ms., Parliamentary Secretary for Minister of Consumer and Corporate Affairs; Member of Parliament for Winnipeg-South.

BLONDIN, Estelle, Ms., Member of Parliament for Western Arctic.

FEE, Doug, Mr., Member of Parliament for Red Deer.

REPRESENTANT DE GOUVERNEMENT PROVINCIAL
ACCOMPAGNANT LA DELEGATION
PROVINCIAL REPRESENTATIVES ACCOMPANYING THE DELEGATION

BERGERON, Michel, M., conseiller à la Direction des organisations internationales du ministère des Affaires internationales du Québec.

Délégué des employeurs
Employers' delegate

McVEIGH, Charles, Mr., President, Construction Labour Relations Association of British Columbia, Deputy Member, Governing Body of the ILO.

Conseillers techniques
Advisers

CHARLAND, Gaston, M., directeur, Relations industrielles et ressources humaines, Association des manufacturiers du Québec.

ELLSWORTH, John, Mr., Executive Vice-President, Service Quality, Canadian Imperial Bank of Commerce.

DELARUE, René, M., président, Groupe Deltri experts conseils.

PIRIE, Jim, Mr., Executive Director, Research, Marketing and Information Services, Industrial Accident Prevention Association.

Délégué des travailleurs
Workers' delegate

CARR, Shirley, Mrs., President, Canadian Labour Congress; Member, Governing Body of the ILO.

Conseiller technique et délégué suppléant
Adviser and substitute delegate

MALLON, Brian, Mr., Project Coordinator, International Affairs Department, Canadian Labour Congress.

Conseillers techniques
Advisers

AUDETTE, Gilles, M., agent de développement, relations avec les travailleurs, Fonds de solidarité des travailleurs du Québec.

BIBAUD, Louis, M., coordonnateur du Service juridique de la Confédération des syndicats nationaux.

MANCHIP, John, Mr., Executive Vice-President, Transportation and Communications Union.

CAP-VERT CAPE VERDE CABO VERDE

Délégués gouvernementaux

VEIGA, Claudio A.H., M., Secrétaire d'Etat de l'emploi.

SANTOS, Maria Conceiçao de Aparecida, Mme, directrice générale du travail.

Délégué des employeurs

CARVALHO, St. Aubyn Edmund, M., président, Association commerciale, industrielle et agricole de Barlavento.

Délégué des travailleurs

FERREIRA, José Silva, M., coordinateur du Syndicat des communications et du tourisme et responsable des relations internationales, Conseil coordinateur des syndicats libres.

REPUBLIQUE CENTRAFRICAINE
CENTRAL AFRICAN REPUBLIC
REPUBLICA CENTROAFRICANA

MINISTRE ASSISTANT A LA CONFERENCE

YAMALE, Christian-Bernard, M., ministre de la Fonction publique, du Travail, de la Sécurité sociale et de la Formation professionnelle.

Délégués gouvernementaux

YANGO SINDO, Alexandre Désiré, M., directeur général du travail, de l'emploi et de la formation professionnelle.

DOUBRO, Patric, M., inspecteur central à l'Office centrafricain de sécurité sociale.

Délégué des employeurs

PENNONE, Frédérique, Mme, secrétaire générale de la Fédération nationale du patronat centrafricain.

Délégué des travailleurs

SONNY-COLE, Theophile, M., président du Comité de coordination syndicale; secrétaire général de l'Union syndicale des travailleurs de Centrafrique (USTC).

CHILI CHILE CHILE

MINISTRO ASISTENTE A LA CONFERENCIA

CORTAZAR SANZ, René, Sr., Ministro del Trabajo y Previsión Social.

Delegados gubernamentales

LOYOLA OSORIO, Eduardo, Sr., Subsecretario del Trabajo.

MANTEROLA URZUA, Martín, Sr., Subsecretario de Previsión Social.

Consejeros técnicos y delegados suplentes

TIRONI BARRIOS, Ernesto, Sr., Embajador, misión permanente en Ginebra.

GONZALEZ ANINAT, Raimundo, Sr., consejero, misión permanente en Ginebra.

ILABACA ORPHANOPOULOS, José Luis, Sr., consejero, misión permanente en Ginebra.

ACUÑA PIMENTEL, Jaime, Sr., consejero, misión permanente en Ginebra.

ROMERO MUÑOZ, Pablo, Sr., primer secretario, misión permanente en Ginebra.

LIANOS MARDONES, Ignacio, Sr., tercer secretario, misión permanente en Ginebra.

SANHUEZA BEZANILLA, Camilo, Sr., tercer secretario, misión permanente en Ginebra.

MIMIZA BRAYEVICH, Antonio, Sr., agregado laboral, misión permanente en Ginebra.

IVELIC KUSANOVIC, Milán, Sr., agregado de prensa, misión permanente en Ginebra.

RODRIGUEZ TRUJILLO, María Luisa, Srta., funcionaria dirección política multilateral, Ministerio de Relaciones Exteriores.

Delegado de los empleadores

GARCIA ASTABURUAGA, Raúl, Sr., designado de acuerdo con la Sociedad Nacional de Agricultura y la Confederación de la Producción y del Comercio.

Consejeros técnicos y delegados suplentes

BRUNA VARGAS, Augusto, Sr., designado de acuerdo con la Cámara Chilena de la Construcción y la Confederación de la Producción y del Commercio.

ALE YARARD, Jaime, Sr., designado de acuerdo con la Sociedad de Fomento Fabril y la Confederación de la Producción y del Comercio.

LUQUE PORTILLA, Félix, Sr., designado de acuerdo con la Confederación Gremial Nacional Unida de la Mediana y Pequeña Industria, Servicio y Artesanado de Chile (CONUPIA).

Delegado de los trabajadores

BUSTOS HUERTA, Manuel, Sr., designado de acuerdo con la Confederación Nacional de Sindicatos de Trabajadores Textiles, del Vestuario, de la Confección, y Ramos Conexos, y la Central Unitaria de Trabajadores (CUT); miembro adjunto del Consejo de Administración de la OIT.

Consejeros técnicos y delegados suplentes

CORTES MUÑOZ, Guillermo, Sr., designado de acuerdo con la Confederación Nacional de Panificadores (CONAPAN), y la CUT.

BARRENECHEA AGUAYO, Ricardo, Sr., designado de acuerdo con la Federación Nacional de Trabajadores del Petróleo, y la CUT.

REQUENA MARTINEZ, Raúl, Sr., designado de acuerdo con la Confederación de Trabajadores Bancarios, y la CUT.

MELLADO ESPINOZA, Juan Enrique, Sr., designado de acuerdo con la Confederación Nacional Campesina (CNC), y la CUT.

FUENTEALBA REYES, Luis, Sr., designado de acuerdo con la Confederación Nacional de Trabajadores de la Construcción, Madera y Materiales de Edificación, y la CUT.

MIRANDA BARRIGA, Daniel, Sr., designado de acuerdo con la Confederación de Trabajadores del Cobre (CTC), y la CUT.

CORÑOPAN CARRILLO, Patricia, Sra., designada de acuerdo con la Confederación Nacional de Trabajadores Textiles, y la CUT.

CABRERA TORRES, Humberto, Sr., designado de acuerdo con la Federación Nacional de Trabajadores de la Salud (FENATS), y la CUT.

CHINE CHINA CHINA

MINISTER ATTENDING THE CONFERENCE

RUAN, Chongwu, Mr., Minister of Labour.

Government delegates

ZHU, Jiazhen, Mr., Vice-Minister of Labour.

FAN, Guoxiang, Mr., Ambassador; Permanent Representative, Geneva; Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

ZHANG, Wei, Mr., Director, Foreign Affairs Department, Ministry of Labour; Substitute Government Representative, Governing Body of the ILO.

QUIN, Xiaomei, Mrs., Counsellor, Department of International Organisations and Conferences, Ministry of Foreign Affairs.

YAO, Ying, Mrs., Counsellor for Labour, Permanent Mission, Geneva.

Advisers

ZHANG, Youyun, Mrs., Deputy Director, Department of Foreign Affairs, Ministry of Labour.

SONG, Xiaowu, Mr., Deputy Director, Institute of International Labour Studies.

LIN, Maizhu, Mr., Branch Chief, Foreign Affairs Department, Ministry of Labour.

CUI, Xu, Mr., Branch Chief, General Office, Ministry of Labour.

LI, Dachun, Mr., Branch Chief, Department of External Affairs, Ministry of Finance.

WANG, Jiyuan, Mr., Second Secretary, Permanent Mission, Geneva.

ZHANG, Guoqing, Mr., Deputy Branch Chief, Department of Foreign Affairs, Ministry of Labour.

LU, Haiyan, Mr., Deputy Branch Chief, Bureau of Occupational Safety and Health.

YANG, Xiaochuang, Mrs., Official, Foreign Affairs Department, Ministry of Labour.

RUI, Lixing, Mr., Official, Department of Wages, Ministry of Labour.

Employers' delegate

PAN, Chenglie, Mr., Deputy Director-General, China Enterprise Management Association (CEMA).

Adviser and substitute delegate

CHEN, Ying, Mrs., Director, International Labour Department, CEMA.

Advisers

QIN, Jieming, Mr., Project Officer, CEMA.

ZHOU, Shuanghu, Mr., Project Officer, CEMA.

Workers' delegate

WANG, Houde, Mr., Vice-Chairman, All-China Federation of Trade Unions (ACFTU).

Adviser and substitute delegate

HUANG, Rujie, Mr., Deputy Director, International Department, ACFTU.

Advisers

FU, Xushan, Mr., Branch Chief, International Department, ACFTU.

LIU, Naili, Mrs., Branch Chief, International Department, ACFTU.

XU, Xiaoqian, Mr., Branch Chief, International Department, ACFTU.

ZHANG, Tao, Mr., Official, International Department, ACFTU.

CHYPRE CYPRUS CHIPRE

MINISTER ATTENDING THE CONFERENCE

ARISTIDOU, Iacovos, Mr., Minister of Labour and Social Insurance.

Government delegates

ANASTASSIADES, George, Mr., Permanent Secretary, Ministry of Labour and Social Insurance.

MAKRIS, Nicos, Mr., Ambassador; Permanent Representative, Geneva.

Adviser and substitute delegate

SAMUEL, Lenia, Mr., Principal Insurance Officer, Department of Social Insurance, Ministry of Labour and Social Insurance.

Advisers

ZODIATIS, George, Mr., Secretary, Permanent Mission, Geneva.

SIDERAS, George, Mr., Industrial Hygienist, Department of Labour, Ministry of Labour and Social Insurance.

SAMUEL, Andreas, Mr., Secretary, Industrial Training Authority.

Employers' delegate

PILIKOS, Michael, Mr., Head, Industrial Relations and Labour Legislation Department, Cyprus Employers' and Industrialists' Federation (CEIF).

Adviser and substitute delegate

KYTHREOTIS, Christos, Mr., Secretary-Director, Cyprus Bankers' Employers' Association.

Advisers

MOREAS, Anastasios, Mr., Industrial Relations and Labour Legislation Officer, Cyprus Employers' and Industrialists' Federation.

Workers' delegate

IOANNOU, Michalakis, Mr., General Secretary, Cyprus Workers' Confederation (SEK); Substitute Member, Governing Body of the ILO.

Adviser and substitute delegate

KITTENIS, Dimitris, Mr., Deputy General Secretary, SEK.

Advisers

ANTONIOU, Avraam, Mr., General Secretary, Pancyprian Federation of Labour (PEO).

CHRISTOFI, Yiannakis, Mr., General Secretary, Cyprus Hotel and Catering Establishments Employees' Trade Union, PEO.

PRENTZAS, Renos, Mr., General Secretary, Democratic Labour Federation of Cyprus (DEOK).

COLOMBIE COLOMBIA COLOMBIA

Delegados gubernamentales

POSADA DE LA PEÑA, Francisco, Sr., Ministro de Trabajo y Seguridad Social.

MESTRE SARMIENTO, Eduardo, Sr., Embajador; representante permanente en Ginebra.

Consejeros técnicos y delegados suplentes

JIMENEZ DIAZ, Ernesto, Sr., presidente de la Sala de Casación Laboral de la Corte Suprema de Justicia.

YOUNES MORENO, Diego, Sr., miembro de la sección segunda del Consejo de Estado.

ISAZA RODRIGUEZ, Carlos Humberto, Sr., jefe del Departamento Administrativo de Servicio Civil.

GALVIS, Ligia, Sra., consejero de la misión permanente en Ginebra.

SALAZAR, Renato, Sr., primer secretario de la misión permanente en Ginebra.

OROZCO DE GUERRERO, Crucelena, Sra., jefe de la Oficina de Asuntos Internacionales del Ministerio de Trabajo.

ANGARITA BARACALDO, Alfonso, Sr., presidente de la Comisión Séptima Constitucional del Senado de la República.

VALENCIA, Fabio, Sr., representante del Senado de la República.

MARIN, Melquisedec, Sr., representante de la Cámara.

GUTIERREZ, Marco Tulio, Sr., representante de la Cámara.

VELEZ URRETA, Guillermo, Sr., representante de la Cámara.

BENEDETTI, Alvaro, Sr., representante de la Cámara.

OCAMPO, María Cristina, Sra., representante de la Cámara.

VANEGAS, Alvaro, Sr., representante de la Cámara.

NAME, Iván, Sr., representante de la Cámara.

URIBE MARQUEZ, Arlem, Sr., representante de la Cámara.

Delegado de los empleadores

ANGEL ARANGO, Carlos Arturo, Sr., presidente de la Asociación Nacional de Industriales (ANDI).

Consejeros técnicos y delegados suplentes

PRETELT DE LA VEGA, Sabas, Sr., presidente de la Federación Nacional de Comerciantes (FENALCO).

CORDOBA ZULUOGA, Jaime, Sr., presidente de la Sociedad de Agricultores de Colombia (SAC).

BULA ESCOBAR, Germán, Sr., presidente de la Asociación Colombiana Popular de Industriales (ACOPI).

URIBE, Leonardo, Sr., vicepresidente del Banco Industrial Colombiano.

BECERRA, Rodrigo, Sr., vicepresidente Ingenio Central Castilla.

LOPEZ GUERRA, Guillermo, Sr., asesor laboral de la ANDI.

Consejero técnico

FAJARDO LIEVANO, Ernesto, Sr., miembro de la Asociación Colombiana de Relaciones Industriales y Personal (ACRIP).

Delegado de los trabajadores

OBREGON SABOGAL, Orlando, Sr., presidente de la Central Unitaria de Trabajadores (CUT).

Consejeros técnicos

VALDERRAMA, Mario de J., Sr., presidente de la Confederación de Trabajadores Democráticos de Colombia (CTDC).

ALVIS FERNANDEZ, Apécides, Sr., presidente de la Confederación de Trabajadores de Colombia (CTC).

GOMEZ ESGUERRA, Julio Roberto, Sr., presidente de la Confederación General del Trabajo (CGT).

RODRIGUEZ ERAZO, Laureano, Sr., presidente de la Unión de Trabajadores de Cundinamarca (UTRACUN).

GARZON, Luis Eduardo, Sr., secretario general de la CUT.

COMORES COMOROS COMORAS

Délégués gouvernementaux

SAID ALI MOHAMED, M., garde des sceaux, ministre de la Justice et de la Fonction publique, du Travail et de l'Emploi.

SAINDOU, Bacari, M., directeur général du travail.

Délégué des travailleurs

MOHAMED ALI MOHAMED,, M.

CONGO

MINISTRE ASSISTANT A LA CONFERENCE

MBIKA, Jean-Pierre, M., ministre du Travail et de la Sécurité sociale.

Accompagné de ANTSATSA-ESSOUBA, Casimir, M.

Délégués gouvernementaux

NZABA, Anatole, M., directeur général du travail; représentant gouvernemental au Conseil d'administration du BIT.

BOUYA, Pierre, M., directeur général de l'Office national de l'emploi et de la main-d'oeuvre (ONEMO).

Conseillers techniques

MALONGA, Cyriaque, M., directeur de la Réglementation du travail.

ATSOUAYE, Man-Dobe, M., chef du Service de la coopération.

Délégué des employeurs

GIRARD, Michel, M., secrétaire général de l'Union interprofessionnelle et patronale du Congo (UNICONGO).

Délégué des travailleurs

OSSOMBI, Michel, M., secrétaire permanent chargé des relations extérieures à la Confédération syndicale congolaise (CSC).

REPUBLIQUE DE COREE
REPUBLIC OF KOREA
REPUBLICA DE COREA

MINISTER ATTENDING THE CONFERENCE

CHUNG, Dong Woo, Mr., Vice-Minister of Labour.

Accompanied by LIM, Mu Song, Mr., Secretary to the Vice-Minister, Ministry of Labour.

Government delegates

PARK, Soo Gil, Mr., Ambassador, Permanent Mission, Geneva.

CHOI, Seung Boo, Mr., Assistant Minister for Industrial Relations, Ministry of Labour.

Advisers and substitute delegates

PARK, Won-Hwa, Mr., Director, International Organisations Division, Ministry of Foreign Affairs.

SONG, Meng Yong, Mr., Director, International Cooperation Division, Ministry of Labour.

Advisers

PARK, Chung-Kyu, Mr., Labour Attaché, Permanent Mission, Geneva.

PARK, Kil Sang, Mr., Director, Wages and Welfare Division, Ministry of Labour.

LEE, Soon Chun, Mr., Deputy Director, International Organisations Division, Ministry of Foreign Affairs.

CHOI, Joon Sub, Mr., Deputy Director, International Division, Ministry of Labour.

CHO, Hyun Dong, Mr., Second Secretary, Permanent Mission, Geneva.

YI, Shin Jae, Mr., Deputy Director, Industrial Safety Division, Ministry of Labour.

OH, Won Sun, Mr., Research Fellow, Korea Labour Education Institute.

HONG, Yong Soo, Mr., Expert, Korea Industrial Safety Corporation.

Employers' delegate

WHANG, Jung Hyun, Mr., Executive Deputy Chairman, Korea Employers' Federation.

Adviser and substitute delegate

KIM, Young Vae, Mr., Research Director, Korea Employers' Federation.

Advisers

OH, Moon Wan, Mr., Manager, Research Department, Korea Employers' Federation.

LEE, Kang Seong, Mr., Research Fellow, Research Department, Korea Employers' Federation.

SHIN, Kyung Ha, Mr., Assistant Manager, Research Department, Korea Employers' Federation.

LEE, Moon Ho, Mr., Vice-President, Lucky-Goldstar Co.

CHIN, Young, Mr., Legal Adviser, Lucky-Goldstar Co.

Workers' delegate

PARK, Chong Kun, Mr., President, Federation of Korean Trade Unions (FKTU).

Adviser and substitute delegate

KIM, Bong Suk, Mr., Director, Department of International Affairs, FKTU.

Advisers

KIM, Sung Jin, Mr., Deputy Director, Department of International Affairs, FKTU.

KIM, Rak Ki, Mr., Vice-President, FKTU.

KIM, Jae Yong, Mr., President, Korean Federation of Banking and Financial Workers' Unions.

KIM, Bu Woong, Mr., President, Federation of Korean Seafarers' Unions.

KIM, Joon Sang, Mr., President, Federation of Port and Transport Workers' Unions.

KIM, Yoo Ken, Mr., President, Korean Federation of Chemical Workers' Unions.

JUNG, Jong Ku, Mr., President, National Tobacco Workers' Unions.

COSTA RICA

MINISTRO ASISTENTE A LA CONFERENCIA

MORALES MORA, Víctor, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

RHENAN SEGURA, Jorge, Sr., Embajador; representante permanente adjunto en Ginebra.

RODRIGUEZ ALPIZAR, Javier, Sr., primer secretario, misión permanente en Ginebra.

Consejero técnico

JIMENEZ VEIGA, Danilo, Sr.

Delegado de los empleadores

COTO PACHECO, Rodolfo, Sr., Unión de Cámaras y Asociaciones Privadas.

Delegado de los trabajadores

BROWN YOUNG, Gilbert, Sr., Confederación de Trabajadores Rerum Novarum.

Consejero técnico

LORIA MENDEZ, Eduardo, Sr., Central de Trabajadores.

COTE D'IVOIRE

MINISTRE ASSISTANT A LA CONFERENCE

KOUAME, Patrice, M., ministre de l'Emploi et de la Fonction publique.

Délégué gouvernemental

ESSIGAN, Assomou, M., directeur régional de l'emploi et de la fonction publique de Bouaké.

Conseillers techniques et délégués suppléants

KEFFA, M'Lingui, M., premier conseiller, mission permanente à Genève.

N'TAKPE, N'cho, M., conseiller, mission permanente à Genève.

Délégué des employeurs

ETTE, Liliane, Mme, présidente de la Commission sociale de l'Union patronale de Côte d'Ivoire (UPACI).

Délégué des travailleurs

ADIKO NIAMKEY,, M., secrétaire général de l'Union générale des travailleurs de Côte d'Ivoire (UGTCI).

Conseillers techniques et délégués suppléants

TRAORE, Sidiki, M., secrétaire général ajoint, UGTCI.

ADE ANGORAN, Marie-Claire, Mme, secrétaire générale du Syndicat national des sages-femmes ivoiriennes.

CUBA

MINISTRO ASISTENTE A LA CONFERENCIA

LINARES CALVO, Francisco, Sr., Ministro Presidente del Comité Estatal del Trabajo y Seguridad Social (CETSS).

Delegados gubernamentales

GARCIA LARA, Antonio, Sr., encargado de Negocios, misión permanente en Ginebra.

LEYVA CRAIB, Albio, Sr., director de relaciones internacionales del CETSS.

Consejeros técnicos y delegados suplentes

FERRIOL ECHEVERRIA, Marianela, Sra., primer secretario, misión permanente en Ginebra.

HERNANDEZ OLIVA, Gretel, Sra., especialista principal del CETSS.

AROSTEGUI MEDEROS, Natacha, Sra., especialista en organismos internacionales del Ministerio de Relaciones Exteriores.

Delegado de los empleadores

NAVARRO CABRERA, Jorge Luis, Sr., asesor de la Cámara de Comercio.

Delegado de los trabajadores

BERNAL CAMERO, Joaquín, Sr., secretario de relaciones internacionales de la Central de Trabajadores de Cuba (CTC).

Consejeros técnicos y delegados suplentes

QUINTANA GARCIA, Lázaro, Sr., jefe del Departamento de Relaciones Internacionales de la CTC.

PEREZ CONCEPCION, Fernando, Sr.

JUSTO VILLAMIL, José L., Sr.

MARTINEZ MASDEU, Ricardo, Sr.

DANEMARK DENMARK DINAMARCA

MINISTER ATTENDING THE CONFERENCE

KIRKEGAARD, Knud Erik, Mr., Minister of Labour.

Accompanied by HASSENKAM, Henrik, Mr., Permanent Secretary, Ministry of Labour.

KAYSER, Katja, Ms., Personal Assistant to the Minister of Labour.

MEMBERS OF PARLIAMENT ATTENDING THE CONFERENCE

ANTONSEN, Charlotte, Ms.

TAANQUIST, Svend, Mr.

Government delegates

ADLER, Lone, Ms., Special Adviser to the Minister of Labour on International Affairs; Government Representative, Governing Body of the ILO.

JORGENSEN, Peter, Mr., Counsellor (Labour Affairs), Permanent Mission, Geneva; Substitute Government Representative, Governing Body of the ILO.

Adviser and substitute delegate

LARSEN, Jakob Esper, Mr., Ambassador; Permanent Representative, Geneva.

Advisers

ANDERSEN, Stig, Mr., Chief Consultant, Ministry of Labour.

HAGEN, Hans, Mr., Head of Division, Ministry of Labour.

JENSEN, Helle Ekmann, Ms., Head of Section, Ministry of Labour.

MUNTZBERG, Steen, Mr., Head of Section, Ministry of Labour.

PEDERSEN, Jorgen Maersk, Mr., Deputy Permanent Representative, Geneva.

Employers' delegate

RONNEST, Jorgen, Mr., Director, Danish Employers' Confederation.

Advisers

JEPSEN, Torben, Mr., Head of Division, Danish Employers' Confederation.

ULDAL, Henrik, Mr., Lawyer, Head of Division, Danish Employers' Confederation.

VINTHER, Berit, Ms., Head of Section, Danish Employers' Confederation.

Workers' delegate

AERENLUND, Nina, Mrs., Secretary, Danish Federation of Trade Unions.

Advisers

FOLDBERG, Preben, Mr., Consultant, Danish Federation of Trade Unions.

HANSEN, Leo Lybaek, Mr., Consultant, Danish Federation of Trade Unions.

HEEGAARD, Ole D., Mr., Consultant, Danish Federation of Trade Unions.

KJAER, Britta, Mrs., Interpreter, Danish Federation of Trade Unions.

LEMKE, Georg, Mr., Consultant, Danish Federation of Trade Unions.

NIELSEN, Erik, Mr., Union President, National Union of Woodworkers, Danish Confederation of Trade Unions.

KARGAARD, Soren, Mr., Secretary, Federation of Danish Public Servants and Salaried Employees' Organisations.

DJIBOUTI

Délégué gouvernemental

ABDI, Ahmed Ibrahim, M., ministre du Commerce et du Transport et du Tourisme.

Conseiller technique et délégué suppléant

OSMAN, Fatuma Abeba, Mme, chef du Service des affaires administratives et juridiques.

Délégué des employeurs

ADEN, Houssein Doualeh, M., commerçant.

Délégué des travailleurs

OSMAN, Moussa Ahmed, M., député.

REPUBLIQUE DOMINICAINE
DOMINICAN REPUBLIC
REPUBLICA DOMINICANA

MINISTRO ASISTENTE A LA CONFERENCIA

ALBURQUERQUE, Rafael, Sr., Secretario de Estado de Trabajo.

Delegados gubernamentales

ACOSTA, Pablo Antonio, Sr., director técnico laboral de la Secretaría de Estado de Trabajo.

BONETTI, Angelina, Sra., misión permanente, Ginebra.

Consejeros técnicos y delegados suplentes

LORA, Miguel Angel, Sr., gerente de relaciones industriales del Consejo Estatal del Azúcar (CEA).

MAÑON, Darío, Sr., secretario general del Instituto Dominicano de Seguros Sociales.

ZAPATA, José Francisco, Sr., asistente del Secretario de Estado de Trabajo.

HERNANDEZ RUEDA, Lupo, Sr.

Delegado de los empleadores

ARZENO, Brugal George, Sr., presidente del Consejo Nacional de Hombres de Empresas.

Consejeros técnicos y delegados suplentes

HERRERA ROA, Fabio, Sr., asesor económico del Consejo Nacional de Hombres de Empresas.

NADAL, Pablo, Sr., abogado del Consejo Nacional de Hombres de Empresas.

CERON, José Miguel, Sr., dirigente de la Asociación de Zonas Francas Industriales.

Delegado de los trabajadores

MARMOLEJOS, Nélsida, Sra., secretaria general de la Confederación de Trabajadores Unitaria.

Consejeros técnicos

GUANTE, Fernando, Sr., diputado al Congreso Nacional y secretario general de la Unión General de Trabajadores Dominicanos.

ABREU, Rafael, Sr., secretario general de la Central General de Trabajadores.

DEL RIO DOÑE, Gabriel Antonio, Sr., secretario general de la Confederación Autónoma Sindical Clasista.

NEGRON, Mariano, Sr.

DOMINIQUE DOMINICA DOMINICA

Government delegate

LODRINI, Hugo, Mr., Ambassador; Deputy-Permanent Representative, Geneva.

EGYPTE EGYPT EGIPTO

MINISTER ATTENDING THE CONFERENCE

ABDEL-HAK, Asem, Mr., Minister of Manpower and Training.

Government delegates

ZAHRAN, Mounir, Mr., Ambassador, Permanent Representative, Geneva.

EL-ASSAR, Abdul El-Qadar, Mr., Under-Secretary of State, Ministry of Manpower and Training.

Adviser and substitute delegate

OMAR, Moustafa, Mr., Minister Plenipotentiary, Permanent Mission, Geneva.

Advisers

GHEITA, Naguib, Mr., Counsellor for Labour, Permanent Mission, Geneva.

GABR, Naéla, Mrs., Counsellor, Permanent Mission, Geneva.

HELMY, Nabil Riad, Mr., Occupational Health and Safety Department, Ministry of Manpower and Labour.

Employers' delegate

GAZARIN, Adel, Mr., President, Federation of Egyptian Industries; Member, Governing Body of the ILO.

Advisers and substitute delegates

EL-HERRAWI, Mohamed Sherif, Mr., Member of the Board, Federation of Egyptian Industries.

FAHMY, Aly, Mr., Member of the Board, Federation of Egyptian Industries.

HAMMOUD, Salama Yousef, Mr., Secretary-General, Federation of Egyptian Industries.

Workers' delegate

RASHED, Sayed, Mr., President, Egyptian Trade Union Federation.

Advisers and substitute delegates

MORSI, Mohammed, Mr., Secretary-General, Egyptian Trade Union Federation.

MOUSTAFA, Moustafa Ibrahim, Mr., Secretary for Foreign Relations, Egyptian Trade Union Federation.

Adviser

MONGI, Mohamed Mostafa, Mr., Egyptian Trade Union Federation.

EL SALVADOR

MINISTRO ASISTENTE A LA CONFERENCIA

GONZALEZ DUBON, Mauricio, Sr., Ministro de Trabajo y Previsión Social.

Delegados gubernamentales

MENDOZA, Carlos Ernesto, Sr., Embajador, misión permanente en Ginebra.

MILLA, Rogelio Atilio, Sr.

Delegado de los empleadores

ESCOBAR, José Ernesto, Sr.

Consejero técnico y delegado suplente

PERAZA NAJARRO, Juan Francisco, Sr.

Delegado de los trabajadores

TEJADA, Alfredo García, Sr.

Consejero técnico

MENJIVAR MARIN, Betida Flor, Srta.

EMIRATS ARABES UNIS
UNITED ARAB EMIRATES
EMIRATOS ARABES UNIDOS

MINISTER ATTENDING THE CONFERENCE

AL-JARWAN, Saif Ali, Mr., Minister of Labour and Social Affairs.

Government delegates

AL-MUHAIRI, Salem Ali, Mr., Director, Department of International Relations, Ministry of Labour and Social Affairs.

ABDULLA MAHMOOD, Abdul Reda, Mr., Ambassador; Permanent Representative, Geneva.

Advisers and substitute delegates

AL-ABDOULI, Mohamed Rashid, Mr., Head of Industrial Safety Section, Ministry of Labour and Social Affairs.

HUSSEIN, Abdul Reda Askar, Mr., Second Secretary, Permanent Mission, Geneva.

SALEH, Fadhel Ahmed, Mr., Chief of Conferences and Organisations, Department of International Labour Relations, Ministry of Labour and Social Affairs.

EL NOOR, Joussef Jafar Saraj, Mr., Expert, Ministry of Labour and Social Affairs.

OMRAN, Mohammed, Mr., First Secretary, Permanent Mission, Geneva.

HREIZ, Youssef, Mr., Staff Member, Permanent Mission, Geneva.

Employers' delegate

MATAR, Khalifa Khamis, Mr., Member of the Board of Directors, UAE Federation of Chambers of Commerce and Industry.

Workers' delegate

RAFII, Abdulla Mohamed, Mr., Member of the Engineers' Association.

EQUATEUR ECUADOR ECUADOR

MINISTRO ASISTENTE A LA CONFERENCIA

GOMEZ MERA, Roberto, Sr., Ministro de Trabajo y Recursos Humanos.

Delegados gubernamentales

SANTOS ALUITE, Eduardo, Sr., jefe de la misión permanente, Ginebra.

QUINTERO, Luis Sánchez, Sr., Director Nacional de Empleo y Recursos Humanos.

Consejeros técnicos y delegados suplentes

PROAÑO, María del Carmen, Sra., jefe de Asuntos Internacionales del Ministerio de Trabajo y Recursos Humanos.

GUERRERO, Jorge Moreno, Sr., jefe de Asesoría Jurídica de la Subsecretaría de Trabajo del Litoral.

Consejeros técnicos

GUERRERO, Mario, Sr., miembro, misión permanente en Ginebra.

SALVADOR CRESPO, Iñigo, Sr., miembro, misión permanente en Ginebra.

APUNTE FRANCO, Santiago, Sr., miembro, misión permanente en Ginebra.

Delegado de los empleadores

CORRAL, Fabián, Sr., Federación Nacional de Cámaras de Comercio.

Consejero técnico y delegado suplente

AREVALO, Gerardo, Sr., Federación Nacional de Cámaras de Pequeños Industriales.

Delegado de los trabajadores

CHAVEZ, José, Sr., Confederación Ecuatoriana de Organizaciones Sindicales Libres; miembro adjunto del Consejo de Administración de la OIT.

Consejeros técnicos y delegados suplentes

ROSALES NARVAEZ, Ramiro, Sr., Central Ecuatoriana de Organizaciones Clasistas (CEDOC).

MORAN, José, Sr., Confederación Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores.

PONCE ITURRIAGA, Edgar, Sr., Confederación de Trabajadores.

ESPAGNE SPAIN ESPAÑA

MINISTRO ASISTENTE A LA CONFERENCIA

MARTINEZ NOVAL, Luis, Sr., Ministro de Trabajo y Seguridad Social.

Acompañado de GONZALEZ DE LENA, Francisco J., Sr., secretario general técnico.

ARANCO FERNANDEZ, Jesús, Sr., Secretario general de empleo y relaciones laborales.

RODRIGUEZ VERA, Esteban, Sr., director de Asuntos Sociolaborales del gabinete de la Presidencia del Gobierno.

Delegados gubernamentales

MARTIN-VALENZUELA MARZO, Fernando, Sr., Embajador; representante permanente en Ginebra.

NAVARRO LOPEZ, Carlos, Sr., Subsecretario de Trabajo y Seguridad Social.

Consejeros técnicos y delegados suplentes

BARRIOS ALMAZOR, Pablo, Sr., representante permanente adjunto en la misión permanente en Ginebra.

ALBALATE LAFITA, Joaquín, Sr., consejero laboral en la misión permanente en Ginebra.

Consejeros técnicos

CORREA PEÑARRUBIA, Gabriel, Sr., jefe de servicio de recuperación y revisión jurídica del Fondo de Garantía Salarial.

BESTRATEN, Manuel, Sr., director del Programa de condiciones materiales del trabajo; Instituto Nacional de Seguridad e Higiene en el Trabajo.

RUIZ BOADA, Francisco, Sr., jefe de área de riesgos tecnológicos de la Dirección General de Protección Civil.

FLORES RODRIGUEZ, Jaime, Sr., jefe de servicio de relaciones internacionales, Instituto Nacional de Empleo.

ARELLANO CATALAN, Juan, Sr., jefe de servicio de la Oficina de Relaciones Sociales Internacionales.

LOSADA FERNANDEZ, Angel, Sr., consejero en la misión permanente en Ginebra.

SAENZ DE HEREDIA, María, Sra, secretaria de embajada, misión permanente en Ginebra.

ESTIVALIZ MOSCARDO, Anabel, Sra., Dirección general de organismos y conferencias internacionales.

Delegado de los empleadores

FERRER DUFOL, Javier, Sr., vicepresidente de CONFEMETAL.

Consejero técnico y delegado suplente

LACASA ASO, José María, Sr., director del Departamento de Relaciones Internacionales de la CEOE; miembro adjunto del Consejo de Administración de la OIT.

Consejeros técnicos

MORENO PIÑERO, Fernando, Sr., director de relaciones laborales de la CEOE.

MORENO DUARTE, Ricardo, Sr., secretario general de la Confederación del Metal de Zaragoza.

SUAREZ GARCIA, Roberto, Sr., secretario general de la Federación de Empresarios de León.

ALISEDA VAZQUEZ, Juan Antonio, Sr., Federación Empresarial de la Industria Química Española (FEIQUE).

ADRADOS GAUTIER, Paloma, Sra., Departamento de Relaciones Laborales de la CEOE.

GIJON VON KLEIST, Rafael, Sr., Departamento de Relaciones Internacionales de la CEOE.

GOMEZ ALBO, Pablo, Sr., director de relaciones laborales, CEIM.

Delegado de los trabajadores

MORENO PRECIADOS, Juan, Sr., secretario de relaciones internacionales de Comisiones Obreras (CC.OO.).

Consejero técnico y delegado suplente

GONZALEZ ZAMORA, Miguel, Sr., adjunto a la secretaría de relaciones internacionales (CC.OO.).

Consejeros técnicos

LILLO PEREZ, Enrique, Sr., responsable del gabinete jurídico de la Confederación (CC.OO.).

VARAS GARCIA, Pilar, Sra., abogada del gabinete jurídico.

GALIANO RABAGO, Luis, Sr., Comisión Ejecutiva Federal de la UGT.

FRADES PERNAS, Jaime, Sr., miembro del gabinete técnico Confederal (UGT).

WOISCHNIK, Alwine, Sra., coordinadora confederal del área del medio ambiente (UGT).

FERNANDEZ MATXUKA, Enrique, Sr., de ELA/STV.

BUSTO ABELLA, Luis Humberto, Sr., representante de la Converxencia Intersindical Galega.

ESTONIE ESTONIA ESTONIA

MINISTER ATTENDING THE CONFERENCE

KUDDO, Arvo, Mr., Minister of Labour.

Accompanied by JOONSAAR, Anne, Mrs., Lawyer, Ministry of Labour.

Government delegate

NERMANN, Heldur, Mr., Director General, National Inspectorate of Labour.

Employers' delegate

KILTER, Gunnar, Mr., Secretary, Confederation of Estonian Industry.

Workers' delegate

KAADU, Tiit, Mr., Labour Protection Secretary of the Association of Estonian Trade Unions.

Adviser and substitute delegate

PAAVO, Raivo, Mr., President of the Association of Estonian Trade Unions.

ETATS-UNIS
UNITED STATES ESTADOS UNIDOS

MINISTER ATTENDING THE CONFERENCE

MARTIN, Lynn, Ms., Secretary of Labor.

Accompanied by O'BRIEN, Kim, Ms., Special Assistant, Office of the Secretary, Department of Labor.

BREGER, Marshall L., Mr., Solicitor, Department of Labor.

Government delegates

McCAFFREY, Shellyn G., Ms., Deputy Under-Secretary for International Affairs, Department of Labor; Government Representative, Governing Body of the ILO.

FREEMAN, Anthony G., Mr., Special Assistant to the Secretary and Coordinator for International Labor Affairs, Department of State.

Advisers and substitute delegates

ABRAM, Morris B., Mr., Ambassador; Permanent Representative, Geneva.

PETERSON, David A., Mr., Senior Policy Advisor, Office of Economic Policy, Department of Commerce.

Advisers

BOOTH, Richard T., Mr., Labor Attaché, Permanent Mission, Geneva.

BRALEY, Berton L., Mr., Associate Deputy Under-Secretary for International Affairs, Department of Labor.

DUGAN, Gordon J., Mr., Deputy Director for Industrial and Communications Programs, Department of State.

DUNKAK, Barbara A., Ms., Assistant Director, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.

EICHER, Peter, Mr., Counsellor, Permanent Mission, Geneva.

ERLENBORN, John N., Mr., Attorney and Consultant, Bureau of International Labor Affairs, Department of Labor.

HOUSTOUN, Marion F., Ms., Director, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor; Substitute Government Representative, Governing Body of the ILO.

McDANIEL, Dean, Mr., Area Director-Dallas, Occupational Safety and Health Administration, Department of Labor.

McILVAINE, Stevenson, Mr., Labor Advisor, Bureau of African Affairs, Department of State.

MISNER, Julia E., Ms., Office of International Organizations, Department of Labor.

RODGERS, Clark, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

RUEBENSAAL, Clayton, Mr., Permanent Mission, Geneva.

SEYMOUR, Thomas, Mr., Deputy Director, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, Department of Labor.

WIDOM, Barton S., Mr., Deputy Associate Solicitor, Office of the Solicitor, Department of Labor.

Accompanied by STYLES, Nance, Ms., Second Secretary, Permanent Mission, Geneva.

BRUMFIELD, J. William, Mr., African Area Advisor, Bureau of International Labor Affairs, Department of Labor.

DEPENBROCK, John, Mr., Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, Department of Labor.

FLETCHER, Carolyn H., Ms., Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.

FRANKLIN, Gwendolyn, Ms., Office of the Deputy Under Secretary for International Affairs, Department of Labor.

HARBIN, William B., Mr., Labor Counsellor, United States Mission, Rome.

BRUCE, Malkin, Mr., United Nations Labor and Human Rights Advisor, Bureau of East Asian and Pacific Affairs, Department of State.

DUNN, Ramona, Miss, Second Secretary, Permanent Mission, Geneva.

Employers' delegate

SMITH Jr., Charles H., Mr., Chairman of the Board, SIFCO Industries, Inc.

Adviser and substitute delegate

BURGE, James D., Mr., Corporate Vice-President, Motorola Inc.

Advisers

CORNACCHIO, Kevin J., Mr., Manager, International Labor Affairs, United States Council for International Business.

HAGEN, Katherine A., Ms., Director, Federal Government Affairs, AT & T Corporation.

POTTER, Edward E., Mr., International Labor Counsel, US Council for International Business; Partner, Attorney-at-Law, McGuiness and Williams.

SCHALLER, Leon C., Mr., Safety and Occupational Health Fellow, E.I. du Pont de Nemours & Co.

Workers' delegate

GRAY, Charles, Mr., Director, International Affairs Department, AFL-CIO; Member, Governing Body of the ILO.

Adviser and substitute delegate

ZELLHOFFER, Jerry, Mr., AFL-CIO European Office.

Advisers

FRIEDMAN, Jesse, Mr., Deputy Executive Director, American Institute for Free Labor Development.

HICKEY Jr., Edward H., Mr., Attorney-at-Law, Mulholland and Hickey.

HUTCHINSON, Kenneth, Mr., Executive Director, Asian American Free Labor Institute.

LESCAULT, Michael T., Mr., Regional Director, African-American Labor Center.

LYNCH, Leon, Mr., Vice-President, United Steelworkers of America.

SWEENEY, John J., Mr., President, Service Employees' International Union.

VALENTE, James, Mr., Safety and Health Specialist, United Steelworkers of America.

Person appointed in accordance with Article 2, paragraph 3(i), of the Standing Orders of the Conference

FISHMAN, Phillip., Mr., Assistant-Director, International Affairs, AFL-CIO

ETHIOPIE ETHIOPIA ETIOPIA

MINISTER ATTENDING THE CONFERENCE

GIDADA, Negasso, Mr., Minister of Labour and Social Affairs.

Government delegates

AHMED, Abdurazak, Mr., Vice-Minister for Labour.

MARIAM, Desta Wolde, Mr., Head, External Relations.

Advisers and substitute delegates

GUTEMA, Dawit, Mr., Head, Industrial Relations Department.

ALEMAYEHU, Member, Mrs., Head, Legal Service.

BESHAH, Yohannes, Mr., Acting Head, Manpower Department.

TSEGAYE, Gezahegne, Mr., Counsellor, Chargé d'Affaires, Permanent Mission in Geneva.

ZEWDIE MICHAEL, Mulugeta, Mr., Counsellor, Permanent Mission in Geneva.

Employers' delegate

BEZABEH, Semachew, Mr., Acting Secretary-General, Ethiopian Chamber of Commerce.

Adviser and substitute delegate

JEMBERE, Kassahun, Mr., Department Head, Ethiopian Chamber of Commerce.

Workers' delegate

TEFERI, Yohannes, Mr., Head, External Relations, Ethiopian Trade Union.

Adviser and substitute delegate

MEBRATU, Tadele, Mr.

FIDJI FIJI FIJI

Government delegates

JALE, Anare, Mr., Acting Permanent Secretary for Employment and Industrial Relations.

VULAONO, Lopeti, Mr., Chief Economic Planning Officer, Ministry for Finance and Economic Planning.

Employers' delegate

ROBERTS, Kenneth A.J., Mr., Chief Executive, Fiji Employers' Federation.

Workers' delegate

COLUMBUS, Michael, Mr., President, Fiji Trade Union Congress.

FINLANDE FINLAND FINLANDIA

MINISTER ATTENDING THE CONFERENCE

KANERVA, Ilkka, Mr., Minister of Labour.

Accompanied by VOIPIO, Iikko, Mr., Special Adviser, Ministry of Labour.

Government delegates

RIIKONEN, Jaakko, Mr., Director-General, National Board of Labour Protection.

KOLI, Ilse, Ms., Chief, Assistant Director, Ministry of Labour.

Advisers and substitute delegates

HEINONEN, Liisa, Ms., Government Secretary, Ministry of Labour.

KORHONEN, Klaus, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

HALINEN, Hannu, Mr., Director, Ministry of Foreign Affairs.

ARKO-KOSKI, Eeva, Ms., Government Secretary, Ministry of Labour.

KAJANTIE, Matti, Mr., Chief Inspector, Ministry of Labour.

SORMUNEN, Juhani, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' delegate

HULTIN, Goran, Mr., Director, Finnish Employers' Confederation.

Adviser and substitute delegate

KOSKIMIES, Jaakko, Mr., International Secretary, Finnish Employers' Confederation.

Advisers

HUTTUNEN, Martti, Mr., Senior Adviser, Employers' Confederation of Service Industries.

ROPPONEN, Heikki, Mr., Director, Employers' Confederation of Service Industries.

AHTELA, Jukka, Mr., Head of Department, Finnish Employers' Confederation.

AIMALA, Markus, Mr., Legal Adviser, Finnish Employers' Confederation.

Workers' delegate

TAPIOLA, Kari, Mr., Secretary for International Affairs, Central Organisation of Finnish Trade Unions; Member, Governing Body of the ILO.

Adviser and substitute delegate

LINDROOS, Paivikki, Ms., Secretary for International Affairs, Confederation of Salaried Employees.

Advisers

JANERUS, Mirja, Ms., Policy Adviser, Central Organisation of Finnish Trade Unions.

RUSANEN, Jorma, Mr., Legal Adviser, Central Organisation of Finnish Trade Unions.

ARO, Pekka O., Mr., Project Director, Central Organisation of Finnish Trade Unions.

KANGASPERKO, Raila, Ms., Legal Adviser, Confederation of Salaried Employees.

FRANCE FRANCE FRANCIA

MINISTRE ASSISTANT A LA CONFERENCE

AUBRY, Martine, Mme, ministre du Travail, de l'Emploi et de la Formation professionnelle.

Délégués gouvernementaux

CHOTARD, Yvon, M., président de groupe au Conseil économique et social; Président du Conseil d'administration du BIT.

RAMOND, Maurice, M., inspecteur général des affaires sociales; représentant gouvernemental suppléant au Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

CARTIER, Jean-Louis, M., sous-directeur; chef de la Division des relations internationales, ministère du Travail, de l'Emploi et de la Formation professionnelle.

Conseillers techniques

MIYET, Bernard, M., ambassadeur, représentant permanent, mission permanente à Genève.

MANENT, Jacques, M., représentant permanent adjoint, mission permanente à Genève.

BONNEVILLE, Patrick, M., premier conseiller, mission permanente à Genève.

BOULISSIERE, Thierry, M., chargé de mission, Direction des relations du travail, ministère du Travail, de l'Emploi et de la Formation professionnelle.

CLEMENTE, Colette, Mlle, ingénieur en chimie, ministère de l'Environnement.

DALLEAU, Hélène, Mme, chargée de mission à la Division des relations internationales, ministère du Travail, de l'Emploi et de la Formation professionnelle.

ETCHEVERRIA, Jean, M., chargé de mission à la Division synthèse, délégation à l'emploi, ministère du Travail, de l'Emploi et de la Formation professionnelle.

MAGNIEN, Eric, M., chargé de mission, Département des relations du travail, de l'emploi et de la formation professionnelle, ministère des départements et territoires d'outre-mer.

PLUM, Marc, M., secrétaire des affaires étrangères, Direction des Nations Unies et des organisations internationales, ministère des Affaires étrangères.

ROBINET, Jean-François, M., administrateur civil, Direction des relations du travail, ministère du Travail, de l'Emploi et de la Formation professionnelle.

ROUX, Henri, M., chargé de mission à la Division synthèse, délégation à l'emploi, ministère du Travail, de l'Emploi et de la Formation professionnelle.

VALLART, Jacques, M., ingénieur divisionnaire de l'industrie, ministère de l'Environnement.

THEUIL, Michel, M., attaché, mission permanente à Genève.

Délégué des employeurs

OECHSLIN, Jean-Jacques, M., délégué du Conseil national du patronat français (CNPF) pour les relations avec l'OIT; Vice-président du Conseil d'administration du BIT.

Conseillers techniques

BOUSSAT, Bernard, M. directeur des Affaires sociales européennes et internationales du CNPF.

DRAGUE, Olivier, M., de l'Union des industries métallurgiques et minières (UIMM).

JULIEN, Emmanuel, M., adjoint du directeur des Affaires sociales européennes et internationales du CNPF.

MORIN, Paul-Robert, M., vice-président honoraire de la Confédération générale des petites et moyennes entreprises (CGPME).

ROILLAND, Marie-Paule, Mme, Service des affaires internationales de l'UIMM.

SIMONNET, Gérard, M., Service de la prévention des accidents de l'Union des industries chimiques (UIC).

TASSIN, Jacques, M., directeur général honoraire de la Fédération française des sociétés d'assurance (FFSA).

VEYSSET, Jean-François, M., CGPME; vice-président de la Fédération nationale de l'industrie hôtelière.

Délégué des travailleurs

VERONESE, Alphonse, M., secrétaire de la CGT.

Conseillers techniques

BERGAMINI, Louis, M., vice-président de la CFTC.

DELHOMENIE, Jean-Pierre, M., secrétaire confédéral CFDT, Département international-Europe.

DEUTSCH, Joëlle, Mlle, Service international CFE-CGC.

FOURNIER, Jacques, M., représentant de la CFDT au Conseil supérieur des installations classées.

JACEK, Marie, Mme, collaboratrice du Bureau confédéral CGT, responsable des questions juridiques au Secteur droits et libertés.

MOURGUES, Bernard, M., secrétaire confédéral de la Confédération générale du travail-Force ouvrière (CGT-FO).

PE, Jacques, M., secrétaire confédéral CGT-FO.

TIXIER, Jacques, M., collaborateur du Bureau confédéral CGT, responsable de la commission CGT/OIT.

Personne désignée en conformité avec l'article 2, alinéa 3 i), du Règlement de la Conférence

TELLIER, Régine, Mme, secrétaire nationale FEN.

GABON

MINISTRE ASSISTANT A LA CONFERENCE

OYONO ABA'A, Simon, M.
Accompagné de TCHIBOTA-SOUAMY, Roger, M., ambassadeur; représentant permanent à Genève.

Délégués gouvernementaux

TCHEN, Eugénie, Mme, directeur général du ministère du Travail, de l'Emploi, de la Formation professionnelle et des Ressources humaines.
OLE-ANGO, Albert, M., directeur du travail et de la réglementation.

Conseillers techniques et délégués suppléants

NDONG NANG NDONG, Daniel, M., conseiller technique du ministre du Travail.
MANUA NKELE,, M., conseiller, mission permanente à Genève.
MOULOMBA-NZIENGUI,, M., premier conseiller d'Ambassade, mission permanente à Genève.
MELIGHE-ME-NGWA, Rose, Mme, directeur adjoint des relations internationales.
ZENG MEGNIER, Edouard, M., chef du Service de l'hygiène et de la sécurité du travail.
EDOU, Lambert, M., conseiller spécial du Président de la République.

Délégué des employeurs

ABOUGHE OBAME, Jean, M., membre de la Confédération patronale gabonaise.

Conseiller technique et délégué suppléant

TCHOUA, Jean-Pierre, M., président de la Confédération nationale du patronat gabonais (CNPG).

Délégué des travailleurs

ALLINI, Martin, M., secrétaire général de la Confédération syndicale gabonaise (COSYGA).

Conseiller technique et délégué suppléant

MAYOMBO, Francis-Etienne, M., secrétaire général de la Confédération gabonaise des syndicats libres (CGSL).
OBAME, Antoine, M., COSYGA.

GHANA

MINISTER ATTENDING THE CONFERENCE

BOATENG, D.S., Mr., PNDC Secretary for Mobilisation and Social Welfare.
Accompanied by AMOO-GOTTFRIED, Kojo, Mr., Ambassador; Permanent Representative, Geneva.

Government delegates

OBENG FOSU, Patrick, Mr., Chief Labour Officer, Labour Department.
ACQUAH, E.K., Mr., Counsellor, Permanent Mission, Geneva.

Adviser

BLAVO, Harry Osei, Mr., Minister-Counsellor, Deputy Permanent Representative, Geneva.

Employers' delegate

YAMSON, I.E., Mr., President, Ghana Employers' Association (GEA); Substitute Member, Governing Body of the ILO.

Advisers

AMONOO, H.R., Mr., Vice-President, GEA.
GYAU, Theodore K., Mr., Council Member, GEA.
WILLIAMS, E.A., Mr., Executive Director, GEA; Substitute Member, Governing Body of the ILO.

Workers' delegate

YANKEY, A.K., Mr., Secretary-General, Trades Union Congress (TUC).

Advisers

AKOTO, J.G., Mr., General Secretary, Health Services Union of TUC.
NUNOO-QUAYE, S.O., Mr., Head, International Relations Department, TUC.

GRECE GREECE GRECIA

MINISTRE ASSISTANT A LA CONFERENCE

KALANTZAKOS, Aristidis, M., ministre du Travail.
Accompagné de VITALIS, Georges, M., conseiller spécial.
ANALYTIS, Minas, M., membre du Groupe de planification stratégique du ministère du Travail.

Délégués gouvernementaux

STEFANOU, Ioannis, M., secrétaire général au ministère du Travail.
NBOUCAOURIS, Jean, M., ministre plénipotentiaire; représentant permanent, mission permanente à Genève.

Conseillers techniques et délégués suppléants

MAKRI-IOANNIDOU, Efthimia, Mme, secrétaire spéciale au ministère du Travail.
TZAVELA, Niki, Mme, gouverneur de l'Organisme de l'emploi et de la main-d'oeuvre.
YANTAIS, Dimitris, M., premier conseiller à la mission permanente à Genève.
KARABINAS, Constantinos, M., président du conseil d'administration du Foyer du travailleur.
TSOUKATOS, Panayotis, M., directeur des affaires internationales au ministère du Travail.
DARATZIKIS, Michel, M., premier secrétaire, mission permanente à Genève.

Conseillers techniques

BACOPOULOS, Constantin, M., Strategic Planning Group, ministère du Travail.
KRAPSITIS, Ioannis, M., directeur, ministère du Travail.

PERDIKARI, Angelika, Mme, conseiller de presse à la mission permanente à Genève.

CHRYSSANTOU, Endokia, Mme, direction des relations internationales, ministère du Travail.

KATSANI, Maria, Mme, direction des relations internationales, ministère du Travail.

Délégué des employeurs

MITSOS, Ioannis, M., président honoraire de la Fédération des industries de Grèce (FIG).

Conseillers techniques et délégués suppléants

ANALITIS, Nicolaos, M., vice-président de la FIG.

HARAKAS, Harilaos, M., conseiller juridique à la FIG.

Conseillers techniques

TSOUMANI-SPENTZA, Eugenia, Mme, avocate à la FIG.

SKIADAS, Alexandros, M., conseiller à la FIG.

PAPAIOANNOU, Lambros, M., avocat, FIG.

PALAIOLOGOU, Evangelia, Mme, avocate, FIG.

VAYAS, Antoine, M., conseiller à la FIG.

Délégué des travailleurs

KANELLOPOULOS, Lambros, M., président de la Confédération générale des travailleurs (CGTG).

Conseillers techniques et délégués suppléants

DASSIS, Georgios, M., responsable de la CGTG, section de l'Europe occidentale.

DELIGIANNAKIS, Theodoros, M., conseiller juridique, CGTG.

KARABINIS, Christos, M., vice-président de la CGTG.

PAPAMICHAIL, Ioannis, M., membre du comité exécutif de la CGTG.

PAVLIDAKIS, Georges, M., chargé des relations internationales de la CGTG.

FLAMBOURAS, Kostas, M., membre du comité exécutif de la CGTG.

TSIRIMOKOS, Georges, M., trésorier de la CGTG.

LEMOS, Stefanos, M., membre du conseil d'administration de la CGTG.

GUATEMALA

MINISTRO ASISTENTE A LA CONFERENCIA

SOLORZANO MARTINEZ, Mario Rolando, Sr., Ministro de Trabajo y Previsión Social.

Delegados gubernamentales

CONTRERAS SOLORZANO, Carlos F.A., Sr., Viceministro de Trabajo y Previsión Social.

URRUELA PRADO, Federico A., Sr., Embajador; representante permanente en Ginebra.

Consejero técnico y delegado suplente

PAIZ HERNANDEZ, Edgar René, Sr., presidente de la Comisión de Trabajo del Congreso de la República.

Consejero técnico

GODINEZ PENSAMIENTO, Manuel de Jesús, Sr., consejero.

Delegado de los empleadores

REYES MAYEN, Alberto, Sr.

Consejero técnico y delegado suplente

MENENDEZ CASTEJON, Adolfo, Sr., representante del Comité Coordinador de Asociaciones Agrícolas Comerciales, Industriales y Financieras (CACIF).

Delegado de los trabajadores

PINZON SALAZAR, José E., Sr., representante de la Central General de Trabajadores de Guatemala (CGTG).

Consejero técnico y delegado suplente

HERNANDEZ, Giovanni, Sr.

GUINEE GUINEA GUINEA

MINISTRE ASSISTANT A LA CONFERENCE

LOUA, Fassou René, M., ministre de la Réforme administrative, de la Fonction publique et du Travail.

Délégués gouvernementaux

CAMARA, Ibrahima, M., directeur national du travail et des lois sociales.

SIDIBE, Mansa Moussa, M., inspecteur général du travail.

Conseiller technique et délégué suppléant

KABA, Souleymane, M., directeur général de l'Office national de l'emploi et de la main-d'oeuvre (ONEMO).

Délégué des employeurs

HANN, El Hadj Gallé, M., président du Conseil du patronat guinéen.

Conseillers techniques et délégués suppléants

KOUYATE, Fodécaba, M., conseiller juridique de la Chambre du commerce, de l'industrie et de l'agriculture de Guinée (CCIAG).

DABO, Abdoulaye, M., secrétaire aux relations extérieures du Conseil du patronat.

Délégué des travailleurs

DIALLO, Saïkou Yaya, M., secrétaire général adjoint de la Confédération nationale des travailleurs de Guinée (CNTG).

GUINEE-BISSAU
GUINEA-BISSAU
GUINEA-BISSAU

MINISTRE ASSISTANT A LA CONFERENCE

GODINHO GOMES, Pedro A., M., ministre de la Réforme administrative, de la Fonction publique et du Travail.

Délégué gouvernemental

MUSSE BALDE, Carlos, M., directeur général de l'Administration et des Finances du ministère de la Réforme administrative, de la Fonction publique et du Travail.

Délégué des employeurs

DOMINGOS GOMES, Carlos, M., président de l'Association commerciale et agricole.

Conseiller technique

DA SILVA, Manuel Alipro, M., représentant de la Chambre de commerce, industrie et agriculture.

Délégué des travailleurs

FERNANDES, Salvador Luis, M., secrétaire général de l'Union nationale des travailleurs (UNTG).

Conseiller technique

FONSECA, Fernando, M., directeur général des Affaires du travail et de négociation collective, UNTG.

GUINEE EQUATORIALE
EQUATORIAL GUINEA
GUINEA ECUATORIAL

Delegados gubernamentales

CAETANO TOHERIDA, Ernesto Maria, Sr., Ministro de Trabajo y Promoción Social.

NGUEMA MABAA, Paulino, Sr., jefe de servicio de relaciones internacionales del Ministerio de Trabajo y Promoción Social.

GUYANA

Government delegates

ALI-KHAN, Rabbian, Mrs., Minister of Labour, Human Services and Social Security.

BASCOM, Marva, Mrs., Chief Labour Officer, Ministry of Labour, Human Services and Social Security.

Employers' delegate

YANKANA, David, Mr., Executive Director, Consultative Association of Guyanese Industries.

Workers' delegate

POLLYDORE, Joseph, Mr., General Secretary, Guyana Trades Union Congress.

HAITI

MINISTRE ASSISTANT A LA CONFERENCE

CELESTIN SAUREL, Myrto, Mme, ministre des Affaires sociales.

Délégués gouvernementaux

GASPARD, Fritzner, M., consultant au ministère des Affaires sociales.

SAUREL, Robert, M., consultant au ministère des Affaires sociales.

Conseillers techniques et délégués suppléants

HECTOR, Michel, M., consultant au ministère des Affaires sociales.

ANTONIO, Joseph Philippe, M., chargé d'affaires a.i. à la mission permanente à Genève.

Délégué des travailleurs

MARCELIN, Schiller, M., secrétaire général du Syndicat, Organisation générale indépendante des travailleurs et travailleuses haïtiens (OGITH).

HONDURAS

MINISTRO ASISTENTE A LA CONFERENCIA

TORRES LOPEZ, Carlos, Sr.

Delegados gubernamentales

URTECHO LOPEZ, Armando, Sr.

FORTIN MIDENCE, Mario Alberto, Sr., Embajador; representante permanente en Ginebra; representante gubernamental del Consejo de Administración de la OIT.

Consejeros técnicos y delegados suplentes

HERNANDEZ REYES, Nora Manuela, Sra.

CARIAS ZAPATA, María Guadalupe, Sra., ministro consejero, misión permanente en Ginebra.

TURCIOS DIAZ, Marlen, Sra.

ESCALANTE, Oscar, Sr.

DE JESUS GONZALEZ, Mariano, Sr.

Delegado de los empleadores

MARTINEZ, José Job, Sr., Consejo Hondureño de la Empresa Privada (COHEP).

Delegado de los trabajadores

CASTRO FLORES, Joel, Sr., Confederación de Trabajadores de Honduras (CTH).

HONGRIE HUNGARY HUNGRIA

MINISTER ATTENDING THE CONFERENCE

KISS, Gyula, Mr., Minister of Labour.

Government delegates

TOTH, Tibor, Mr., Ambassador; Permanent Representative, Geneva.
KLEKNER, Péter, Mr., Director-General, Ministry of Labour.

Advisers and substitute delegates

SZABO, József, Mr., First Secretary, Permanent Mission, Geneva.
PAL, Lajos, Mr., Director-General, Ministry of Labour.
NAGY, Adrienne, Ms., Head of Section, Ministry of Labour.
BEKES, András, Mr., Deputy Director-General, Labour Inspectorate.
BUZAS, Katalin, Ms., Second Secretary, Ministry of Foreign Affairs.

Employers' delegate

SIMSA, Péter, Mr., President, National Association of Employers.

Advisers and substitute delegates

NAGY, Akos, Mr., Counsellor, National Association of Industrialists.
FARAGO, Imre, Mr., International Secretary, National Association of Entrepreneurs.

Adviser

OZORAY, Gábor, Mr., International Secretary, National Association of Employers.

Workers' delegate

GARZO, Lilla, Ms., Secretary, National Council for Reconciliation of Interests.

Advisers

FUKOH, Levente, Mr., Expert, Cooperation Forum of Trade Unions.
GERGELY, Pál, Mr., Senior Expert, Federation of Chemical Workers' Trade Unions.
GYORGY, Károly, Mr., Head of Section, National Confederation of Trade Unions.
JARMAI, Ferenc, Mr., Expert, Federation of Intellectual Workers' Trade Unions.
VARGA, Mariann, Ms., Expert, Democratic League of Independent Trade Unions.

INDE INDIA INDIA

MINISTER ATTENDING THE CONFERENCE

SANGMA, P.A., Mr., Minister of State of Labour.

Government delegates

GHATOWAR, Paban Sing, Mr., Deputy Minister of Labour.
SAWHNEY, V.P., Mr., Secretary, Ministry of Labour.

Adviser and substitute delegate

SHAH, Prakash, Mr., Ambassador; Permanent Representative, Geneva.

Advisers

BATTACHARYA, G.K., Mr., Joint Secretary, Ministry of Labour.
PILLAI, Sudha, Mrs., Joint Secretary, Department of Company Affairs.
JOSHI, Tinoo, Mrs., Deputy Secretary, Ministry of Labour.
TRIPATHI, S.K., Mr., Counsellor, Permanent Mission, Geneva.
WADHWA, Deepa Gopalan, Mrs., First Secretary, Permanent Mission, Geneva.
KWATRA, Vinay Mohan, Mr., Third Secretary, Permanent Mission, Geneva.
CHATTERJEE, S., Mr., Private Secretary to Minister of Labour.
PATNAIK, Dinesh, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' delegate

CHOWDHARY, J.R., Mr., President, All-India Organisation of Employers; Managing Director, Titagarh Steel Ltd.

Adviser and substitute delegate

KRISHNA, C.M., Mr., Director (Personal), Hindustan Aeronautics Ltd.

Advisers

MAHESHWARI, G.O., Mr., Labour Adviser, PHDCCI.
ROY, Usha, Mrs., Director, Bharat Aluminium Ltd.
GARG, M.K., Mr., Adviser, All-India Organisation of Employers.
KALANTRI, V.G., Mr, President, All-India Manufacturers' Organisation.

Workers' delegate

MARAKKAR, V.P., Mr., President, Indian National Trade Union Congress, Kerala Branch.

Advisers

MUKHERJEE, Janaki, Mr., President, Indian National Dock Workers Federation.
VENUGOPAL, R., Mr., Secretary, Bharatiya Mazdoor Sangh.
MOITRA, Rash Behari, Mr., Secretary, Bharatiya Mazdoor Sangh.
THOMAS, Thampan, Mr., Secretary, Hind Mazdoor Sabha.
GUPTE, Vasant, Mr.

INDONESIE INDONESIA INDONESIA

MINISTER ATTENDING THE CONFERENCE

BATUBARA, Cosmas, Mr., Minister of Manpower.

Government delegates

SIMANDJUNTAK, Payaman, Mr., Director General, Industrial Relations, Development of Labour Standards, Department of Manpower; Government Representative, Governing Body of the ILO.

BASANI,, Mrs., Head of Legal Affairs and International Cooperation, Department of Manpower; Substitute Government Representative, Governing Body of the ILO.

Advisers

BROTODININGRAT, Soemadi D.M., Mr., Ambassador; Permanent Representative, Geneva.

JAMTOMO, Rahardjo, Mr., Ambassador; Deputy Permanent Representative, Geneva.

DARWANTO,, Mr., Secretary-General, Department of Manpower.

DJAELANI, Noor, Mr., Secretary, Directorate General, Manpower Development and Placement, Department of Manpower.

WIRAJUDA, Noer Hassan, Mr., Minister Counsellor, Permanent Mission, Geneva.

SAHAB, Syukri, Mr., Head, Sub-directorate of Workers' Health and Safety Development, Department of Manpower.

SENTANU, K., Mr., Director, Social Insurance System "ASTEK".

ABBAS, Musma Musa, Ms., First Secretary, Permanent Mission, Geneva.

WIJONO, Perwitorini, Ms., First Secretary, Permanent Mission, Geneva.

JAYA, Heri Indra, Mr., Third Secretary, Permanent Mission, Geneva.

ADAMHAR, Ferry, Mr., Third Secretary, Permanent Mission, Geneva.

YUSAK, Masduki, Mr., Officer, Legal Division, Department of Manpower.

Employers' delegate

BOEDJOSASTRO, Suprapto, Mr., Chairman, Employers' Association of Indonesia (EAI).

Adviser and substitute delegate

GHIFARI, A.B., Mr., Board Member, EAI.

Advisers

SUNARSIH, Sri, Mrs., Board Member, EAI.

RAHMADI,, Mr., Board Member, EAI.

SOEGIYANTO,, Mr., Board Member, EAI.

LAING, Achmad, Mr., Board Member, EAI.

RACHMAN, Hasanudin, Mr., Board Member, EAI.

HAKIM, Lukman, Mr., Board Member, EAI.

SYAMBUDI,, Mr., Board Member, EAI.

Workers' delegate

RACHMAN, Adolf, Mr., Board Member, All-Indonesia Workers' Union (SPSI).

Advisers

SOEDARWO, Imam, Mr., Chairman, SPSI.

MUKADI, Sofiati, Mrs., Board Member, SPSI.

ACHMAD, Marzuki, Mr., Board Member, SPSI.

AMINRACHMAN, Darno, Mr., Board Member, SPSI.

PASARIBU, Bomer, Mr., Member of Parliament (MP); General Secretary, SPSI.

NADLAR, Azwar, Mr., Board Member, SPSI.

SUDJIO, Tambah, Mr., Board Member, SPSI.

HUTAGAOL, M., Mr., Board Member, SPSI.

REPUBLIQUE ISLAMIQUE D'IRAN ISLAMIC REPUBLIC OF IRAN REPUBLICA ISLAMICA DEL IRAN

MINISTER ATTENDING THE CONFERENCE

KAMALI, Hossein, Mr., Minister of Labour and Social Affairs.

Accompanied by SORKHU, Mohsen, Mr., Vice-Minister of Labour and Social Affairs for Financial, Administrative Affairs and Coordination.

Government delegates

GOL-MOHAMMADI, Mahmood, Mr., Adviser to the Minister; Director-General, Department of International Affairs, Ministry of Labour and Social Affairs.

FANNI-ZADEH, Kamran, Mr., Counsellor for Labour and Social Affairs.

Advisers and substitute delegates

HOSSEINI, Pirooz, Mr., Director-General of Specialised Agency Affairs, Ministry of Foreign Affairs.

HOSSEINI, Mohammad Taghi Ali, Mr., Deputy Minister for Cultural and Parliamentary Affairs, Ministry of Labour and Social Affairs.

Advisers

TABATABAI, Kya, Mr., Ambassador; Deputy Permanent Representative, Geneva.

MEHRPUR, Hossein, Mr., Legal Adviser.

TIZMAGHZ, Hasan, Mr., Labour Attaché, Embassy, Kuwait.

NABIAN, Mohammad-Sadegh, Mr., Adviser, Social Security Institute.

AFKARI, Mohammad, Mr., Adviser on Economic, Social and International Affairs, Ministry of Labour and Social Affairs.

GHARAGOZLU, Asghar, Mr., Senior Expert, International Relations Bureau.

FARAHANI PAD, Manouchehr, Mr., Labour Inspector.

SAEEDI, Ghasem, Mr., Senior Expert, Ministry of Foreign Affairs.

SHAHMIR, Amir-Hussein, Mr., Senior Expert, International Relations Bureau.

MOAZAMI GOODARZI, Ebrahim, Mr., Expert.

AHMADIAN, Seyed-Akbar, Mr., Expert.

Employers' delegate

AFKHAMI, Ali Ashraf, Mr., Member of the Board of Directors of the Zinc and Copper Company.

Adviser and substitute delegate

GHADYANI, Abolfazl, Mr., Member, Supreme Labour Council.

Advisers

HASHEMI, Seyed Mohammad, Mr., Legal Adviser, Lecturer on Labour Law, Tehran University.

NASAB, Mir Mostafa Ali, Mr., Managing Director, Ali Nasab Company.

ESLAMI, Mohammad-Hamid, Mr., Managing Director of the Cotton and Bandage Company.

Workers' delegate

SALIMIAN, Jabbar Ali, Mr., Head, Islamic Labour Central Council, Province of Yazd, Member of Workers' House.

Adviser and substitute delegate

REZA'I, Gholam-Abbass, Mr., Member of the Central Council, Tehran Province, Workers' House.

Advisers

MAJHOOB, Alireza, Mr., Secretary-General, Workers' House.

SARHADIZADEH, Abolghasem, Mr., Legal Adviser.

MOMENI, Farshad, Mr., Member, Workers' House.

RABI'I, Ali, Mr., Member of the Central Council, Workers' House.

BADBAN, Ali Asghar, Mr., Workers' Representative, Supervisory Board, Social Security Organisation; Member, Workers' House.

MOSHIRIAN, Ahmad, Mr., Representative of the Central Council, Tehran Provincial Congress, Workers' House.

MUSSAVI, Seyed-Ashur, Mr., Member of the Central Council, Khuzestan Province, Workers' House.

ASHTAR-NAKHAI, Heshmatollah, Mr., Worker of the Year; employed at Iranian Aluminium Industry.

IRAQ

MINISTER ATTENDING THE CONFERENCE

MOUBARAK, Omèd Medhat, Mr., Minister of Health; Minister of Labour and Social Affairs a.i.

Government delegates

SAID, Hamid Ali, Mr., Director General, Department of Labour and Social Security.

AL-KHAIRU, Mosbah Mohammad Mahmoud, Mr., Senior Expert; Director, Arab and International Relations.

Advisers

AL-ABDALLAH, Saadi Hamad, Mr., Director, Secretary of Minister's Council.

IBRAHIM, Ibrahim Haydar, Mr., Expert; Director, Department of Financial Affairs.

OBAID, Sami, Mr.

Employers' delegate

AL-KOUBEISI, Shawqi Saleh, Mr., President, Federation of Iraqi Industry.

Workers' delegate

GHARIB, Fadhil Mahmoud, Mr., President, General Federation of Trade Unions (GFTUI).

Adviser

AL-MUFARJI, Karim Abdullah Hamza, Mr., Secretary for Foreign Relations, GFTUI.

IRLANDE IRELAND IRLANDA

MINISTER ATTENDING THE CONFERENCE

COWEN, Brian, Mr., Minister for Labour.

Accompanied by COWEN, Mary, Mrs.

Government delegates

O'RIORDAN, M.C., Mr., Assistant-Secretary, Department of Labour; Government Representative, Governing Body of the ILO.

SWIFT, John, Mr., Ambassador; Permanent Representative, Geneva; Substitute Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

KELLY, Josephine, Ms., Assistant Principal, Department of Labour.

O'FLOINN, Colm, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

McARDLE, Rita, Ms., Assistant Principal, Department of Labour.

TISDALL, Brian, Mr., Executive Officer, Permanent Mission, Geneva.

SHEEHAN, Ronnie, Mr., Assistant Principal, Department of Labour.

Employers' delegate

DUNNE, John, Mr., Director General, Federation of Irish Employers.

Adviser

McAULEY, Dan J., Mr., Federation of Irish Employers.

Workers' delegate

DOUGLAS, Tom, Mr., Irish Congress of Trade Unions.

Adviser

O'DONOVAN, Patricia, Ms., Assistant General Secretary, Irish Congress of Trade Unions.

ISLANDE ICELAND ISLANDIA

MINISTER ATTENDING THE CONFERENCE

SIGURDARDOTTIR, Johanna, Mrs., Minister of Social Affairs.

Government delegates

JOHANNSSON, Kjartan, Mr., Ambassador; Permanent Representative, Geneva.

KRISTINSSON, Gylfi, Mr., Head of Division, Ministry of Social Affairs.

Advisers and substitute delegates

ARNASON, Kristinn F., Mr., Counsellor; Deputy Permanent Representative, Geneva.

SAEMUNDSSON, Eyjólfur, Mr., Managing Director, Administration of Occupational Safety and Health.

JOHANNESSON, Stefan H., Mr., First Secretary, Permanent Mission, Geneva.

VIDAR, Margrét, Ms., Attaché, Permanent Mission, Geneva.

Employers' delegate

STEFANSDOTTIR, Hrafnhildur, Mrs., Attorney-at-Law, Confederation of Icelandic Employers.

Adviser and substitute delegate

MAGNUSSON, Jón, Mr., Attorney-at-Law, Confederation of Icelandic Employers.

Workers' delegate

HALLGRIMSSON, Thrainn, Mr., Administrative Manager, Icelandic Federation of Labour.

Adviser and substitute delegate

SVEINBJORNSDOTTIR, Thorunn, Mrs., Chairman of Trade Union SOKN in Reykjavik.

ISRAEL

Government delegates

SCHWARTZ, A., Mr., Director-General, Ministry of Labour and Social Affairs.

LIOR, Itzhak, Mr., Ambassador; Permanent Representative, Geneva.

Advisers and substitute delegates

BARAK, Itzhak, Mr., Legal Adviser, Ministry of Labour and Social Affairs.

BOOTUN, Moshe, Mr., Legal Adviser, Knesset Committee of Labour and Social Affairs.

BARAZANI, A., Mr., Director, Payment Bureau, Employment Service.

KEREM, Ariel, Mr., Minister-Counsellor; Deputy Permanent Representative, Geneva.

ELGAR, I., Mr., Counsellor, Department of International Affairs, Ministry of Foreign Affairs.

DORON, Eliezer, Mr., Attaché, Permanent Mission, Geneva.

Employers' delegate

HILB, M., Mr., Director, Labour Law Department, Manufacturers' Association of Israel.

Adviser and substitute delegate

GATTEGNO, Y., Mr., Head, Labour and Human Resources Division, Manufacturers' Association of Israel.

Workers' delegate

KARA, Yussuf, Mr., Member, Histadrut Executive Bureau.

Advisers and substitute delegates

BARKAN-BENKLER, Raffel, Mr., Director, International Organizations Section, Histadrut International Department.

AMIR, J., Mr., Histadrut Representative for Europe.

SZIR, Y., Mr., Histadrut Representative for Latin America.

ABOURMAD, David, Mr., Member, Histadrut Executive Council.

ITALIE ITALY ITALIA

Délégués gouvernementaux

CAVAGLIERI, Alberto, M., ambassadeur; représentant gouvernemental au Conseil d'administration du BIT.

CACOPARDI, Giuseppe, M., directeur général, ministère du Travail.

Conseillers techniques et délégués suppléants

VINCENTI MARERI, Giovanni, M., ministre plénipotentiaire au ministère des Affaires étrangères.

DI MAIO, Lorenzo, M., directeur général des relations du travail, ministère du Travail; représentant gouvernemental suppléant au Conseil d'administration du BIT.

BALBONI, Alberto, M., représentant permanent adjoint, mission permanente, Genève.

MASCIA, Gian Luigi, M., premier conseiller, mission permanente, Genève.

Conseillers techniques

CARLA, Daniela, Mme, conseiller, ministère du Travail.

GALLI, Luigi, M., conseiller, ministère du Travail.

TOMASONE, Francesco, M., conseiller juridique, ministère du Travail.

SAN MAURO, Cesare, M., ministère du Travail.

NOCITO, Alfio, M., conseiller, ministère du Travail.

ROTUNDO, Giuseppe, M., mission permanente à Genève.

Délégué des employeurs

SASSO-MAZZUFFERI, Lucia, Mme, responsable, affaires internationales de la Confédération générale de l'industrie (CONFINDUSTRIA); membre adjoint du Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

GAMBARUTO, Ferruccio, M., ancien directeur de l'AMMA/CONFINDUSTRIA.

Conseillers techniques

MACCIO, Sergio, M., INTERSIND.

CONFORTI, Luciano, M., ASAP.

MANCINI, Paola, Mme, Confédération générale du commerce et du tourisme (CONFCOMMERCIO).

BARATTA, Sergio, M., CONFAGRICULTURA.
TOSTI, Ferruccio, M., ASSICREDITO.

Délégué des travailleurs

LETTIERI, Antonio, M., CGIL.

Conseillers techniques et délégués suppléants

MAGNANI, Sauro, M., coordinateur du Département international, CGIL.
SIGNORELLI, Paolo, M., Département des politiques internationales, CISL.

Conseillers techniques

FARINELLI, Fiorella, Mme, CGIL.
BRIGHI, Cecilia, Mme, CISL.
VANNI, Raffaele, M., secrétaire général de l'Union italienne des travailleurs du tourisme, du commerce et des services (UILTUCS); membre adjoint du Conseil d'administration du BIT.
FERRARI, Renato, M., président de l'Union italienne des travailleurs du textile et de la confection (UILTA).

JAMAIQUE JAMAICA JAMAICA

MINISTER ATTENDING THE CONFERENCE

SIMPSON, Portia, Miss, Minister of Labour, Welfare and Sport.

Government delegates

BARNETT, L.M.H., Mr., Ambassador Extraordinary and Plenipotentiary; Permanent Representative, Geneva.
SMITH, G.A., Mr., Chief Director, Industrial Relations, Ministry of Labour, Welfare and Sport.

Adviser and substitute delegate

BETTON, Vivia, Miss, Minister-Counsellor, Permanent Mission, Geneva.

Adviser

COKE, Pamela, Miss, Counsellor, Permanent Mission, Geneva.

Employers' delegate

ROBINSON, Barrington, Mr., Executive Member and Committee Chairman, Jamaica Employers' Federation.

Workers' delegate

ROCHESTER, Derrick, Mr., President and Island Supervisor, National Workers' Union of Jamaica.

Adviser

ENNIS, Reginald, Mr., President, Union of Technical, Administrative and Supervisory Personnel.

JAPON JAPAN JAPON

MINISTER ATTENDING THE CONFERENCE

OKABE, Kouzo, Mr., Administrative Vice-Minister of Labour.
Accompanied by OKABE, Michiko, Ms., Personal Secretary to the Administrative Vice-Minister.
YANAGISAWA, Kyoei, Mr., Secretary to the Administrative Vice-Minister.
TSUNEKAWA, Kenji, Mr., Planning Director, Employment Security Bureau, Ministry of Labour.

Government delegates

UKAWA, Hidetoshi, Mr., Ambassador; Permanent Representative, Geneva; Government Representative, Governing Body of the ILO.
TAKAHASHI, Sakutaro, Mr., Assistant Minister for Labour, Ministry of Labour; Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

ITO, Tetsuo, Mr., Minister, Permanent Mission, Geneva.
WAKAKI, Fumio, Mr., Counsellor, Permanent Mission, Geneva.
HIGASHI, Yoshinobu, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

OHZEKI, Chikashi, Mr., Director, Safety Division, Department of Safety and Health, Labour Standards Bureau, Ministry of Labour.
NAKAGAWA, Hiroaki, Mr., Director, Public Service Personnel Division, Public Service Personnel Department, Local Administration Bureau, Ministry of Home Affairs.
HASHIMOTO, Masaru, Mr., Director, Fire Defence Division, Fire Defence Agency, Ministry of Home Affairs.
SEKIDO, Hideaki, Mr., Counsellor, Bureau of Compensation, Personnel Authority.
HASEGAWA, Shinichi, Mr., Director, Labour Legislation Division, Labour Relations Bureau, Ministry of Labour.
ASAHARA, Yukihisa, Mr., Director, Police Planning Office, Working Hours Division, Wages and Working Hours Department, Labour Standards Bureau, Ministry of Labour.
HATANO, Fuminari, Mr., Senior Assistant, Planning and Co-ordination Division, Personnel Bureau Management and Coordination Agency.
MATSUI, Kazumi, Mr., First Secretary, Embassy of Japan, London.
SUEHIRO, Keiko, Ms., Deputy Director, International Labour Affairs Division, Minister's Secretariat, Ministry of Labour.
MATSUURA, Hiroyuki, Mr., First Secretary, Permanent Delegation, OECD.
MIYOSHI, Mari, Ms., First Secretary, Permanent Mission, Geneva.
AIZAWA, Keiichi, Mr., First Secretary, Permanent Mission, Geneva.
YOSHIKAWA, Akira, Mr., First Secretary, Permanent Mission, Geneva.

Employers' delegate

NAGANO, Takeshi, Mr., President, Japan Federation of Employers' Associations
(NIKKEIREN).

Adviser and substitute delegate

TSUJINO, Hiroshi, Mr., Member of the Policy Board and Executive Director,

NIKKEIREN; Member, Governing Body of the ILO.

Advisers

ITO, Takashi, Mr., Senior Manager, Labour Department, Japan Chemical Industry Association (NIKKAKYO).

OKUBO, Chikara, Mr., Director, Economic Research Division, NIKKEIREN.

INANIWA, Masanobu, Mr., Director, Legal Division, NIKKEIREN.

SUZUKI, Toshio, Mr., Director, International Division, NIKKEIREN.

SHIMIZU, Akihiko, Mr., Assistant Manager, International Division, NIKKEIREN.

Workers' delegate

TANAKA, Yoshikazu, Mr., Vice President, Japanese Trade Union Confederation (Jtuc-Rengo).

Advisers

KAIBARA, Naotake, Mr., Assistant General Secretary in charge of International Affairs, Jtuc-Rengo.

MORIKAGE, Hachiro, Mr., Vice-President, All-Japan Postal Labour Union (Zenyusei).

HAGIO, Kazuo, Mr., Central Executive Committee Member; Director, Legal Affairs Department, All-Japan Prefectural and Municipal Workers' Union (Jichiro).

SHIRAI, Masaru, Mr., Environment Committee, Japanese Federation of Chemical and General Workers' Unions (Zenka-Domei).

HATSUOKA, Shouichiro, Mr., Director, Tokyo Office, Postal, Telegraph and Telephone International (PTTI).

FUJIMOTO, Katsuo, Mr., Director, Rengo Liaison Office, Europe Jtuc-Rengo.

WATANABE, Hinako, Ms., Representative, Tokyo Office, International Federation of Chemical, Energy and General Workers' Union (ICEF).

TANAKA, Mitsuo, Mr., Section Chief, International Affairs Department, Jtuc-Rengo.

JORDANIE JORDAN JORDANIA

MINISTER ATTENDING THE CONFERENCE

AL-KABARITI, Abdel-Karim, Mr., Minister of Labour.

Government delegates

SARAYREH, Abdel-Majid, Mr., Director of Administration.

QUTISHAT, Bahjat, Mr., Director, Department of Employment, Ministry of Labour.

Employers' delegate

HABAIBEH, Abdelnoor, Mr., Treasurer, Amman Chamber of Industry.

Advisers

DAJANI, Ali, Mr., Consultant, Amman Chamber of Industry; Substitute Member, Governing Body of the ILO.

HUSSEINI, Amin Yunis, Mr., General Secretary, Amman Chamber of Commerce.

AL-TAHER, Ahmed, Mr., Member, Governing Council, Amman Chamber of Industry.

Workers' delegate

AQABANI, Nabil Salem, Mr., Member, Governing Body, Union of Air Transport and Tourist Industry Workers.

Adviser

AL-SHARARI, Haroun, Mr., Member, Governing Body, Union of Electricity Works Employees.

KENYA

MINISTER ATTENDING THE CONFERENCE

MASINDE, Philip John Wanyama, Mr., MP, Minister for Labour.

Government delegates

ABUJE, Francis Lugendo, Mr., Permanent Secretary, Labour; Government Representative, Governing Body of the ILO.

NGARE, Ephraim Waweru, Mr., Deputy Labour Commissioner, Ministry of Labour; Substitute Government Representative, Governing Body of the ILO.

Adviser

CHEMMUTTUT, Charles, Mr., Judge of the Industrial Court.

Employers' delegate

OWUOR, Tom Diju, Mr., Executive Director, Federation of Kenya Employers; Member, Governing Body of the ILO.

Adviser and substitute delegate

JUMA, Alfred Charles, Mr., Chairman, Federation of Kenya Employers.

Workers' delegate

MUGALLA, Joseph Jolly, Mr., Secretary-General, Central Organisation of Trade Unions (COTU); Member, Governing Body of the ILO.

Adviser and substitute delegate

NZIOKA, Benjamin, Mr., Chairman General, COTU.

KIRGHIZISTAN KYRGYZSTAN KIRGUISTAN

Government delegates

ERKEBAEV, Abdygany, Mr., Deputy Prime Minister of Kyrgyzstan.

SHUSTIKOV, Yury Timofeerich, Mr., Minister of Labour and Social Protection.

Workers' delegate

ABAKIROV, Emilbek, Mr., Chairman of the Council of the Federation of Trade Unions of the Republic of Kyrgyzstan.

KOWEIT KUWAIT KUWAIT

MINISTER ATTENDING THE CONFERENCE

AL-SABAH, Nawaf Al-Ahmad Al-Jaber, Mr., Minister of Social Affairs and Labour.

Government delegates

AL-SABAH, Salem Jaber Al-Ahmad, Mr., Ambassador; Permanent Representative, Geneva.

AL-THAMER, Mohammed Shabnan, Mr., Assistant Under-Secretary, Ministry of Social Affairs and Labour.

Advisers and substitute delegates

AL-OTAIBI, Humoud Mohammed, Mr., Deputy Assistant Under-Secretary, Ministry of Social Affairs and Labour.

AL-TAWHEED, Abdul-Rahman Saleh, Mr., Director, Labour Affairs Office.

AL-OMAR, Adnan Ali, Mr., Director, Capital Governorate Labour Department.

AL-KULAIB, Abdulaziz, Mr., Director of Hawally Governorate Labour Department.

AL-ALI, Mohammad Yousif, Mr., Deputy Director, Farwaniya Governorate Labour Department.

AL-AZMI, Raga Saif, Mr., Assistant Director of Al-Jahra Governorate Labour Department.

AL-SHEIKH, Saleh Ali, Mr., Assistant Director of Al-Ahmadi Governorate Labour Department.

Employers' delegate

AL-JASSEM, Aqil Ahmad, Mr., Deputy, Kuwait Chamber of Commerce and Industry; Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates

AL-OWAYESH, Sa'adoon Abdulaziz Sa'ad, Mr., Manager of Consumer Factories Affairs, National Industries Company.

ABDULLAH, Abdulaziz Hamed S.S., Mr., Legal Researcher, Chamber of Commerce and Industry.

Workers' delegate

AL-AJMI, Hayef, Mr., Chairman, General Union of Kuwait Workers.

Advisers and substitute delegates

AL-HAJERI, Nasir Thallab, Mr., Assistant General Secretary, General Union of Kuwait Workers.

AL-OTAIBI, Khalid Ayedh, Mr., Member, Executive Council, General Union of Kuwait Workers.

LESOTHO

MINISTER ATTENDING THE CONFERENCE

MOTHAKATHI, P.L., Mr., Minister of Employment and Social Welfare.

Government delegates

MOPHETHE, M.L., Mr., Deputy, Principal Secretary, Ministry of Employment, Social Welfare and Pensions; Government Representative, Governing Body of the ILO.

FANANA, Noozi Mabote, Mr., Labour Commissioner; Substitute Government Representative, Governing Body of the ILO.

Adviser

MOTHEPU, M., Mrs., Counsellor, Embassy of Lesotho, Brussels.

Employers' delegate

MAKEKA, T., Mr., Executive Director, Association of Lesotho Employers.

Workers' delegate

JONATHAN, S.M., Mr., Secretary-General, Lesotho Labour Congress.

LETTONIE LATVIA LETONIA

Government delegates

BERZINSH, Andris, Mr., Deputy Minister of Welfare, Labour and Health.

OZOLINSH, Valfrids, Mr., Principal Adviser.

Employers' delegate

REPCHA, Rolands, Mr.

Adviser and substitute delegate

BERTRANDS, Janis, Mr.

Adviser

GAVRILOV, Vitalij, Mr.

Workers' delegate

SILINSH, Andris, Mr.

Adviser and substitute delegate

GAVRILOVA, Lydija, Mrs.

Adviser

KULIK, Ludmyla, Mrs.

LIBAN LEBANON LIBANO

Délégués gouvernementaux

KHOURY, Hamid, M., directeur général du ministère du Travail.

DARWICHE, Ibrahim, M., directeur du Cabinet du ministère du Travail.

Conseiller technique et délégué suppléant

SAAB, May, Mlle, chef du service des relations internationales du ministère du Travail.

Conseillers techniques

SOUEID, Maarouf, M.

BEYDOUN, Salem, M.

FAWWAZ, Abbas, M., conseiller du ministre du Travail.

Délégué des employeurs

NASR, Marwan, M., conseiller des affaires techniques et sociales internationales, Association des industriels libanais; membre du Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

BALBOUL, Fouad, M., membre de l'Assemblée des industriels libanais.

Conseillers techniques

EL KAISSI, Muhi El Din, M., directeur général de la Chambre de commerce et de l'industrie à Beyrouth.

BALBOUL, Assad, M., membre de l'Assemblée générale des industriels libanais.

Délégué des travailleurs

BECHARA, Antoine, M., président, Union générale des travailleurs.

Conseiller technique et délégué suppléant

ZEIDAN, Habib, M., secrétaire général de la Conférence générale des syndicats libanais; membre adjoint du Conseil d'administration du BIT.

Conseiller technique

AL-HABR, Elias, M., président, Union nationale des syndicats.

LIBERIA

MINISTER ATTENDING THE CONFERENCE

FORH, Cyrenius, Mr., Minister of Labour.

Government delegates

WILLIAMSON, Henry D., Mr., Chargé d'Affaires, Permanent Mission, Geneva.

DAMACHI, Neda, Mrs.

Workers' delegate

GRAY, Amos, Mr., Secretary-General, Liberian Federation of Labour Unions.

JAMAHIRIYA ARABE LIBYENNE
LIBYAN ARAB JAMAHIRIYA
JAMAHIRIYA ARABE LIBIA

MINISTER ATTENDING THE CONFERENCE

MATOUG, Matoug Mohamed, Mr., Secretary, People's General Committee for Vocational Training and Formation.

Government delegates

DERBY, Abdulhafiz M., Mr., Under-Secretary of the Secratariat of Information and Culture.

OMAR, Ibrahim Abdul Aziz, Mr., Chargé d'Affaires, Permanent Mission, Geneva.

Advisers and substitute delegates

AL SHIBANI, Ali Salem, Mr., Director of the Technical Cooperations and Relations.

AL FAZANI, Assadik, Mr., Recruiting and Training Department.

AL MARGANY, Saleh Abdussalam, Mr., Legal Adviser.

IDRISS, Milad Mohamed, Mr., Specialist in Organisations Affairs.

AL KAIKH, Mohamed Salem Ali, Mr.

RASHID, Salim, Mr., Director of the Secretary's Office.

RABAB, Ramadan Ahmed, Mr., People's Bureau for Foreign Liaison and International Cooperation.

BUZRIGH, Abdel Magid Ali, Mr., Permanent Mission, Geneva.

UNIS, Khaled Belgacem, Mr., People's Bureau for Foreign Liaison and International Cooperation.

BEN OMRAN, Abdurrahman, Mr., People's Bureau for Foreign Liaison and International Cooperation.

AL FEITURI, Mohamed Shawkat, Mr., Secretariat of Health.

OMAR, Mohamed Ibrahim, Mr., Secretariat of Justice.

OHEIBA, Adel I., Mr., Secretariat of Treasury.

QADHAFI, Faraj Ali, Mr., Secretariat of Social Security.

Employers' delegate

AL MEGHERBI, Mohamed, Mr.

Advisers and substitute delegates

KWAIRY, Abdallah, Mr.

RAGHI, Bashir, Mr.

EL GHOUL, Mohamed Salem, Mr.

Workers' delegate

HOWAYDI, Bashir Ihwege, Mr.

Advisers and substitute delegates

JALLOUD, Salem Ahmed, Mr.

ABUZEID, Mohamed Al Mabrouk, Mr., Substitute Member, Governing Body of the ILO.

IDRISS IBRAHIM, Abdallah, Mr.

AL AZABI, Mohamed Youssef, Mr.

GADAH, Abdallah Ali, Mr.
AL GAMOUDI, Mohamed Saleh, Mr.

LITUANIE LITHUANIA LITUANIA

MINISTER ATTENDING THE CONFERENCE

STANKEVICHIUS, Mindaugas, Mr., Vice-Minister of Social Security.

Government delegates

BALTUTYTE, Elvyra, Mrs., Adviser, Expert, Ministry of Social Security.
PRIELADA, Narcizas, Mr., Permanent Representative, Geneva.

Employers' delegate

GAUCHAITE, Vitalija, Ms., Consultant, Industrialists' Association of Lithuania.

Workers' delegate

BALSIENE, Aldona, Mrs., président de l'Association des employés.

Adviser and substitute delegate

VAREVICIUS,, Mr.

LUXEMBOURG LUXEMBOURG LUXEMBURGO

MINISTRES ASSISTANT A LA CONFERENCE

JUNCKER, Jean-Claude, M., ministre du Travail; ministre des Finances.
DELVAUX-STEHRES, Mady, Mme, secrétaire d'Etat à la Sécurité sociale.

Délégués gouvernementaux

ZAHLEN, Jean, M., conseiller gouvernemental au ministère du Travail.
MOUSEL, Jean-Marie, M., directeur de l'Administration de l'emploi.

Conseillers techniques et délégués suppléants

BICHELER, Claude, M., conseiller de direction, Administration de l'emploi.
FEYEREISEN, Marc, M., directeur adjoint à l'Inspection du travail et des mines.

Conseillers techniques

DUHR, Paul, M., représentant permanent adjoint à Genève.
WEBER, Paul, M., directeur de l'Inspection du travail et des mines.
DERATTE, Arthur, M., conseiller au ministère de la Sécurité sociale.
SCHOLTUS, Mariette, Mlle, attachée de gouvernement au ministère du Travail.
FABER, Joseph, M., attaché de gouvernement au ministère du Travail.

Délégué des employeurs

JUNG, Lucien, M., administrateur-directeur de la Fédération des industriels luxembourgeois.

Conseiller technique et délégué suppléant

SAUBER, Marcel, M., secrétaire général de la Fédération des artisans.

Conseillers techniques

BEFFORT, Romain, M., délégué de la Fédération des industriels luxembourgeois.
OLINGER, Paul, M., secrétaire général adjoint de la Fédération des artisans.

Délégué des travailleurs

PIZZAFERI, René, M., membre du Comité exécutif de la Confédération générale du travail.

Conseiller technique et délégué suppléant

SCHADECK, Roby, M., trésorier national de la Confédération luxembourgeoise des syndicats chrétiens.

Conseillers techniques

DALEIDEN, Joseph, M., secrétaire général de la Confédération générale de la fonction publique (CGFP).
HAAS, Félix, M., trésorier fédéral de la CGFP.
WAGNER, Carlo, M., vice-président de la Fédération des employés privés —Fédération indépendante des travailleurs (FEP/FIT) et cadres.
MERTEN, René, M., président de la FEP/FIT et cadres.
BAUSCH, Eugène, M., membre du comité national de la Confédération générale du travail (CGT).
KONZ, Josy, M., secrétaire général de la CGT.
KAES, Aly, M., secrétaire régional du LCGB.
DRUCKER, Léon, M., secrétaire général adjoint du LCGB.

MADAGASCAR

MINISTRE ASSISTANT A LA CONFERENCE

MANANJARA, Jules, M., ministre du Travail.

Délégués gouvernementaux

RAMIANDRISOA, Oliver, M., chef du service provincial du travail, inspecteur du travail.
EDAFE, Phabien, M., conseiller auprès de l'Ambassade à Genève.

Délégué des employeurs

ANDRIANTSITOHAINA, Charles, M..

Conseiller technique et délégué suppléant

RABEMANANTSOA, Emile, M., secrétaire général du Fivondronan'ny Mpandraharaha Malagasy (FIV.MPA.MA).

Conseillers techniques

RAMANANKASINA, Michelson, M.
RANOHISOA, Seth, M., vice-président du FIV.MPA.MA.

Délégué des travailleurs

RAKOTONAVALONA, Rivo Berojo, M.

MALAISIE MALAYSIA MALASIA

MINISTER ATTENDING THE CONFERENCE

LIM, Ah Lek, Dato, Minister of Human Resources.

Government delegates

AHMAD MOHD IDRUS,, Mr., Director General of Industrial Relations, Ministry of Human Resources.
YAU, De Piyau, Mr., Director, Research and Planning Division, Ministry of Human Resources.

Advisers and substitute delegates

TENGKU OMAR, Tengku Bot, Mr., Director General of Labour, Ministry of Human Resources.
MOHAMED ISMAIL, Yahaya, Mr., Principal Assistant Secretary, Ministry of Human Resources.
MOHD SAUFFEE, Abd. Muain, Mr., Labour Attaché, Permanent Mission, Geneva.

Advisers

LEE, Peng Seng, Mr., Secretary to the Minister of Human Resources.
ZAKARIA, Mat, Mr., First Secretary, Permanent Mission, Geneva.
ROHANA, Ramli, Ms., First Secretary, Permanent Mission, Geneva.
MOHD ZULKEPHLI, Noor, Mr., First Secretary, Permanent Mission, Geneva.

Employers' delegate

MOKHZANI, Abdul Rahim, Dato, President, Malaysian Employers' Federation (MEF).

Adviser and substitute delegate

SOPIEE, Mohamed, Datuk, Vice-President, MEF.

Adviser

ZAIN MAJID, Mohamed, Mr., Executive Director, MEF.

Workers' delegate

MOHAMED, Abas, Mr., President, Congress of Union of Employees in the Public and Civil Service (CUEPACS).

Adviser and substitute delegate

ZAINAL, Rampak, Mr., President, Malaysian Trade Union Congress (MTUC).

Advisers

SANMUGAM, Kerisnan, Mr., Secretary-General, Malaysian Labour Organisation.
RAJASEGARAN, G., Mr., Executive Secretary, Metal Industry Employees' Union.
NAVAMUKANOAN, A., Mr., Executive Secretary, National Union of Plantation Workers (NUPW).

MALAWI

MINISTER ATTENDING THE CONFERENCE

BINALI, W.V., Mr., Minister of Labour.

Government delegates

MWAMBAKULU, B.B., Mr., Secretary for Labour.
NINDI, P.C., Mr., Labour Commissioner.

Advisers

KUNJE, F.N., Mr., Chief Inspector of Factories and Explosives.
MANDA, C.M., Mr., Assistant Labour Commissioner.

Employers' delegate

SAUKILA, W.K., Mr., General Manager, Medical Aid Society of Malawi; Chairman, Employers' Consultative Association.

Adviser

MUYENZA, E., Mr., Executive Secretary, Employers' Consultative Association.

Workers' delegate

MVULA, L.Y., Mr., General Secretary, Trades Union Congress.

MALI

MINISTRE ASSISTANT A LA CONFERENCE

DIAWARA, Daba, M., ministre de la Fonction publique et du Travail.

Délégués gouvernementaux

SIDIBE, Tall Penda, Mme, directeur national de l'emploi, du travail et de la sécurité sociale.
SISSOKO, Mamadou, M., directeur général de l'Office national de la main-d'oeuvre et de l'emploi.

Conseiller technique et délégué suppléant

DIAKITE, Mamadou, M., directeur général de l'Institut national de prévoyance sociale.

Délégué des employeurs

COULIBALY, Moussa Mari, M., président de la Fédération nationale des employeurs.

Conseiller technique et délégué suppléant

TOURE, Ousmane, M., secrétaire permanent de la Fédération nationale des employeurs; membre adjoint du Conseil d'administration du BIT.

Délégué des travailleurs

DOUCOURE, Issé dit Issa, M., secrétaire aux relations extérieures de l'Union nationale des travailleurs.

Conseiller technique et délégué suppléant

BATHILY, Mamadou Souraké, M., trésorier général de l'Union nationale des travailleurs.

MALTE MALTA MALTA

MINISTER ATTENDING THE CONFERENCE

BONNICI-MIFSUD, Ugo, Mr., Minister of Education and Human Resources.

Accompanied by CASSAR, Joseph, Mr., Parliamentary Secretary for Human Resources.

CILIA-DEBONO,, Mr., Director, Labour and Emigration.

ABELA, I.J., Mr., Private Secretary to the Minister.

Government delegates

XERRI, Francis, Mr., Head I, Ministry of Education and Human Resources; Government Representative, Governing Body of the ILO.

MIZZI, Achille, Mr., Assistant Head, Ministry of Education and Human Resources; Substitute Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

CASSAR, Joseph, Mr., Ambassador; Permanent Representative, Geneva.

VALENTINO, Martin, Mr., First Secretary, Permanent Mission, Geneva.

Employers' delegate

MALLIA MILANES, Alfred, Mr., International Secretary, Employers' Association of Malta (MEA); Substitute Member, Governing Body of the ILO.

Adviser and substitute delegate

SCICLUNA, John B., Mr., Administrative Secretary, Federation of Industries (FOI).

SCICLUNA, Victor, Mr., Council Member, MEA.

Workers' delegate

CALAMATTA, Jack, Mr., Deputy General Secretary, General Workers' Union (GWU).

Adviser and substitute delegate

SPITERI, Salvino, Mr., President, Confederation of Malta Trade Unions (CMTU).

FENECH, Angelo, Mr., General Secretary, GWU.

MAROC MOROCCO MARRUECOS

MINISTRE ASSISTANT A LA CONFERENCE

ABBADI, Hassan, M., ministre de l'Emploi.

Délégués gouvernementaux

BENHIMA, El Ghali, M., ambassadeur; représentant permanent à Genève.

KHALES, Abdellatif Ahmed, M., secrétaire général du ministère de l'Emploi.

Conseillers techniques

HAKKOU, Mahmoud, M., directeur du travail au ministère de l'Emploi; représentant gouvernemental au Conseil d'administration du BIT.

ALAOUI, Mohamed Ismail, M., directeur de Cabinet du ministre de l'Emploi.

BAHIJ, Mohamed, M., Cabinet du ministre chargé des affaires de la Communauté marocaine à l'étranger.

ANISS, Abderrahim, M., administrateur, Direction de l'émigration au ministère chargé des affaires de la Communauté marocaine à l'étranger.

LAGHRIFI, Abderrahman, M., chef du Service de la législation au ministère de l'Emploi.

JEBARI, Moustapha, M., secrétaire des Affaires étrangères à la mission permanente à Genève.

Délégué des employeurs

BENYAHIA, Ahmed Aboulahcen, M., président de la Chambre du commerce et de l'industrie de Settat.

Conseillers techniques

BELARBI, Mohamed Abdelkader, M., président de la Commission sociale de la Confédération générale économique du Maroc (CGEM).

BOULOUIZ, Allal, M., président de la Chambre du commerce et de l'industrie d'Oujda.

ARAQI, Houssaini Saïd, M., directeur de la Chambre de commerce de Settat.

SLISLI, Rachid, M., directeur de la Chambre du commerce et de l'industrie d'Oujda.

Délégué des travailleurs

BEN SEDDIK, Mahjoub, M., secrétaire général de l'Union marocaine du travail (UMT).

Conseillers techniques

AFILAL, Abderrazak, M., secrétaire général de l'Union générale des travailleurs du Maroc (UGTM).

BOUZOUBAA, Abdelmajid, M., de la Confédération démocratique du travail (CDT).

EL MOKHARIK, El Miloudi, M., de l'UMT.

QARFA, Brahim, M., de l'UMT.

BEN SEDDIK, Fouad, M., Union marocaine du travail.

CHERRAT, Mohamed Kafi, M., de l'UGTH.

CHENNAF, Abderrahman, M., de la CDT.

MAURICE MAURITIUS MAURICIO

MINISTER ATTENDING THE CONFERENCE

FOKEER, Dharmanand, Mr., Minister of Labour and Industrial Relations.

Accompanied by NATH, Dhurma Gian, Mr., Ambassador, Permanent Representative, Geneva.

Government delegates

TOOFANY, Motallib, Mr., Permanent Secretary, Ministry of Labour and Industrial Relations.

BOLAKY, Cassam, Mr., Chief Labour Officer, Ministry of Labour and Industrial Relations.

Adviser

PADYA, Girish Kumar, Mr., First Secretary, Permanent Representative, Geneva.

Employers' delegate

JEETUN, Azad, Mr., Director, Mauritius Employers' Federation.

Adviser

CHEONG, A., Mr., Chairman, Mauritius Employers' Federation.

Workers' delegate

MALLECK, Amode H., Mr., President, Mauritius Labour Congress.

Adviser

JHURRY, B., Mr., President, General Workers' Federation.

MAURITANIE MAURITANIA MAURITANIA

MINISTRE ASSISTANT A LA CONFERENCE

OULD HAYE, Moktar, M., ministre de la Fonction publique, du Travail, de la Jeunesse et des Sports.

Délégués gouvernementaux

OULD SALEM, Ethmane, M., directeur du travail.

OULD BAYA, Bah, M., chef, Service des études et des relations extérieures.

Conseillers techniques

OULD KHAIROU, Ahmed, M., fonctionnaire au Cabinet du ministre du Travail.

OULD ZAMEL, Mohamed El Moktar, M., directeur général de la Caisse nationale de sécurité sociale.

Délégué des employeurs

OULD SIDI MOHAMED, Mohamed Ali, M., membre adjoint du Conseil d'administration du BIT.

Délégué des travailleurs

OULD BRAHIM, Mohamed Ely, M., secrétaire général de l'UTM.

MEXIQUE MEXICO MEXICO

Delegados gubernamentales

VARGAS CAMPOS, Marcelo, Sr., Embajador; representante permanente en Ginebra; representante gubernamental, Consejo de Administración de la OIT.

JIMENEZ HERNANDEZ, Dolores, Sra., primer secretario de la misión permanente en Ginebra; representante suplente gubernamental, Consejo de Administración de la OIT.

Consejero técnico

ROMERO ESQUIVEL, Eusebio, Sr., jefe del Departamento de Organismos Sociales, Dirección General para el Sistema de las Naciones Unidas, Secretaría de Relaciones Exteriores.

Delegado de los empleadores

CEVALLOS GOMEZ, Jesús, Sr., presidente de la Confederación de Cámaras Industriales (CONCAMIN).

Consejero técnico y delegado suplente

CARVAJAL BUSTAMANTE, Octavio, Sr., vicepresidente de la Comisión de Trabajo y Previsión Social de la CONCAMIN.

Consejeros técnicos

LARIOS SANTILLAN, Héctor, Sr., presidente de la Confederación Patronal (COPARMEX).

CARVAJAL BUSTAMENTE, Octavio, Sr., vicepresidente de la Comisión de Trabajo y Previsión Social de la CONCAMIN.

ROMO DE VIVAR, Arturo, Sr., coordinador de asesores de la Cámara Nacional de Industria de la Transformación (CANACINTRA).

DIAZ GUAJARDO, Amado R., Sr., asesor jurídico de la Cámara de la Industria de la Transformación, Nuevo León.

MACIAS SANTOS, Eduardo, Sr., vicepresidente de recursos humanos, Grupo Vitro.

GUTIERREZ, Reynold, Sr., vicepresidente de recursos humanos, Grupo Cydsa.

VELASCO ARZAC, Guillermo, Sr., miembro de la Comisión de Relaciones Internationales de la COPARMEX.

Delegado de los trabajadores

SANCHEZ MADARIAGA, Alfonso, Sr., secretario de relaciones del Comité Nacional de la Confederación de Trabajadores de México (CTM); miembro del Consejo de Administración de la OIT.

Consejeros técnicos

SAN ROMAN, Héctor, Sr., secretario substituto de relaciones, Comité Ejecutivo de la Confederación de Trabajadores de México (CTM).

ESPONDA ZEBADUA, Gonzalo, Sr., asesor jurídico del Sindicato de Trabajadores de la Industria Química.

DEL REAL ESPINOZA, Federico, Sr., secretario general del Sindicato de Trabajadores de la Música de la República Mexicana.

PEREZ TOVAR, Sergio, Sr., secretario general del Sindicato de Trabajadores de la Compañía Hulera Good Year Oxo.

CAVAZOS, Gerardo, Sr., secretario de acción política y coordinador regional de la División del Golfo Norte del Sindicato Unico de Trabajadores Electricistas de la República Mexicana (SUTERM).

REPUBLIQUE DE MOLDOVA
REPUBLIC OF MOLDOVA
REPUBLICA DE MOLDOVA

Government delegate

SIRBU, Vasili, M., premier vice-ministre du ministère du Travail et de la Protection sociale.

MONGOLIE MONGOLIA MONGOLIA

MINISTER ATTENDING THE CONFERENCE

TSOLMON, Tserendashiin, Mr., Minister of Labour.

Government delegates

YUMJAV, Shirchinjavyn, Mr., Ambassador; Permanent Representative, Geneva.

ONON, Sodovyn, Mrs., Officer, Ministry of Labour.

Adviser

BOLDBAATAR, Danzannorovyn, Mr., Attaché, Permanent Mission, Geneva.

Employers' delegate

BAASANHUU, Damding, Mr., Vice-President, Mongolian Employers' Association.

Workers' delegate

BATBAYAR, Shilegiin, Mr., Chairman, Central Council of Federation of Mongolian Trade Unions.

Adviser

LHANYM, Lutyn, Mr., Director, Centre for Information and Education, Federation of Mongolian Trade Unions.

MOZAMBIQUE

Government delegates

MAVILA, Guilherme Luis, Mr., Deputy Minister of Labour.

FRANCISCO, Noemia Luis, Mr., Research Department, Ministry of Labour.

Employers' delegate

MUSANHANE, Egas, Mr., Vice-President, Association of Private Enterprises of Mozambique (AEPRIMO).

Workers' delegate

NWAMUSHUATE MABUMO, Estevao, Mr., Head of Department, Organization of Workers of Mozambique (OTM).

MYANMAR MYANMAR MYANMAR

Government delegates

HLAING, Tin Kyaw, Mr., Ambassador; Permanent Representative, Geneva.

AUNG, Min, Mr., Director-General, Factories and General Labour Laws, Inspection Department.

Advisers and substitute delegates

THAN, Mya, Mr., Deputy Permanent Representative, Geneva.

OHN, Tun, Mr., Second Secretary, Permanent Mission, Geneva.

Advisers

SWE, Nyunt, Mr., Second Secretary, Permanent Mission, Geneva.

NAING, Win, Mr., Third Secretary, Permanent Mission, Geneva.

NGWE, Aye, Mr., Assistant Director, Department of Labour.

TUN, Myat Tha, Mr., Head of Division, Ministry of Labour.

Employers' delegate

SHEIN, Tin, Mr., Deputy Director, Office of the Auditor General.

Workers' delegate

KYU, Khin Maung, Mr., Superintendent (Shop Floor), Refinery, Thanlyin.

NAMIBIE NAMIBIA NAMIBIA

MINISTER ATTENDING THE CONFERENCE

WITBOOI, Hendrik, Mr., Minister of Labour and Manpower Development.

Accompanied by KOOPER, Francis, Mr., Personal Assistant.

Government delegates

HIVELUAH, Shilikunye Tuli, Mr., Permanent Secretary for Labour and Manpower Development.

LISWANI, Katrina Iitula, Ms., Deputy, Director of Labour.

Advisers and substitute delegates

KAVARI, Vitura, Mr., Chief Labour Relations Officer.

NDISHISHI, Andrew P., Mr., Director of Manpower.

AMAKUTUWA, Marianne N., Ms., Specialised Agencies Section, Ministry of Foreign Affairs.

Employers' delegate

TJINGAETE, Fanuel, Mr., President, Chamber of Commerce and Industry.

Advisers and substitute delegates

LE ROUX, John, Mr., Member Exco, Agricultural Employer' Association.

BESSINGER, Hermine, Mrs., National Chamber of Commerce and Industry.

Workers' delegate

ESAU, Bernhardt, Mr., General Secretary, National Union of Namibia Workers (NUNW).

Advisers and substitute delegates

KEMBA, Hangula Walter, Mr., First Vice-President, NUNW.

NANGOMBE, Magano, Ms., National Educator, Namibia Domestic Workers' Union (NDAWU).

NEPAL

MINISTER ATTENDING THE CONFERENCE

TAMRAKAR, Ramkrishna, Mr., Minister of State for Labour and Industry.

Government delegates

SHRIVASTAVA, Sachida Nanda, Mr., Secretary, Ministry for Labour and Social Welfare.

SHAH, Gobardhan Bikram, Mr., Chargé d'Affaires a.i., Permanent Mission, Geneva.

Adviser and substitute delegate

DHAKAL, Ram Babu, Mr., Attaché, Permanent Mission, Geneva.

Employers' delegate

JYOTI, Padma, Mr., Chairman, Employers' Council and Vice-President, Federation of Nepal Chambers of Commerce and Industry.

Adviser

CHAUDHARY, Binod, Mr., Vice-President, Nepal Chamber of Commerce and Industries.

Workers' delegate

BASNET, Laxman Bahadur, Mr., Chairman, Nepal Trade Union Congress.

NICARAGUA

MINISTRO ASISTENTE A LA CONFERENCIA

ROSALES ARGUELLO, Francisco, Sr., Ministro del Trabajo.

Delegados gubernamentales

GARACHE CASTELLON, Mario, Sr., Viceministro del Trabajo.

ALANIZ PINELL, Jorge, Sr., Embajador; representante permanente en Ginebra.

Consejeros técnicos

MIRANDA CASTILLO, Norman, Sr.

SABORIO ARGUELLO, Julio, Sr., consejero, misión permanente en Ginebra.

MONTENEGRO DIAZ, Fanny, Sra., directora de relaciones internacionales, Ministerio de Trabajo del Nicaragua.

Delegado de los empleadores

ROMERO ROJAS, Orestes, Sr., consejo superior de la Empresa Privada.

Consejeros técnicos

SEQUEIRA, Arges, Sr., presidente de UPANIC.

RUIZ ROMAN, Alejandro, Sr., presidente de la Cámara de Comercio.

HARDING, Carlos Arturo, Sr., vicepresidente de la Cámara de Comercio.

NUÑEZ, Daniel, Sr., presidente de UNAG.

PEREIRA, Constantino, Sr., director, UNAG.

TIJERINO, Ivan, Sr., director, UNAG.

BLANCO, Alberto, Sr., director, UNAG.

Delegado de los trabajadores

JARQUIN, Antonio, Sr., secretario general de la Central de Trabajadores de Nicaragua, autónoma (CTN,a).

Consejero técnico

ESPINOZA NAVAS, Francisco de Paula, Sr., secretario general de la Central de Unificación Sindical (CUS).

NIGER

Délégués gouvernementaux

BANAKOYE, Mariama, Mme, ministre de la Fonction publique et du Travail.

MAMADOU, Baba Omar, M., directeur du travail et de la sécurité sociale.

Conseillers techniques

MAYAKI, Youssouf, M., directeur général de la Caisse nationale de sécurité sociale.

GNEGNE, Maimouna, Mlle, chef de la Division des études et relations internationales.

Délégué des employeurs

GEORGET, Henri, M., membre du bureau du Syndicat national des petites et moyennes entreprises et industries du Niger (SYNAPEMEIN).

Conseiller technique et délégué suppléant

SABO, Issoufou, M., membre du bureau du Syndicat patronal des entreprises et industries du Niger (SPEIN).

Délégué des travailleurs

MOUTARI, Laouali, M., secrétaire général de l'Union des syndicats des travailleurs du Niger (USTN).

Conseillers techniques

MAYAKI, Ibrahim, M., secrétaire aux relations extérieures de l'USTN.

DADDO, Mahaman Mansour, M., secrétaire adjoint aux relations extérieures de l'USTN.

NIGERIA

MINISTER ATTENDING THE CONFERENCE

MUSA, Bunu Sheriff, Mr., Minister of Labour and Productivity.

Accompanied by AZIKIWE, E.A., Mr., Ambassador; Permanent Representative, Geneva.

FASHOYIN, Tayo, Mr., Special Assistant to the Minister of Labour and Productivity.

Government delegates

ADEWOYE, R.O., Mr., Director, Factories Inspectorate, Federal Ministry of Labour and Productivity.

OKON, J.T., Mr., Deputy Director, International Labour Relations, Federal Ministry of Labour and Productivity.

Advisers and substitute delegates

WACHUKWU, Chukwu, Mr., Director-General, National Directorate of Employment.

SAMBO, Mustapha, Mr., Director, Small-Scale Industries.

MAHMUD, Aminu, Mr., Personal Assistant to the Minister, Federal Ministry of Employment, Labour and Productivity.

Advisers

ABDU, Isa, Mr., Aide to the Minister of Labour and Productivity.

AGIM, G.N., Mr., Second Secretary, Permanent Mission, Geneva.

Employers' delegate

IMOISILI, I.C., Mr., Director-General, Nigerian Employers' Consultative Association (NECA).

Adviser and substitute delegate

LAWAL, A., Mr., Chairman, Industrial Relations Committee, NECA.

Advisers

FAGBEMI, J.O., Mr., President, NECA.

DAMACHI, Ukandi, Mr., Chairman and Chief Executive, Lamic Nigeria Limited.

Workers' delegate

BAFYAU, Paschal, Mr., President, Nigeria Labour Congress (NLC).

Advisers and substitute delegates

OSUNDE, L. A., Mr., General Secretary, NLC.

OSHIOMHOLE, Adams, Mr., Deputy President, NLC, General Secretary, National Union of Textile, Garment and Tailoring Workers.

IJEH, E.U., Mr., General Secretary, Non-Academic Staff Union of Education and

Associated Institutions; Trustee of Congress.

UZOEGBU, G.U., Mr., President, National Union of Air Transport Service Employees.

NORVEGE NORWAY NORUEGA

MINISTER ATTENDING THE CONFERENCE

BORGEN, Kjell, Mr., Minister of Local Government.

Accompanied by SKOGMO, Bjorn, Mr., Ambassador; Permanent Representative, Geneva.

YSSEN, Ingunn, Ms., Secretary, Ministry of Local Government.

SAND, Ulf, Mr., Secretary General, Ministry of Local Government.

MARKHUS, Sissel, Ms., Deputy Director-General, Ministry of Local Government.

MEMBERS OF PARLIAMENT ATTENDING THE CONFERENCE

BEKKEMELLEM, Karita, Ms.

HAMMERSTAD, Oddmund, Mr.

Government delegates

VIDNES, Oyvind, Mr., Deputy Director-General, Ministry of Local Government.

BRUAAS, Odd, Mr., Adviser, Ministry of Local Government.

Advisers

KJONSTAD, Liv, Ms., Senior Executive Officer, Ministry of Local Government.

LUND, Bjorn Henrik, Mr., Adviser, Ministry of Local Government.

NORDHAGEN, Christine, Ms., Head of Division, Ministry of Labour and Government Administration.

LUND, Ragne Birthe, Ms., Counsellor, Permanent Mission, Geneva.

STROMMEN, Wegger Chr, Mr., First Secretary, Permanent Mission, Geneva.

Employers' delegate

SWENSEN, Soren D.C., Mr., Confederation of Norwegian Business and Industry (NHO).

Adviser and substitute delegate

POULSSON, Einar Osterdahl, Mr., Lawyer, Confederation of Norwegian Business and Industry.

Advisers

BREVIG, Inger, Ms., International Adviser, Confederation of Norwegian Business and Industry.

OSTMO, Trygve, Mr., Director, Federation of Norwegian Chemical Industries.

JOHANSEN, Kjersti, Mr., Personnel Manager, Hotel Continental, Oslo.

Workers' delegate

PEDERSEN, Evy Buverud, Ms., Secretary, Norwegian Confederation of Trade Unions (LO).

Adviser and substitute delegate

DAHL, Karl Nandrup, Mr., Legal Adviser, Norwegian Confederation of Trade Unions.

Advisers

OLSEN, Per Gunnar, Mr., Secretary, Norwegian Confederation of Trade Unions.

GREVSKOTT, Kirsti, Ms., Industrial Hygienist, Norwegian Confederation of Trade Unions.

SKAUG, Haakon, Mr., Attorney-at-Law, Norwegian Confederation of Trade Unions.

BJORNSTAD, Vidar, Mr., Deputy Head, International Department, Norwegian Confederation of Trade Unions.

NOUVELLE-ZELANDE
NEW ZEALAND NUEVA ZELANDIA

Government delegates

STOCKDILL, Ralph, Mr., General Manager, Industrial Relations Service, Department of Labour.

HAMPTON, Chris, Mr., General Manager, Occupational Safety and Health Service, Department of Labour.

Advisers and substitute delegates

BISLEY, Alistair, Mr., Permanent Representative, Geneva.

RIDER, Peter, Mr., First Secretary, Permanent Mission, Geneva.

BILKEY, Caroline, Ms., Second Secretary, Permanent Mission, Geneva.

RICHARDS, Margaret, Ms., International Liaison Officer, Department of Labour.

Employers' delegate

MEO, Rosanne, Ms., President, New Zealand Employers' Federation.

Adviser and substitute delegate

MARSHALL, Steven, Mr., New Zealand Employers' Association.

Workers' delegate

DOUGLAS, Ken, Mr., President, New Zealand Council of Trade Unions.

Adviser and substitute delegate

SCOTT, Terry, Mr., Executive Manager, New Zealand Firefighters' Union.

OUGANDA UGANDA UGANDA

MINISTER ATTENDING THE CONFERENCE

EJALU, Ateker, Mr., Minister of Labour and Social Affairs.

Government delegates

OLWENY, Claudius Mary, Mr., Labour Commissioner.

NTEGE, Vicent, Mr., Principal Economist.

Adviser

KATEMBWE, Abel, Mr., Managing Director, National Social Security Fund.

Employers' delegate

KASWARRA RWAMURA, Joël Marx, Mr., Executive Director Federation of Uganda Employers; Substitute Member, Governing Body of the ILO.

Adviser

ABALIWANO, Albert Brewer, Mr., Chairman, Federation of Uganda Employers.

Workers' delegate

MUKASA, Mudirikat Katikajjiru, Mr., Secretary-General, National Organisation of Trade Unions.

Adviser and substitute delegate

PAJOBO, Joram Burono, Mr.

PAKISTAN

Government delegates

IJAZ-UL-HAQ, Muhammad, Mr., Minister of Labour, Manpower and Overseas Pakistanis.

KAZMI, Safdar Hussain, Mr., Secretary, Ministry of Labour, Manpower and Overseas Pakistanis.

Advisers

KHAN, Mohammad Younis, Mr., Counsellor, Permanent Mission, Geneva.

BALOCH, Irfan, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' delegate

TABANI, Ashraf W., Mr., President, Employers' Federation of Pakistan; Member, Governing Body of the ILO.

Workers' delegate

AHMED, Khurshid, Mr., General Secretary, All Pakistan Federation of Trade Unions; Deputy Member, Governing Body of the ILO.

PANAMA

Delegados gubernamentales

ROSAS, Jorge Rubén, Sr., Ministro de Trabajo y Bienestar Social.

VELASQUEZ, Osvaldo, Sr., Embajador; representante permanente en Ginebra.

Consejeros técnicos

AMEGLIO SAMUDIO, Rossana L., Srta., Embajadora, representante permanente adjunta en Ginebra.

VALLARINO, Lourdes V., Srta, consejera; misión permanente en Ginebra.

UCROS GALLARDO, Oscar, Sr., asesor del Ministro de Trabajo.

Delegado de los empleadores

DURLING, Walter, Sr., Consejo Nacional de la Empresa Privada (CONEP), miembro adjunto suplente, Consejo de Administración de la OIT.

Delegado de los trabajadores

PINZON R., Aniano, Sr., secretario general de la Confederación de Trabajadores de la República de Panamá (CTRP).

PAPOUASIE-NOUVELLE-GUINEE PAPUA NEW GUINEA PAPUA NUEVA GUINEA

Government delegates

JOEL, Aphmeledy Kaumata, Mr., Secretary, Department of Labour and Employment.

ARUA, Patrick C., Mr., Executive Officer, International Labour Affairs, Department of Labour and Employment.

Adviser and substitute delegate

JOEL, Ruth, Mrs., Economist, Department of Finance and Planning.

Employers' delegate

HOGG, Graeme J., Mr., Secretary-General, Employers' Federation of Papua New Guinea.

Workers' delegate

LIOSI, Napolean, Mr., President, Public Employees' Association.

PARAGUAY

MINISTRO ASISTENTE A LA CONFERENCIA

ESTIGARRIBIA ELIZECHE, Hugo, Sr., Ministro de Justicia y Trabajo.

Delegados gubernamentales

GONZALEZ ARIAS, Luis, Sr., Embajador del Paraguay ante la Confederación Suiza.

MARTINEZ PEREZ, Oscar A., Sr., Subsecretario de Trabajo y Seguridad Social.

Delegado de los empleadores

DUARTE, Augusto, Sr.

Delegado de los trabajadores

ETCHEVERRY ESPINOLA, Julio, Sr.

PAYS-BAS NETHERLANDS PAISES BAJOS

MINISTER ATTENDING THE CONFERENCE

DE VRIES, Bert, Mr., Minister for Social Affairs and Employment.

Accompanied by DE MAAT-KOOLEN, Helen, Mrs., Secretary-General.

BORSTLAP, Hans, Mr., Director-General for General Policy Affairs.

DOELMAN-PEL, Ali, Mrs., Member of Parliament.

MIDDEL, Bert, Mr., Member of Parliament.

LINSCHOTEN, Robin, Mr., Member of Parliament.

Government delegates

ROOD, Max, Mr., Professor of Labour Law, Leiden University; Former Minister of the Interior.

SCHRAMA, Henk, Mr., Director, Department of International Affairs, Ministry of Social Affairs and Employment.

Advisers and substitute delegates

BODDENS HOSANG, Johan Fredrik, Mr., Ambassador; Permanent Representative, Geneva.

DE POOTER, Anneke, Ms., Head, International Social Affairs Branch, Ministry of Social Affairs and Employment.

Advisers

VAN BLANKENSTEIN, Jan, Mr., Deputy Head, International Social Affairs Branch, Ministry of Social Affairs and Employment.

VAN DONGEN, Antoine, Mr., Counsellor, Permanent Mission, Geneva.

DE CUBA, Karel, Mr., Head, International, Legal and Planning Section, Ministry of Labour, Aruba.

VAN DER LINDE, Placido, Mr., Policy Adviser, Ministry of Labour, Aruba.

KAREL, Elco, Mr., Director, Department of Labour and Social Affairs, Netherlands Antilles.

LOPES, Kenneth, Mr., Head, Department of Labour and Social Affairs, St. Maarten-Division, Netherlands Antilles.

DE JONG, Heiko S.R., Mr., Policy Adviser, Department of Labour and Social Affairs, Netherlands Antilles.

STOKVIS, Laurent-Louis, Mr., Counsellor, Permanent Mission, Geneva.

IN'T VELD, Robert, Mr., Head, Sector Process Industry, Safety Directorate, Ministry of Social Affairs and Employment.

KUGGELEIJN, Rolf, Mr., Policy Adviser, International Social Affairs Branch, Ministry of Social Affairs and Employment.

WIELAARD, Jan Christiaan, Mr., Policy Adviser, International Organisations, Ministry of Foreign Affairs.

Employers' delegate

HAK, Cornélie, Miss, Adviser, International Social Affairs, Federation of Netherlands' Industry (VNO); Member, Governing Body of the ILO.

Advisers

VAN BOVEN, Liesbeth, Mrs., Legal Adviser, General Industrial Employers' Association (AWV).

BAKMEIJER, Sergio C., Mr., General Manager of Fatum, Caribbean Region.

CROES, Randy, Mr., Member, Board, Aruban Chamber of Commerce and Industry.

VAN DUN-DE MEESTER, Ineke, Mrs., Secretary, VNO.

WESTERHOF, Nelleke, Mrs., Deputy Director, Management Study Centre ("De Baak"), VNO.

Workers' delegate

ETTY, Tom, Mr., Adviser, International Affairs, Netherlands Trade Union Confederation (FNV).

Adviser and substitute delegate

SIETARAM, Amrita, Mrs., Executive Adviser, International Affairs, Christian Trade Union Federation (CNV).

Advisers

VAN DE BURG, Ieke, Mrs., Member, Executive Board, FNV.

DE CUBA, Enrique, Mr., Vice-President, Federation of Aruban Workers (FTA).

DRIJFHOUT, Dédée, Mrs., Staff Member, Federation of Trade Unions for Staff and Management Personnel (MHP).

SEMEREL, Oscar I., Mr., Secretary-General, Central General of Curaçao Workers (CGTC).

WILDERS, Marcel, Mr., Policy Adviser, Occupational Health and Safety, FNV.

PEROU PERU PERU

MINISTRO ASISTENTE A LA CONFERENCIA

ANTONIOLI VAZQUEZ, Augusto, Sr., Ministro de Trabajo y Promoción Social.

Acompañado de RIVERO, Oswaldo de, Sr., representante permanente en Ginebra; representante gubernamental, Consejo de Administración de la OIT.

DE LA ROSA NAVARRO, Jesús, Sr., Secretario General del Ministerio de Trabajo y Promoción Social.

Delegados gubernamentales

VILLAR AGUIRRE, Luis Alberto, Sr., Viceministro de Trabajo.

SILVA Y SILVA, Rosa Esther, Sra., Ministro de la misión permanente en Ginebra; representante gubernamental (suplente) del Consejo de Administración de la OIT.

Consejeros técnicos y delegados suplentes

SAIF de PREPERIER, Ruth, Sra., consejera de la misión permanente en Ginebra.

LAOS CACERES, Nancy, Sra., asesora externa del Ministerio de Trabajo y Promoción Social.

Consejeros técnicos

QUIROS, Fernando, Sr., segundo secretario, misión permanente en Ginebra.

LOPEZ, Mario, Sr., segundo secretario, misión permanente en Ginebra.

Delegado de los empleadores

ZAVALA COSTA, Jaime, Sr., Confederación Nacional de Instituciones Empresariales Privadas (CONFIEP).

Consejeros técnicos y delegados suplentes

DIAZ GONZALES, Richard, Sr.

BORLETTI IBARCENA, Hugo, Sr.

BARRENECHEA CALDERON, Julio César, Sr.

PEDRAZA ASURIN, Néstor, Sr.

QUIROZ CASTRO, Jorge, Sr.

Delegado de los trabajadores

HUILCA TECSE, Pedro, Sr., secretario general de la Confederación General de Trabajadores del Perú (CGTP).

Consejeros técnicos y delegados suplentes

LUNA ROJAS, Juan Alejandro, Sr., secretario general de la CGTP.

LAZO PERALTA, Víctor Alfredo, Sr., secretario general de la Central Autónoma de Trabajadores del Perú (CATP).

CRUZADO ZAVALA, Julio, Sr., secretario de Asuntos Internationales de la Confederación de Trabajadores Democráticos del Perú.

PHILIPPINES PHILIPPINES FILIPINAS

MINISTER ATTENDING THE CONFERENCE

ROLDAN-CONFESOR, Nieves, Mrs., Acting-Secretary of Labor and Employment.

Government delegates

VILLARROEL, Hector K., Mr., Deputy Permanent Representative, Geneva.

CARALE, Bartolome S., Mr., Chairman, National Labor Relations Commission.

Advisers

MEMBERS OF CONGRESS ATTENDING THE CONFERENCE

VELOSO, Alberto, Mr., Chairman, Committee on Labor and Employment, House of Representatives.

ISIDRO, Martin, Mr., Member, Committee on Labor and Employment, House of Representatives.

JABAR, Ramon, Mr., Member, Committee on Labor and Employment, House of Representatives.

RAYMUNDO, Adelisa, Mrs., Member, Committee on Labor and Employment, House of Representatives.

VILLAVIZA, Alejandro, Mr., Member, Committee on Labor and Employment, House of Representatives.

Other Advisers

BALDOZ, Rosalinda D., Mrs., Deputy Administrator, National Conciliation and Mediation Board.

JULVE, Bernadino B., Mr., Regional Director, National Capital Region.

PAREL, Henry M., Mr., Regional Director, Region II, Department of Labor and Employment.

CASTRO-MULLER, Bernarditas de, Mrs., Third Secretary, Permanent Mission, Geneva.

PALMA, Leo J., Mr., Labor Attaché, Permanent Mission, Geneva.

Employers' delegate

TAN, Ancheta, Mr., President, Employers' Confederation of the Philippines.

Advisers

HERNANDEZ, Benildo, Mr., Vice-President, Employers' Confederation of the Philippines.
VARELA, Miguel B., Mr., Governor, Employers' Confederation of the Philippines.
INOCENTES, Raoul, Mr., Governor, Employers' Confederation of the Philippines.

Workers' delegate

TAN, Juan C., Mr., President, Federation of Free Workers.

Advisers

JOSON,, Mr., Vice-President, Federation of Free Workers.
DINGLASAN, Andres L., Mr., Vice-President, Trade Union Congress of the Philippines.
DEL PRADO, Gregorio, Mr., President, Hakas Manggagawa Labor Centre.

POLOGNE POLAND POLONIA

MINISTER ATTENDING THE CONFERENCE

KROPIWNICKI, Jerzy, Mr., Minister of Labour and Social Policy.

Government delegates

PIOTROWSKI, Bartlomiej, Mr., Under-Secretary of State, Ministry of Labour and Social Policy.
PRZYGODZKI, Stanislaw, Mr., Minister Plenipotentiary, Chargé d'Affaires a.i., Permanent Mission, Geneva.

Advisers and substitute delegates

BACZKOWSKI, Andrzej, Mr., Under-Secretary of State, Ministry of Labour and Social Policy.
KUKOLOWICZ, Romuald, Mr., Under-Secretary of State, Ministry of Labour and Social Policy.
KOWALSKI, Andrzej, Mr., Deputy Director, Department of the UN System, Ministry of Foreign Affairs.

Advisers

HENCZEL, Remigiusz A., Mr., Director, Department of International Cooperation, Ministry of Labour and Social Policy.
SWIATKIEWICZ-ZYCH, Hanna, Mrs., Deputy-Director of the Department of Employment, Ministry of Labour and Social Policy.
RUDNICKI, Wojciech, Mr., Deputy-Director of the Department of Labour Law, Ministry of Labour and Social Policy.
MACIASZCZYK, Maria, Mrs., Adviser to the Minister of Labour and Social Policy.
STEFANSKA, Danuta Maria, Ms., Adviser to the Minister of Labour and Social Policy.
LEMIESZEWSKA, Renata, Mrs., Expert, Ministry of Labour and Social Policy.
WALCZAK, Krzysztof, Mr., Expert, Ministry of Labour and Social Policy.
KORADECKA, Danuta, Mrs., Director, Central Institute of Labour Protection.

Employers' delegate

PILARSKI, Henryk, Mr., Vice-President, Confederation of Polish Employers.

Adviser and substitute delegate

DOBRZYNSKI, Marian, Mr., Director-General, Confederation of Polish Employers.

Advisers

GERSDORF, Malgorzata, Mrs., Adviser to the President of the Confederation of Polish Employers.
SEMERAK-NEBES, Roksolana, Mrs., Director, Labour Relations Department, Confederation of Polish Employers.
SZYRMER, Jacek, Mr., Director, Foreign Relations Department, Confederation of Polish Employers.
RACZKA, Krzysztof, Mr., Expert, Labour Relations Department, Confederation of Polish Employers.

Workers' delegate

WOJCIK, Tomasz, Mr., Member, Presidium of the National Commission; Chairman, "Dolny Slask" Region, NSZZ Solidarnosc; Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

WLOSEK, Maciej, Mr., Adviser, National Comission, NSZZ "Solidarnosc-80".

Advisers

SMOLAREK, Ryszard, Mr., Member of the Parliament/Sejm, Member of the Main Council, National Union of Farmers and Farmers' Organisations.
DRZEWICKI, Krzysztof, Mr., Adviser, National Commission, NSZZ Solidarnosc.
SWITALA, Jan, Mr., Senior Expert, Polish Trade Union Alliance (OPZZ).
BOREK, Tadeusz, Mr., Director, National Council, NSZZ Solidarnosc of Individual Farmers.

PORTUGAL

MINISTRE ASSISTANT A LA CONFERENCE

SILVA PENEDA, José Albino, M., ministre de l'Emploi et de la Sécurité sociale.
Accompagné de ALMEIDA SEABRA, Jorge, M., secrétaire d'Etat adjoint au ministre.
PINTO CARDOSO, Antonio M., M., secrétaire d'Etat de l'emploi et de la formation professionnelle.
BAZENGA MARQUES, Manuel J., M., secrétaire régional de l'Administration publique de la région autonome de Madère.
RIBEIRO ARRUDA, Manuel, M., secrétaire régional à la jeunesse et ressources humaines de la région autonome des Açores.

POLICARPO, Maria José, Mme, chef de Cabinet, ministère de l'Emploi et de la Sécurité sociale.

CORREIA FILIPE, Victor, M., chef de Cabinet du secrétaire d'Etat adjoint au ministre.

PARENTE, Manuel Carvalho, M., adjoint au secrétaire d'Etat de l'emploi et de la formation professionnelle.

ALMEIDA RIBEIRO, Candida, Mme, directeur de Cabinet de coopération avec l'Afrique; ministère de l'Emploi et de la Sécurité sociale.

Délégués gouvernementaux

NASCIMENTO RODRIGUES, Henrique de, M., président du Conseil économique et social.

DA SILVA, Zozimo, M., ambassadeur; représentant permanent, mission permanente, Genève.

Conseiller technique et délégué suppléant

DIAS, Amadeu, M., directeur général des relations du travail, ministère de l'Emploi et de la Sécurité sociale.

Conseillers techniques

PEREIRA DE MOURA, Joao, M., directeur général du Département d'études et planification (MESS).

DE BARROS, Luis Cristina, M., représentant permanent adjoint, mission permanente, Genève.

DA SILVA, Rui Gonçalves, M., directeur régional du travail de la région autonome de Madère.

RODRIGUES DA SILVA, Adelino Couto, M., directeur régional du travail de la région autonome des Açores.

BELO, José Pinto, M., directeur des Services du travail et de l'emploi du territoire de Macau.

LEITAO, José A. dos Santos, M., adjoint du secrétaire d'Etat adjoint au ministre de l'Emploi et de la Sécurité sociale.

DA SILVA, Alfredo, M., directeur des Services de planification, Institut de l'emploi et de la formation professionnelle.

LORVAO, Luis de Sousa, M., chef de division, ministère des Affaires étrangères.

FERNANDES, Maria Nunes Ramos, Mme, chef de division, Direction générale des relations de travail (MESS).

SIMOES, Rui Manuel F., M., chef de division, Direction générale de l'environnement.

DE OLIVEIRA, Antonio V. Carreira, M., chef de division, Direction générale de l'industrie.

ROBERT LOPES, Maria Helena, Mme, Direction générale des relations de travail (MESS).

DE ALMEIDA, Luis Tome, M., conseiller pour les affaires du travail et de l'emploi, mission permanente à Genève.

BOTAO, Antonio, M., conseiller économique, mission permanente à Genève.

NETO, Liliana Mascarenhas, Mme, deuxième secrétaire, mission permanente à Genève.

Délégué des employeurs

FERREIRA MONTOYA, Joao, M., administrateur d'entreprise.

Conseillers techniques

SALGUEIRO, Heitor Flávio Fernandes, M., directeur général adjoint de la Confédération de l'industrie portugaise (CIP).

DA ROCHA NOVO, Gregório, M., CIP.

COSTA ARTUR, Alexandra, Mme, expert de la Confédération portugaise du commerce (CCP).

PEREIRA FERNANDES, Rui Manuel G., M., secrétaire général de l'Association commerciale et industrielle de Funchal, Madère.

CUSTODIO, Mário Correia, M., secrétaire général de la Chambre de commerce et d'industrie des Açores.

SA E MELLO, Alberto, M., expert de la CCP.

Délégué des travailleurs

TORRES COUTO, José M., M., secrétaire général de l'Union générale des travailleurs (UGT).

Conseiller technique et délégué suppléant

HUGO SEQUEIRA, Vitor, M., secrétaire national de l'UGT.

Conseillers techniques

REPRESAS, Maria Rosa, Mme, juriste à la Confédération générale des travailleurs (CGTP-IN).

VELUDO, José Monteiro, M., secrétaire national de l'UGT.

DE CARVALHO, Carlos Antonio, M., membre du Conseil national de la CGTP-IN.

ROSETA, Agostinho, M., conseiller du secrétaire général de l'UGT.

PINTO, Rui, M., juriste de la CGTP-IN.

CARINHAS, José Manuel, M., directeur du Département des relations internationales de la CGTP-IN.

REIS, Maria Emília, Mme, membre de la Commission exécutive de la CGTP-IN.

Personne désignée en conformité avec l'article 2, alinéa 3 i), du Règlement de la Conférence

CARVALHO, Fernando Maurício, M., adjoint au directeur du Département des relations internationales de la CGTP-IN.

QATAR

MINISTER ATTENDING THE CONFERENCE

AL-DERHEM, Abdul Rahman Bin Sa'ad, Mr., Minister of Labour, Social Affairs and Housing.

Government delegates

AL-BADI, Badi Ali, Mr., Head, Department of Employment.

KALLA, Mohammad Ali, Mr., Assistant Director of Planning and Follow-up.

Advisers and substitute delegates

AL-THANI, Fahad Awaida, Mr., Ambassador; Permanent Representative, Geneva.

AL-SULAITI, Hamad Khamis, Mr., Director, Minister's Office.

MOUSSA, Shahade Youssef, Mr., Assistant Director, International Relations and Technical Affairs Department.

BUSHARBAK, Mohammad Saeed, Mr., Labour Inspector.

AL-THANI, Mohamed Ahmed, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' delegate

AL-THANI, Abdul Aziz Mohammad Bin Saud, Mr., Director, Administrative Affairs, Qatar Chamber of Commerce and Industry.

Workers' delegate

AL-BUAINAIN, Abdul Rahman Nasser, Mr., Chairman, Workers Committee, Qatar General Petroleum Corporation.

ROUMANIE ROMANIA RUMANIA

MINISTRE ASSISTANT A LA CONFERENCE

POPESCU, Dan-Mircea, M., ministre du Travail et de la Protection sociale.

Accompagné de SANDRU, Victoria, Mme.

MIHAI, Petrica, M.

Délégués gouvernementaux

BREHOI, Gheorghe, M., secrétaire d'Etat au ministère du Travail et de la Protection sociale.

NEAGU, Romulus, M., ambassadeur; représentant permanent à Genève.

Conseillers techniques et délégués suppléants

BIJI, Miron-Mihu, M., secrétaire d'Etat.

MATEI, Dan, M., sous-secrétaire d'Etat.

MIRCEA, Tudor, M., conseiller à la mission permanente à Genève.

PACURARU, Ion, M., conseiller du ministère du Travail et de la Protection sociale.

BABEANU, Constantin, M., expert au ministère du Travail et de la Protection sociale.

POPESCU, Andrei, M., directeur général adjoint, ministère du Travail et de la Protection sociale.

LEUCA, Mitrica, M., directeur au Département de la protection du travail.

Délégué des employeurs

LECA, Aurel, M., président, Confédération nationale du patronat roumain et de l'Association patronale du pétrole, de l'énergie électrique.

Conseillers techniques et délégués suppléants

DUMITRESCU, Marian, M., premier vice-président de l'Association des employeurs privés.

COZEA, George, M., président de l'Union roumaine des producteurs industriels et commerçants indépendants.

VAINER, Aurel, M., vice-président de la Chambre du commerce et de l'industrie.

LEUCUTIA, Adrian, M. président de l'Organisation patronale de gestion communale et locative.

MARASOIU, Paul, M., représentant de la Fédération patronale de tourisme.

Délégué des travailleurs

STETCU, Teodor, M., vice-président de la Confédération des syndicats indépendants "Fratia".

Conseillers techniques et délégués suppléants

HOSSU, Iuliu-Bogdan, M., président du Cartel syndical "Alfa".

CIORBEA, Victor, M., président de la Confédération des syndicats libres.

GIURESCU, Ion, M., président de la Confédération des syndicats libres d'agriculture.

Conseiller technique

SIRBU, Marian, M.

ROYAUME-UNI
UNITED KINGDOM REINO UNIDO

MINISTER ATTENDING THE CONFERENCE

FORSYTH, Michael, Mr., Minister of State for Employment.

Accompanied by CLARK, P., Mr., Private Secretary to the Minister of State.

Government delegates

WESTON, M., Mr., Head of International Relations Branch, Department of Employment; Representative, Governing Body of the ILO.

HARTWELL, M., Ms., Principal, Department of Employment; Substitute Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

CHAPLIN, E.G.M., Mr., Acting Permanent Representative, Geneva.

ANDREWS, K., Mr., Senior Executive Officer, Department of Employment.

Advisers

FULHAM, B.W., Mr., Head of Hazardous Installations Policy Unit, Health and Safety Executive.

LOACH, S., Mr., Principal, Department of Employment.

CRUICKSHANK, D., Ms., Higher Executive Officer, Department of Employment.

BLAGGROVE, A., Ms., Executive Officer, Department of Employment.

JELLY, F., Mr., Industrial Relations Division, Department of Economic Development, Northern Ireland.

PERRY, G., Mr., First Secretary, Permanent Mission, Geneva.

ROBSON, E.C., Miss, First Secretary, Permanent Mission, Geneva.

PICKERING, H., Miss, Third Secretary, Permanent Mission, Geneva.

SMITH, A.E., Mr., International Labour Adviser, Foreign and Commonwealth Office.

DANSON, Ian, Mr., United Nations Department, Foreign and Commonwealth Office.

FOK, K.S.C., Mrs, Commissioner for Labour, Labour Department, Hong Kong.

LO, T., Mrs., Senior Labour Officer, Labour Department, Hong Kong.

LEWIS, L., Mr., Head of International Division, Department of Employment.

Employers' delegate

MACKIE, A., Miss, Confederation of British Industry (CBI); CBI Consultant on International Labour Affairs; Member, CBI International Employment Affairs Panel; Member, Governing Body of the ILO.

Advisers

CASTLE, C.H.A.F., Mr., CBI Consultant on International Labour Affairs; Member, CBI International Employment Affairs Panel.

CHESHIRE, D., Mr., Director, Organisation Resources Counsellors, Inc. (ORC); Member, CBI International Employment Affairs Panel.

LEECH, P.A., Mr., Deputy Director, Employment Affairs, Chemical Industries Association; Member, CBI Industrial Relations and Wages Committee.

CAMPBELL, P., Mr., Member, CBI, Major Hazards Working Party.

SCARTH, R., Mr., Group Education and Training Director, Grand Metropolitan p.l.c.

FRANCE, D., Miss, Head, International Social Affairs Group, CBI.

ZALA, R.A., Mr., Employers' Representative, Labour Advisory Board, Hong Kong.

Workers' delegate

BRETT, William, Mr., General Secretary, Institution of Professionals, Managers and Specialists, Member, Governing Body of the ILO; Member of the General Council of the Trades Union Congress (TUC).

Advisers

GRANTHAM, Roy, Mr., National APEX Officer of the GMB; Former General Secretary of the Association of Professional, Executive, Clerical and Computer Staff; Member of the General Council of the TUC.

LOVE, Ina, Mrs., Member of Executive Council, National Union of Public Employees; Member of the General Council of the TUC.

MORGAN, G., Ms., Former Member of the National Committee of the Amalgamated Engineering Union; Former Member of the General Council of the TUC.

SMITH, Alexander, Mr., National Secretary of the GMB; Former General Secretary of the National Union of Tailors and Garment Workers; Member of the General Council of the TUC.

THOMAS, K., Mr., Former General Secretary to the Civil and Public Services Association; Former Member, General Council of the TUC.

STEYNE, S., Mr., International Department, TUC.

TSZ-LEUNG, L., Mr., Employees' Representative, Labour Advisory Board, Hong Kong.

MORTON, John, Mr., TUC.

Persons appointed in accordance with Article 2, paragraph 3(i), of the Standing Orders of the Conference

WILLIS, N., Mr., General Secretary, TUC.

LEA, D., Mr., Assistant General Secretary, TUC.

WALSH, M., Mr., Secretary, International Department, TUC.

JENKINS, M., Mr., Assistant Secretary, International Department, TUC.

WATSON, A., Ms., Assistant, International Department, TUC.

SHAW, T., Mr., Assistant, International Department, TUC.

GARFIELD DAVIES, D., Mr., General Secretary, USDAW.

DONAGHY, R., Ms., Former President of NALGO.

GILL, K., Mr., General Secretary of MSF.

FEDERATION DE RUSSIE
RUSSIAN FEDERATION
FEDERACION DE RUSIA

MINISTRE ASSISTANT A LA CONFERENCE

SHOKHIN, A.N., M., vice-président du gouvernement, ministre du Travail et de l'Emploi.

Délégués gouvernementaux

EVLYUKHIN, Y.Y., M., chef de division au ministère du Travail et de l'Emploi.

BORCHEVSKY, E.I., M., chef adjoint du Département de la coopération régionale et des affaires économiques du ministère des Affaires étrangères de la Fédération de Russie.

Conseillers techniques et délégués suppléants

LOCHININE, V.V., M., représentant permanent adjoint à Genève; représentant gouvernemental suppléant au Conseil d'administration du BIT.

KRASILNIKOV, S.R., M., chef adjoint de division au ministère du Travail et de l'Emploi; représentant gouvernemental suppléant au Conseil d'administration du BIT.

Conseillers techniques

EMELIANOV, V.I., M., chef de département au ministère du Travail et de l'Emploi.

ORLOV, A.V., M., conseiller en chef à la mission permanente à Genève.

ZVENIGORODSKY, You. G., M., chef de service au ministère du Travail et de l'emploi.

GUERBOV, V.M., M., expert au Département de la coopération régionale et des affaires économiques, ministère des Affaires étrangères de la Fédération de Russie.

PACHANINE, G.P., M., premier secrétaire à la mission permanente à Genève.

MELEKH, A.I., M., attaché à la mission permanente à Genève.

Délégué des employeurs

KOLMOGOROV, V.P., M., vice-président de l'Union russe de l'artisanat et des employeurs.

Conseillers techniques

BESPALOV, Y.A., M., président de la Fédération d'unions de producteurs de l'industrie chimique.

VASILYEV, V.V., M., directeur général, Conseil exécutif, Association russe d'entreprises industrielles.

MITROFANOV, V.V., M., directeur exécutif, Association des entreprises.

ALEKSEEV, S.M., M., membre du Conseil d'échanges du stock central d'échanges de Moscou.

KONDRATYEV, A.N., M., directeur général, "Georich".

Délégué des travailleurs

KLOCHKOV, I.E., M., président de la Fédération des syndicats indépendants de la Fédération de Russie.

Conseiller technique et délégué suppléant

RESHETNIKOV, E.N., M., chef de la section internationale de la Fédération des syndicats indépendants.

Conseillers techniques

KRYLOV, K.D., M., secrétaire, Fédération des syndicats indépendants de la Fédération de Russie.

PODCHIBRIAKINA, N.D., Mme, chef de service à la Confédération générale des syndicats de la Fédération de Russie.

KANAIEV, Georguy Elisseievitch, M., expert de la section internationale de la Confédération générale des syndicats de la Fédération de Russie.

MEDVEDEV, V.I., M., secrétaire, Fédération des syndicats indépendants.

KHRAMOV, S.V., M., coprésident du syndicat "Sotsprof".

LVOV, O.I., M., syndicat "Sotsprof".

RWANDA

MINISTRE ASSISTANT A LA CONFERENCE

NDASINGWA, Landoald, M., ministre du Travail et des Affaires sociales.

Délégués gouvernementaux

KARAMAGE, Augustin, M., ambassadeur; représentant permanent à Genève.

RWABUKUMBA, Gaëtan, M., directeur général de l'emploi et de la sécurité sociale au ministère du Travail et des Affaires sociales.

Délégué des employeurs

KANYARWANDA, Claudien, M., directeur général adjoint des magasins généraux.

Délégué des travailleurs

KANYAMIBWA, Melchior, M., secrétaire général de la CESTRAR.

Conseiller technique

NTABANGANYIMANA, Jean, M., secrétaire général adjoint de la CESTRAR.

SAINT-MARIN
SAN MARINO SAN MARINO

MINISTRE ASSISTANT A LA CONFERENCE

CANDUCCI, Sante, M., ministre du Travail et de la Coopération.

Délégués gouvernementaux

CECCHETTI, Domenico, M., directeur du Département du travail.

THOMAS, Dieter, M., ambassadeur; représentant permanent à Genève.

Conseillers techniques et délégués suppléants

MANCINI, Paolo, M., premier secrétaire du ministère du Travail et de la coopération.

ZEILER WERBROUCK, Huguette, Mme, premier secrétaire à la mission permanente à Genève.

MANUZZI, Marino, M., expert du Centre de la formation professionnelle.

ALBERTINI, Alessandra, Mlle, ministère des Affaires étrangères.

Délégué des employeurs

MORRI, Alessandro, M., secrétaire général de l'Association nationale de l'industrie de Saint-Marin.

Conseiller technique et délégué suppléant

MENICUCCI, Romina, Mme, de l'Association nationale de l'industrie.

Conseillers techniques

MULARONI, Enzo Secondo, M., président de l'Association nationale de l'industrie.

GIORGI, Carlo, M., secrétaire général de l'Association nationale de l'industrie.

VERONESI, Assunta, Mme.

TERENZI, Pier Giovanni, M., membre du conseil de direction de l'Association nationale de l'industrie.

VAGNINI, William, M., conseiller; fonctionnaire de l'Association nationale de l'industrie.

TERENZI, Gianfranco, M., président de l'Union nationale des artisans (UNA).

CHEZZI, Alberto, M., secrétaire général de l'UNA.

Délégué des travailleurs

CHIARUZZI, Pio, M., du secrétariat de la Confédération du travail.

Conseiller technique et délégué suppléant

MAURIACA, Carlos, M., du bureau international de la Confédération du travail.

Conseillers techniques

BECCARI, Marco, M., secrétaire général de la Confédération démocratique des travailleurs.

GHIOTTI, Giovanni, M., secrétaire général adjoint de la Confédération du travail.

GIARDI, Maurizio, M., du secrétariat de la Confédération démocratique des travailleurs.

LEARDINI, Livia, Mme, membre du comité de direction de la Fédération de l'emploi public de la Confédération du travail.

SAO TOME-ET-PRINCIPE
SAO TOME AND PRINCIPE
SANTO TOME Y PRINCIPE

MINISTRE ASSISTANT A LA CONFERENCE

TINY, Olegario Pires, M., ministre de la Justice, du Travail et de l'Administration publique.

Délégué gouvernemental

ELLOUZE, Ridha, M., conseiller.

Conseiller technique

AGUIAR, Maria Lourdes, Mlle, conseillère juridique.

Délégué des travailleurs

RITA, Cosme B., M., président de la Commission consultative des syndicats indépendants.

SENEGAL

MINISTRE ASSISTANT A LA CONFERENCE

NGOM, Ousmane, M., ministre du Travail et de la Formation professionnelle.

Délégués gouvernementaux

SENE, Alioune, M., ambassadeur; représentant permanent à Genève.

TOURE, Tamaro, Mme, directeur du travail et de la sécurité sociale.

Conseillers techniques et délégués suppléants

DIALLO, Souleymane, M., chef de la Division du travail et des relations internationales, Direction du travail et de la sécurité sociale.

DIA, Balla Mandaw, M., conseiller à la mission permanente à Genève.

DIOUF, Mame Birame, M., président de la Commission du travail, de la fonction publique et de l'emploi à l'Assemblée nationale.

DIONGUE, Babacar, M., conseiller technique, ministère du Travail et de la Formation professionnelle.

NIANG, Ismaïla, M., conseiller technique, ministère du Travail et de la Formation professionnelle.

DIATTA, Marie Angélique, Mme, conseiller à la mission permanente à Genève.

NIASS, Massar Touré, M., chef de Division des études de l'emploi, Commissariat général à l'emploi.

DIOP, Cheikh Tidiane, M., conseiller technique à la Primature, Dakar.

BENGELOUN, Mohamed Abdel Razajh, M., premier conseiller, Ambassade du Sénégal en Suisse.

SANE, Moussa, M., secrétaire, mission permanente à Genève.

Délégué des employeurs

SOW, Amadou Moctar, M., président du Conseil national du patronat (CNP).

Conseiller technique et délégué suppléant

BEYE, Papa Ibrahima, M., secrétaire général du CNP.

Conseiller technique

DIOP, Youssoupha, M., membre du bureau du CNP.

MBACKE, Aramine, M., président de la Commission sociale du CNP.

GUEYE, Charles, membre du CNP.

Délégué des travailleurs

DIOP, Madia, M., secrétaire général de la Confédération nationale des travailleurs du Sénégal (CNTS).

Conseillers techniques et délégués suppléants

NIASSE, Doudou Issa, M., secrétaire général adjoint de la CNTS.

MBAYE, Rawane, M., secrétaire confédéral chargé des relations internationales, CNTS.

MEDOR, Pierre, M., secrétaire confédéral chargé de la coopération, CNTS.

DIOP, Amadou Assane, M., secrétaire confédéral de la CNTS.

Conseillers techniques

DIOP, Malick, M., secrétaire confédéral chargé de la presse, CNTS.

DIOP, Djiby, M., président de la Coordination des syndicats autonomes du Sénégal.

SIERRA LEONE
SIERRA LEONE   SIERRA LEONA

Government delegates

KAMBO, Samuel K., Mr., Minister of Labour, Energy and Power.

DECKER, Sylvanus E.R., Mr.

Workers' delegate

YILLAH, Kandeh B., Mr., Secretary General, Sierra Leone Labour Congress.

SINGAPOUR   SINGAPORE   SINGAPUR

MINISTER ATTENDING THE CONFERENCE

LEE, Boon Yang, Mr., Minister for Labour.

Government delegates

THEN, Yee Thoong, Mr., Deputy Director, Labour Standards, Ministry of Labour.

KESAVAPANY, K, Mr., Ambassador; Permanent Representative, Geneva.

Advisers

TAN, Yee Woan, Miss, First Secretary; Permanent Representative, Geneva.

CHEONG, Kok Wah, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' delegate

TAN, Peng Boo, Mr., Executive Director, Singapore National Employers' Federation.

Workers' delegate

DANIEL, Ruth V., Ms., Legal Officer, National Trades Union Congress (NTUC).

Advisers

PANG, Victor, Mr., Vice-President, Central Commission, NTUC.

YACOB, Halima Bte, Mrs., Deputy Director, Research Unit (Legal), NTUC.

LEO, Nathan, Mr., Organising Committee Member (Industrial Sector), NTUC.

SLOVENIE SLOVENIA ESLOVENIA

MINISTER ATTENDING THE CONFERENCE

JOZICA, Puhar, Mrs., Minister of Labour.

Government delegates

BELOPAVLOVIC, Natasa, Ms., Deputy Minister.
CICEROV, Aleksander, Mr., Assistant Minister.

Advisers and substitute delegates

STOKA-DEBEVEC, Meta, Ms., Assistant Minister.
OZMEC-TRATNIK, Liljana, Ms., Independant Adviser.

Employers' delegate

SKOBERNE, Josip, Mr., Vice-President, Chamber of Commerce.

Adviser and substitute delegate

MEZNAR, Drago, Mr., Head, Department of Legal Affairs, Chamber of Commerce.

Workers' delegate

MIKLIC, Gregor, Mr., Councillor Presidential, Union of Free Syndicates.

Adviser and substitute delegate

SKLEDAR, Stefan, Mr., Vice-President, Independance - Confederation of New Trade Unions.

SOMALIE SOMALIA SOMALIA

Government delegates

DUBAD, Mohamed Omar, Mr., Chargé d'Affaires, Permanent Mission, Geneva.
MOHAMED, Najiib A., Mr., Counsellor, Permanent Mission, Geneva.

Adviser

ISSE, Ahmed Abdi, Mr., Counsellor, Permanent Mission, Geneva.

SOUDAN SUDAN SUDAN

MINISTER ATTENDING THE CONFERENCE

DAL KING, Kinga George, Mr., Minister of Labour.
Accompanied by MOHAMED, Mahdi Ibrahim, Mr., Ambassador, Permanent Mission, Geneva.

Government delegates

GARBAWI, Mohamed Abas Ahmed, Mr., Director-General, International Labour Studies, Ministry of Labour.
GUBARTALLA, Ahmed A., Mr., Plenipotentiary Minister, Permanent Mission, Geneva.

Advisers and substitute delegates

ELKARIB, Mohamed, Mr., Counsellor, Permanent Mission, Geneva.
YOUSSIF, Mohamed Hassan, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' delegate

MUSTAFA, Mohamed El Makawi, Mr.

Workers' delegate

ABDOUN, Tag Elsir, Mr., President of the Sudan Workers' Trade Unions Federation.

Adviser and substitute delegate

ELMANAN, Elsadig Atta, Mr., Secretary-General, Sudan Workers' Trade Unions Federation.

SRI LANKA

MINISTER ATTENDING THE CONFERENCE

WIJENTUNGE, D.B., Mr., Prime Minister and Minister of Labour and Vocational Training.
Accompanied by RASAPUTRAM, W., Mr., Ambassador; Permanent Representative, Geneva.
ABEYSINGHE, K.M., Mr., Secretary to the Prime Minister.
PIERIS, H., Mr., Senior Assistant Secretary to the Prime Minister.
WILSON, P.G., Mr., Personal Assistant to the Prime Minister.
NANAYAKKARA, V.S.A.P., Mr.

Government delegates

JAYASINGHE, Shyamon Sapumal Alwis, Mr., Secretary, Ministry of Labour and Vocational Training.
WEERAKOON, Gunasiri, Mr., Commissioner of Labour, Ministry of Labour and Vocational Training.

Advisers and substitute delegates

WIMALASENA, R.P., Mr., Senior Assistant Secretary, Ministry of Labour and Vocational Training.
DAYARATNE, N.K., Mr., Deputy Commissioner of Labour.
BANDUSENA, Mary Vimalalojini, Mrs., Assistant Secretary, Ministry of Labour and Vocational Training.
ABEYSEKERA, R.N., Mr., First Secretary, Permanent Mission, Geneva.
DEWARAJA, Aruni, Miss, Second Secretary, Permanent Mission, Geneva.

Employers' delegate

DASANAYAKE, Gotabaya Kiri Bandara, Mr., Deputy Secretary General, Employers' Federation of Ceylon.

Workers' delegate

SANDRASEKERA, Harry, Mr., Secretary (Industrial Relations), Ceylon Workers' Congress (CWC).

Advisers

KATHIRESAN, A., Mr., Director, Social Development, CWC.

SENEVIRATNE, Rajah, Mr., General Secretary, Lanka Jathika Estate Workers'

Union.

PUTHIRASIGAMONEY, Vadivelu, Mr., Deputy General Secretary, Lanka Jathika

Estate Workers' Union.

ATHUKORALE, P., Mr., Assistant Chief Organiser, Jathika Sevaka Sangamaya.

JAYAWARDENA, H.S., Mr., Organiser, Jathika Sevaka Sangamaya.

SUEDE SWEDEN SUECIA

MINISTER ATTENDING THE CONFERENCE

HORNLUND, Börje, Mr., Minister of Labour.

Accompanied by EKSTROM, Göte, Mr., Under-Secretary of State, Ministry of Labour.

MEMBERS OF PARLIAMENT ATTENDING THE CONFERENCE

JONSSON, Elver, Mr.

OHMAN, Monica, Ms.

OLSSON, Kent, Mr.

ANDNOR, Berit, Ms.

Accompanied by ISACSSON, Karin, Ms., Head of the Secretariat of the Committee on the Labour Market.

Government delegates

JONZON, Björn, Mr., Deputy Assistant Under-Secretary, Ministry of Labour.

WIKLUND, Kerstin, Ms., Deputy Assistant Under-Secretary, Ministry of Labour.

Advisers

LUNDSTROM, Inge, Mr., Head of Occupational Hygiene Department, National Board of Occupational Safety and Health.

SJOLANDER, Marie, Ms., Head of Section, Ministry for Foreign Affairs.

TIKKANEN-KIHLGREN, Tuula, Ms., Legal Adviser, Ministry of Labour.

TILLFORS, Lars, Mr., First Secretary, Permanent Mission, Geneva.

WIKSTROM, Stig, Mr., Head of Section, Ministry of Labour.

Employers' delegate

SELANDER, Sten, Mr., Legal Counsel, Swedish Employers' Confederation.

Advisers

BRORSSON, Kent, Mr., Deputy Director, Swedish Employers' Confederation.

FROSTLING, Harald, Mr., Swedish Employers' Confederation.

MYRDAL, Hans-Göran, Mr., Director, Swedish Employers' Confederation.

THOMASSON, Ake, Mr., Director, Association of Swedish Engineering Industries.

OSTERBERG GROLL, Sonja, Ms., International Secretary, Swedish Employers' Confederation.

Workers' delegate

EDSTROM, Ulf, Mr., International Secretary, Swedish Trade Union Confederation.

Adviser and substitute delegate

GUSTAFSSON, Kerstin, Mrs., Chief Legal Adviser, Swedish Confederation of Professional Employees.

Advisers

HULT, Anders, Mr., Lawyer, Swedish Union of Clerical and Technical Employees in Industry.

NIIA, Ella, Ms., Lawyer, Swedish Trade Union Confederation.

NYBERG, Gerd, Ms., International Secretary, Swedish Municipal Workers' Union.

PETTERSSON, Bertil, Mr., Technical Adviser, Swedish Trade Union Confederation.

WALLENTIN, Christer, Mr., Research Secretary, Swedish Confederation of Professional Employees.

SUISSE SWITZERLAND SUIZA

Délégués gouvernementaux

NORDMANN, Jean-Luc, M., directeur de l'Office fédéral de l'industrie, des arts et métiers et du travail (OFIAMT).

ELMIGER, Jean-Jacques, M., chef du Service des affaires internationales de l'OFIAMT.

Conseiller technique et délégué suppléant

ALDER, Dominik, M., ministre; représentant permanent adjoint à Genève.

Conseillers techniques

BAUTY, Anne, Mme, conseiller, mission permanente à Genève.

BRANDT, Philippe, M., adjoint, Service des affaires internationales, OFIAMT.

BRUNNER, Olivier, M., collaborateur scientifique de la Division économie et statistique, OFIAMT.

JOTTERAND, Armand, M., Caisse nationale d'assurance en cas d'accidents, Division sécurité au travail, Lausanne.

RUEDIN, Eric, M., adjoint, Division de l'assurance chômage, OFIAMT.

HENCHOZ, Alain Denis, M., troisième secrétaire, mission permanente à Genève.

Délégué des employeurs

DECOSTERD, Roger, M., conseiller de Nestlé SA en affaires sociales; membre suppléant du Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

DUC, Edouard, M., secrétaire honoraire de l'Union centrale des associations patronales suisses.

Conseillers techniques

DAVATZ, C., Mme, avocat et notaire, secrétaire de l'Union suisse des arts et métiers (USAM).

GUINCHARD, Jean-Marc, M., secrétaire de l'Union des associations patronales genevoises.

MATTHEY, Blaise, M., secrétaire de la Fédération des syndicats patronaux et de l'Association des industries chimiques genevoises.

MEUWLY, Olivier, M., secrétaire de l'USAM.

PLASSARD, Alexandre, M., secrétaire de l'Union centrale des associations patronales suisses.

Délégué des travailleurs

DREIFUSS, Ruth, Mme, secrétaire de l'Union syndicale suisse; membre suppléant du Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

SCHMID, Pierre, M., vice-président de la Fédération des travailleurs de la métallurgie et de l'horlogerie (FTMH).

Conseillers techniques

CRIDAZZI, Ursula, Mme, secrétaire de la Fédération des sociétés suisses d'employés (FSE).

ROLLI, Marieluise, Mme, secrétaire centrale de la Confédération des syndicats chrétiens de Suisse (CSC).

STUDER, Martin, M., responsable du Service "Sécurité au travail" du Syndicat du bâtiment et du bois (FOBB).

SURINAME

MINISTER ATTENDING THE CONFERENCE

SIMONS, Renold Gerrit, Mr., Minister for Labour.

Government delegates

DAAL-VOGELLAND, Marny Yvette, Mrs.

NAARENDORP, Marja.

Employers' delegate

AJIN, Paul Liong, Mr.

Workers' delegate

KROSS, Jacques Ruben C., Mr.

SWAZILAND SWAZILAND SWAZILANDIA

MINISTER ATTENDING THE CONFERENCE

MOTSA, David E., Mr., Minister for Labour and Public Service.

Government delegates

BEMBE, Ralph C.M., Mr., Commissioner of Labour.

DLAMINI, Khabo J., Mrs., Senior Labour Officer.

Advisers and substitute delegates

MANDARA, Mathew, Mr., Occupational Health Specialist.

CEKO, Sandile B., Mr., Principal Secretary, Ministry of Labour and Public Service.

Employers' delegate

HLOPHE, Musa I., Mr., Executive Director, Federation of Swaziland Employers.

Workers' delegate

SITHOLE, J., Mr., Secretary-General, Swaziland Federation of Trade Unions.

REPUBLIQUE ARABE SYRIENNE
SYRIAN ARAB REPUBLIC
REPUBLICA ARABE SIRIA

MINISTRE ASSISTANT A LA CONFERENCE

BOZO, Haydar, M., ministre des Affaires sociales et du Travail.

Délégués gouvernementaux

AL-MASRI, Fathi, M., ambassadeur; représentant permanent à Genève.

HATEM, Suleiman, M., assistant du ministre des Affaires sociales et du Travail.

Conseillers techniques et délégués suppléants

KHOURY, Clovis, M., ministre conseiller à la mission permanente à Genève.

MOURAD, Nihad, M., directeur du contrôle interne.

ABDUL-RAHMAN, Moustafa, Mr., conseiller du ministre des Affaires sociales et du Travail.

QASSAB, Abdul-Sattar Yassine, M., directeur du travail à la Direction centrale.

SALLOUM, Abdul-Hamid, M., deuxième secrétaire à la mission permanente à Genève.

AL-DAWALIBI, Hamzah, M., deuxième secrétaire à la mission permanente à Genève.

KAYALI, Chaghaf, Mlle, deuxième secrétaire à la mission permanente à Genève.

AL-HUSSAMI, Nabih, M., deuxième secrétaire à la mission permanente à Genève.

AL-CHEHABI, Sawsan, Mlle, deuxième secrétaire à la mission permanente à Genève.

Délégué des employeurs

NASSARI, Mahmoud, M., directeur général de la Société des industries textiles.

Conseillers techniques et délégués suppléants

ALHINDI, Yehya, M., président de la Chambre d'industrie de Damas.

MALAKANY, Abdul Hamid, M., directeur général de la Chambre d'industrie de Damas.

Délégué des travailleurs

ISSA, Moustafa, M., secrétaire général des affaires arabes et internationales à la Fédération générale des syndicats de travailleurs.

Conseiller technique et délégué suppléant

AL-LOZI, Ibrahim, M., secrétaire des services sanitaires à la Fédération générale des syndicats de travailleurs.

REPUBLIQUE-UNIE DE TANZANIE
UNITED REPUBLIC OF TANZANIA
REPUBLICA UNIDA DE TANZANIA

MINISTER ATTENDING THE CONFERENCE

RWEGASIRA, J.C., Mr., Minister of Labour and Youth Development.

Government delegates

VUAI, A.M., Mr., Principal Secretary, Ministry of Labour and Youth Development.

JAMAL, Amir Habib, Mr., Ambassador; Permanent Representative, Geneva.

Advisers and substitute delegates

DANDI, D.S., Mr, Assistant Labour Commissioner, Ministry of Labour and Youth Development.

NJAU, E.E., Mr., Assistant Labour Commissioner, Ministry of Labour and Youth Development.

BILAL, Gharib, Mr., Labour Commissioner, Zanzibar.

Advisers

MANGACHI, M.W., Mr., Minister-Counsellor, Permanent Mission, Geneva.

SELLA, S.M.K., Mr., Personal Assistant to the Minister of Labour and Youth Development.

MREMA, Elizabeth M., Mrs., First Secretary (Legal Adviser), Permanent Mission,

Geneva.

MVULA, Christopher, Mr., Second Secretary, Permanent Mission, Geneva.

MKULO, Mustafa, Mr., Director-General, National Provident Fund, Ministry of Labour and Youth Development.

Employers' delegate

MAENDA, A.T., Mr., Executive Director, National Union of Tanzania Employers.

Workers' delegate

MPANGALA, B., Mr., Secretary-General, Organisation of Tanzania Trade Unions (OTTU).

Adviser and substitute delegate

MANYANDA, C., Mr., Deputy Secretary-General, OTTU.

TCHAD CHAD CHAD

Délégués gouvernementaux

MAINA, Touka, M., Ambassadeur du Tchad en France.

KEYTORO MWABANYOL, Gabriel, M., directeur général adjoint au ministère de la Fonction publique et du Travail.

Conseiller technique et délégué suppléant

MINGAMBAYEL LAOUROUDOU, Laba, M., directeur du travail.

Délégué des travailleurs

BEULTOINGAR, Lobé-Dillah, M.

TCHECOSLOVAQUIE
CZECHOSLOVAKIA CHECOSLOVAQUIA

MINISTER ATTENDING THE CONFERENCE

MILLER, Petr, Mr., Federal Minister of Labour and Social Affairs.

Government delegates

DOSTAL, Jaroslav, Mr., Deputy Federal Minister of Labour and Social Affairs.

KRALIK, Juraj, Mr., Ambassador; Permanent Representative, Geneva.

Advisers and substitute delegates

FUCHS, Miroslav, Mr., Director, International Department, Federal Ministry of Labour and Social Affairs; Government Representative, Governing Body of the ILO.

BERANEK, Milan, Mr., Head of Division, Federal Ministry of Foreign Affairs.

Advisers

SMOLCNOP, Vlastimil, Mr., Deputy Minister of Labour and Social Affairs of the Czech Republic.

SUBERT, Vít, Mr., Director, Administration of Employment Services of the Czech Republic.

VECERNIKOVA, Jana, Mrs., Head of International Division, Ministry of Labour and Social Affairs of the Czech Republic.

KOTTNAUER, Antonín, Mr., Adviser, Ministry of Labour and Social Affairs of the Czech Republic.

KRISTIN, Ján, Mr., Expert, Pedagogical Research Institute, Ministry of Education, Youth and Sport of the Slovak Republic.

MALY, Stanislav, Mr., Expert, Research Institute of the Safety of Work, Czech Office of the Safety of Work.

DRENINOVA, Mária, Mrs., Director, Legislative Department, Ministry of Labour and Social Affairs of the Slovak Republic.

KONICKY, Dusan, Mr., Expert, Director of Supervision Department, Slovak Office of the Safety of Work.

HOMOLA, Andrej, Mr., Director, Administration of Labour Offices of the Slovak Republic.

BRADLEROVA, Libuse, Mrs., Expert, Legislative Department, Office of Government of the Czech and Slovak Republics.

PINTER, Ivan, Mr., Attaché, Permanent Mission, Geneva.

Employers' delegate

POPOVIC, Stepán, Mr., President, Union of Industry of the Czech Republic.

Adviser and substitute delegate

HRABE, Jan, Mr., Chairman, Federation of Unions of Employers of the Czech and Slovak Federal Republics.

Advisers

KMET, Kazimír, Mr., Vice-President, Union of Industries of the Slovak Republic.

GRMAN, Jozef, Mr., Expert, Federation of the Unions and Associations of

Employers of the Slovak Republic.

KATRIAK, Martin, Mr., Expert, Slovak Union of Consumer Cooperatives.

DANEK, Svatopluk, Mr., Entrepreneur.

KUBICKOVA, Daniela, Mrs., Expert, Union of Industries of the Czech Republic.

ERNST, Pavel, Mr., Secretary, Federation of Unions of Employers of the Czech and Slovak Federal Republics.

Workers' delegate

FALBR, Richard, Mr., President, Czech and Slovak Confederation of Trade Unions.

Adviser and substitute delegate

BERAN, Vlastimil, Mr., Head of International Division, Czech and Slovak Confederation of Trade Unions.

Advisers

MALEK, Zdenek, Mr., Vice-President, Czech and Slovak Confederation of Trade Unions.

TKAC, Vojtech, Mr., Head, Legislative Division, Czech and Slovak Confederation of Trade Unions.

THAILANDE THAILAND TAILANDIA

Government delegates

BUNNAG, Tej, Mr., Ambassador; Permanent Representative, Geneva.

MAKARATHAT, Benjakul, Mr., Deputy Permanent Secretary for Interior, Ministry of Interior.

Advisers and substitute delegates

PROMPUNTHUM, Vichitra, Miss, Deputy Director-General, Department of Labour Protection and Welfare, Ministry of Interior.

PAYAKANITI, Supatra, Mrs., Director, International Labour Affairs Division, Department of Labour Protection and Welfare, Ministry of Interior.

CHAVALITNITIKUL, Chaiyuth, Mr., Director, National Institute for Improvement of Working Conditions and Environment, Department of Labour Protection and Welfare, Ministry of Interior.

SURIYAWONGSE, Somsakdi, Mr., Counsellor, Ministry of Foreign Affairs.

NAKCHUEN, Kamjorn, Mr., Senior Labour Officer, Labour Relations Division, Department of Labour Protection and Welfare, Ministry of Interior.

Employers' delegate

VASURATNA, Chirayudh, Mr., President, Employers' Confederation of Thailand (ECOT).

Advisers and substitute delegates

INTHARAPATHOM, Somchat, Mr., Counsellor, ECOT.

SIRICHANTHANONT, Viroj, Mr., Member, ECOT.

NOIKAEW, Krongkaew, Miss, Member Relations Officer, Import and Export Employers' Association.

Workers' delegate

THAILUAN, Panus, Mr., President, National Congress of Thai Labour (NCTL).

Advisers and substitute delegates

BOONRAT, Banjong, Mr., General Secretary, Labour Congress of Thailand.

SEETONG, Saman, Mr., President, Thai Council Industry of Labour.

TOGO

Délégués gouvernementaux

DOUGNA, Komi Paul, M., ministre de l'Emploi, du Travail et de la Fonction publique.

BLEDJE, Djifa, M., directeur général du travail et des lois sociales.

Délégué des employeurs

N'GUISSAN, Komlan, M., membre du Conseil national du patronat.

Délégué des travailleurs

TEVI-MENSAH, Adjevi, M., membre du Collectif des syndicats indépendants, délégué titulaire.

Conseiller technique

TCHINDE, Esso-na Hessou, M., secrétaire général de la Confédération nationale des travailleurs du Togo (CNTT); membre adjoint du Conseil d'administration du BIT.

TRINITE-ET-TOBAGO
TRINIDAD AND TOBAGO
TRINIDAD Y TABAGO

MINISTER ATTENDING THE CONFERENCE

COLLIS, Kenneth, Mr., Minister of Labour and Cooperatives.

Government delegates

McSHINE, Louis, Mr., Permanent Secretary, Ministry of Labour and Cooperatives.

PERMANAND, Rabindranath, Mr., Ambassador; Permanent Representative, Geneva.

Advisers

GONZALES, Annette, Mrs., Counsellor, Permenent Representative, Geneva.

PLACIDE, Lawrence, Mr., First Secretary, Permanent Mission, Geneva.

HENRY, Donna, Ms., Second Secretary, Permanent Mission, Geneva.

Employers' delegate

HILTON-CLARKE, W.A., Mr., President of the Employers' Consultative Association

Adviser

MILLETTE, Emru, Mr., Director, ECA.

Workers' delegate

JOHN, Selwyn, Mr., Secretary-General, National Trade Union Center of Trinidad and Tobago.

Adviser

PERMELL, Clyde, Mr., President, Trinidad and Tobago Unified Teachers Association.

TUNISIE TUNISIA TUNEZ

MINISTRE ASSISTANT A LA CONFERENCE

SMAOUI, Ahmed, M., ministre des Affaires sociales.

Accompagné de ENNACEUR, Mohamed, M., ambassadeur; représentant permanent à Genève; représentant gouvernemental, Conseil d'administration du BIT.

Délégués gouvernementaux

KCHAOU, Mohamed, M., directeur général du travail, ministère des Affaires sociales; représentant gouvernemental suppléant, Conseil d'administration du BIT.

TEBOURBI, Habib, M., conseiller à la mission permanente à Genève.

Conseillers techniques et délégués suppléants

SOUISSI, Fredj, M., secrétaire général au ministère des Affaires sociales.

CHOUBA, Samia, Mme, sous-directeur, ministère des Affaires sociales.

Conseillers techniques

AZAIEZ, Abderrazak, M., conseiller à la mission permanente à Genève.

HAOUAS, Sadok, M., conseiller des affaires étrangères, mission permanente à Genève.

ZAIDI, Belgacem, M., chargé de mission, ministère des Affaires sociales.

MEGDICHE, Rabeh, M., chef de service au ministère des Affaires sociales.

MABROUK, Abdelmajid, M., directeur, ministère de la Formation professionnelle et de l'Emploi.

MAALOUL, Abdelkader, M., directeur de la sécurité à l'Institut de la santé et de la sécurité au travail.

JAOUADI, Mohamed, M., attaché de Cabinet au ministère de l'Economie nationale.

BEDIRI, Hichem, M., coordonnateur général à la CAVIS.

BEN MALEK, Ali, secrétaire d'Ambassade à la mission permanente à Genève.

Délégué des employeurs

JILANI, Hédi, M., président de l'Union tunisienne de l'industrie, du commerce et de l'artisanat (UTICA).

Conseillers techniques et délégués suppléants

M'KAISSI, Ali, M., directeur du Département des relations du travail et des affaires sociales; membre adjoint suppléant du Conseil d'administration du BIT.

ESSID, Taoufik, M., président de l'Union tunisienne de l'agriculture et de la pêche.

Conseillers techniques

DARGOUTH, Mohamed Ali, M., membre du bureau exécutif de l'UTICA.

BEN M'BAREK, Khaled, M., membre du bureau exécutif de l'UTICA.

Délégué des travailleurs

SAHBANI, Ismail, M., secrétaire général de l'Union générale tunisienne du travail (UGTT).

Conseiller technique et délégué suppléant

BOUSLAH, Mohamed Khèreddine, M., membre du burea exécutif de l'UGTT.

Conseillers techniques

CHENDOUL, Mohamed, M., membre du bureau exécutif de l'UGTT.

CHAIEB, Mohamed Tahar, M., membre du bureau exécuti de l'UGTT.

DHIFALLI, Ahmed Saad, M., membre du bureau exécutif de l'UGTT.

SAHRAOUI, Abdelmajid, M., membre du bureau exécutif de l'UGTT.

KADDOUR, Mohamed Salah, M., membre du bureau exécutif de l'UGTT.

JRAD, Abdelsselem, M., membre du bureau exécutif de l'UGTT.

BOUBAKER, Mohamed, M., directeur exécutif de l'Union des syndicats des travailleurs du Maghreb arabe.

TURQUIE TURKEY TURQUIA

MINISTER ATTENDING THE CONFERENCE

MOGULTAY, Mehmet, Mr., Minister of Labour and Socia Security.

Government delegates

AKTAN, Gündüz, Mr., Ambassador; Permanent Representative, Geneva.

TURKER, Kutlu, Mr., Under Secretary, Ministry of Labou and Social Security.

Advisers and substitute delegates

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SOLEN, Alphan, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

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DEMIRCIOGLU, Murat, Mr., Professor, Director of Institute of Social Sciences, Yildiz University.

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ASLANTEPE, Cengiz, Mr., Deputy Director General, Turkish Employment Office, Ministry of Labour and Social Security.

BERKSU, Sengul, Mrs., Head of the European Community Coordination Department, Ministry of Labour and Social Security.

UYAN, Arif, Mr., Office of the Prime Minister.

PAYA, Dilsat, Mrs., Chief Labour Inspector, Ministry of Labour and Social Security.

BAYER, Ismail, Mr., Chief Labour Inspector, Ministry of Labour and Social Security.

ZEHAL, Zeynep, Mrs., Directorate General for Migrant Workers, Ministry of Labour and Social Security.

OZMEN, Ozkan, Mr., Official, Ministry of Labour and Social Security.

DEMIRSU, Hüseyin, Mr.

Employers' delegate

ATASAYAR, Kubilay, Mr., Secretary-General, Turkish Confederation of Employers' Associations (TISK); Substitute Member, Governing Body of the ILO.

Advisers

OGUZMAN, Kemal, Mr., Faculty of Law, Istanbul University.

EREZ, Mesut, Mr., Chairman, Executive Council, Cement Production Employers' Union.

ALTINBASAK, Talha, Mr., Deputy Chairman, Executive Council, Textile Industries Employers' Union.

EVIN, Vefik, Mr., Secretary-General, Employers' Association of Metal Industries (MESS).

RONA, Ercument, Mr., Secretary-General, Textile Industries Employers' Union.

ARSLAN, Türker, Mr., Deputy Secretary-General, Textile Industries Employers' Union.

OZUSTUN, Engur, Mr., Member, Supervisory Board, Cement Production Employers' Union.

ILTER, Ferhat, Mr., Research Expert, TISK.

Workers' delegate

YILMAZ, Sevket, Mr., President, Workers' Trade Union Confederation (TURK-IS).

Advisers

BASOGLU, Mustafa, Mr., Educational Secretary, TURK-IS.

MERAL, Bayram, Mr., President, Highway and Construction Workers Union (YOL-IS)

OZBEK, Mustafa, Mr., President, TURK-METAL.

BARUT, Faruk, Mr., President, Energy, Water and Gas Workers' Trade Union (TES-IS).

ALCAN, Hikmet, Mr., President, SEKER-IS.

SONAY, Ziya, Mr., General Secretary, Turkish Journalists' Union.

DURUKAN, Kenan, Mr., President, Defence Industry Workers Union.

ALBAYRAK, Derris, Mr., Director of International Affairs, TURK-IS.

UKRAINE UKRAINE UCRANIA

MINISTRE ASSISTANT A LA CONFERENCE

KASKEVITCH, Mikhail G., M., ministre du Travail.

Délégués gouvernementaux

LIPATOV, Valentine N., M., vice-ministre des Affaires étrangères.

OZADOVSKI, Andrei A., M., ambassadeur; représentant permanent à Genève.

Conseillers techniques et délégués suppléants

VINOKOUROV, Andrei I., M., chef adjoint du département, ministère des Affaires étrangères.

KOVIAZINE, Serguei B., M., chef de section, ministère du Travail.

MAIMESKOUL, Nikolai I., M., premier secrétaire, mission permanente à Genève.

REVA, Serguei V., M., deuxième secrétaire, mission permanente à Genève.

Délégué des employeurs

PONOMAREV, Vassili A., M., directeur général du Groupement industriel de relais et moyens d'automatisation à Kiev.

Délégué des travailleurs

EFIMENKO, Alexandre V., M., président en exercice du Conseil, Fédération des syndicats indépendants de l'Ukraine.

Conseiller technique et délégué suppléant

CHILOV, Vassili I., M., chef adjoint de la Division, conseil de la Fédération des syndicats indépendants de l'Ukraine.

URUGUAY

MINISTRO ASISTENTE A LA CONFERENCIA

CARBONE RICO, Enrique Alvaro, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

TURCATTI PESQUERA, Daniel, Sr., director general del Ministerio de Trabajo y Seguridad Social.

PEREZ DEL CASTILLO, Santiago, Sr., representante gubernamental, Consejo de Administración de la OIT.

Consejero técnico y delegado suplente

VANEIRO, Gustavo, Sr., primer secretario, misión permanente en Ginebra.

Delegado de los empleadores

BRUSSONI, Mario Luis, Sr., director delegado de la Cámara de Industrias.

Consejero técnico

VARELA TRAVERSO, Jacobo, Sr., representante de la Cámara Nacional de Comercio; miembro suplente del Consejo de Administración de la OIT.

Delegado de los trabajadores

FERNANDEZ, Eduardo, Sr., integrante del secretariado ejecutivo del PIT-CNT y

presidente de la Asociación de Empleados Bancarios (PIT-CNT).

Consejeros técnicos y delegados suplentes

VARELA, Raúl, Sr., Asesor Jurídico, PIT-CNT; representante en el Grupo de Negociaciones ante el MERCOSUR.

MELGAREJO, Alberto, Sr.

VENEZUELA

MINISTRO ASISTENTE A LA CONFERENCIA

RODRIGUEZ, Rubén J., Sr., Ministro del Trabajo.

Delegados gubernamentales

ARTEAGA, Horacio, Sr., Embajador; representante permanente en Ginebra.

MENDEZ, Wilmer, Sr., segundo secretario, misión permanente en Ginebra.

Consejero técnico y delegado suplente

MEZA, Nancy, Sra., tercer secretario, misión permanente en Ginebra.

Consejero técnico

CABRERA, María Elena, Sra., Directora General Sectorial de Relaciones Internacionales y Enlace, Ministerio del Trabajo.

MARTINI URDANETA, Alberto, Sr.

Delegado de los empleadores

ARBELOA, Bingen de, Sr., presidente de la Comisión OIT/OIE, Federación Venezolana de Cámaras y Asociaciones de Comercios y Producción (FEDECAMARAS).

Consejeros técnicos

GARRIDO SOTO, Alexis, Sr., copresidente de FEDECAMARAS.

VERA, Juan Vicente, Sr., copresidente de la Comisión OIT/OIE y de FEDECAMARAS.

TRULLAS, Pedro, Sr., coordinador de la Comisión OIT/OIE y de FEDECAMARAS.

CARDOZO, Omar, Sr., miembro de la Comisión Laboral de FEDECAMARAS.

MONGIAT, Pío, Sr., miembro de la Comisión Laboral de FEDECAMARAS.

ROJAS LOPEZ, Simón, Sr.

Delegado de los trabajadores

RIOS AREVALO, Antonio, Sr., presidente de la Confederación de Trabajadores de Venezuela (CTV); miembro del Consejo de Administración de la OIT.

Consejero técnico y delegado suplente

CABRERA, Aníbal, Sr., agregado laboral, Embajada en Washington.

Consejeros técnicos

GONZALEZ, Benigno, Sr., CTV.

CASTRO, Pablo, Sr., CTV.

LEON, Ricardo, Sr., CTV.

CASTAÑEDA, Rafael, Sr., CTV.

MACHADO, Pedro José, Sr., Confederación Unitaria de Trabajadores de Venezuela (CUTU).

LEON TRUJILLO, Pedro, Sr., Confederación General de Trabajadores (CGT).

DEUTSCH, Haydée, Sra., Confederación de Sindicatos Autónomos (CODESA).

Personas designadas de conformidad con el artículo 2, párrafo 3 i), del Reglamento de la Conferencia

MESSONI, Victor, Sr.

PETIT, Ramón, Sr., CTV.

VIET NAM

MINISTER ATTENDING THE CONFERENCE

TRAN DINH, Hoan, Mr., Minister of Labour, Invalids and Social Affairs.

Government delegates

NGUYEN, Luong, Mr., Ambassador; Permanent Representative, Geneva.

DO MINH, Cuong, Mr., Director, Institute of Labour Science and Social Affairs.

Advisers and substitute delegates

VU HUY, Tan, Mr., Expert, International Organisations Department, Ministry of Foreign Affairs.

NGUYEN, Xuan Truong, Mr., First Secretary, Permanent Mission, Geneva.

VUONG DINH, Van, Mr., Second Secretary, Permanent Mission, Geneva.

YEMEN

MINISTER ATTENDING THE CONFERENCE

DAIBAN, Abdul-Rahman Salem, Mr., Minister of Labour and Vocational Training.

Government delegates

MOGHALLES, Mohammad Ali, Mr., Vice-Minister.

OBAD, Ali Saleh, Mr., Adviser, Ministry of Labour and Vocational Training.

Adviser and substitute delegate

ABDULLA, Arwa Al-Sayyed, Mr., Director-General, Legal Department, Ministry of Labour and Vocational Training.

Adviser

JAGHMAN, Yahya Hammoud, Mr., Ambassador; Permanent Representative, Geneva.

Employers' delegate

AL-AHLASI, Najib Ismail, Mr., Deputy Director, Chamber of Commerce and Industry of San'a.

Adviser and substitute delegate

SALEM, Al Khader Abdullah, Mr., Vice-President, Federation of Yemeni Chambers of Commerce; President, Chamber of Commerce of Eden.

Workers' delegate

NASSER, Abdel Karim, Mr., Deputy Secretary-General, General Federation of Trade Unions.

Adviser and substitute delegate

AL-JUDARI, Mohammad Mohammad, Mr., Member, Executive Board, General Federation of Trade Unions.

YOUGOSLAVIE
YUGOSLAVIA YUGOSLAVIA

MINISTER ATTENDING THE CONFERENCE

GACIC, Radisa, Mr., Member of the Federal Executive Council; Federal Secretary of Labour, Health, Veterans' Affairs and Social Policy.

Government delegates

CALOVSKI, Naste, Mr., Ambassador; Permanent Representative, Geneva.

ARSENIC, Svetlana, Mrs., Senior Adviser, Federal Secretariat for Labour, Health, Veterans' Affairs and Social Policy.

Adviser and substitute delegate

TOMASEVIC, Dusan, Mr., Special Adviser, Federal Secretariat for Labour, Health, Veterans' Affairs and Social Policy.

Adviser

SPASIC, Olga, Mrs., Third Secretary, Permanent Mission, Geneva.

Employers' delegate

MIHAILOVIC, Milija, Mr., Director, Department of Economy and Development, Chamber of Economy.

Workers' delegate

JOVANOVIC, Radisav, Mr., Member of Council of Confederation of Independent Trade Unions.

Adviser and substitute delegate

LUKOVIC, Slavoljub, Mr., Adviser, International Relations Sector, Council of Confederation of Independent Trade Unions.

ZAIRE

MINISTRE ASSISTANT A LA CONFERENCE

BONGELI, Okulu-o-Likolo, M., ministre du Travail et de la Prévoyance sociale.

Délégués gouvernementaux

MUTUALE, Kinkanke, M., ambassadeur; représentant permanent à Genève.

TSHISWAKA, Kabanda, M., directeur, ministère du Travail et de la Prévoyance sociale, chargé des études.

Conseillers techniques et délégués suppléants

KIRONGOZI, Maliyabwana, Mme, premier conseiller à la mission permanente à Genève.

MINDIA, Monga Ndubu, M., délégué du ministère des Relations extérieures.

KAMONI, Mokata Lissa, M., conseiller principal du ministère du Travail.

WELI, Beyande, M., conseiller juridique du Cabinet du ministère du Travail.

BIE, Mahele, M., conseiller, chargé de mission au Cabinet du ministère du Travail.

KIWANDA, N'kiari, M., conseiller au ministère du Travail.

IYAYONGE, Lotiyamasi, Mme, secrétaire particulière du ministre du Travail.

MICHIABO, Tshimanga, Mme, chef de bureau des relations internationales à la Direction des études du ministère du Travail.

KIAZAYADIOKO, Fulu, M., directeur adjoint du Service national pour la promotion de l'emploi dans les secteurs non structurés (SENAPROE) au ministère du Travail.

Délégué des employeurs

LUBOYA, Diyoka, M., administrateur délégué de l'Association nationale des entreprises du Zaïre (ANEZA).

Conseillers techniques et délégués suppléants

NTAMBWE, Ketenge, M., conseiller technique.

KASONGO, Kanyonga, M., conseiller technique.

Délégué des travailleurs

KATALAYI, Muleli Sangol, M., président de l'Union nationale des travailleurs du Zaïre (CSZa).

Conseillers techniques et délégués suppléants

ISAYA, Makungu Ma Ngozi, M., secrétaire régional du Syndicat national chrétien pour le bien-être, chargé de la Fédération du Maniema.

MUKALE, Ma Mome, M., président national du Syndicat libre chrétien du Zaïre.

NDONGALA, N'Sibu, M., délégué de l'Union nationale des travailleurs du Zaïre.

ZAMBIE ZAMBIA ZAMBIA

MINISTER ATTENDING THE CONFERENCE

SONDASHI, L.S., Mr., Minister of Labour and Social Security.

Government delegates

NYIRENDA, G.P., Mr., Acting Permanent Secretary, Ministry of Labour and Social Security.

NYIRENDA, E.J., Mr., Assistant Labour Commissioner.

Adviser and substitute delegate

MAPANI, Kenneth Mafuta, Mr., Chief Inspector of Factories, Ministry of Labour and Social Security.

Employers' delegate

CHANDA, P.A., Mr., Executive Director, Zambia Federation of Employers (ZFE).

Adviser and substitute delegate

MWANALUSHI, Muyunda, Mr., Senior Manager, Zambia Consolidated Copper Mines.

Workers' delegate

SHAMENDA, F.U., Mr., Chairman-General, Zambia Congress of Trade Unions (ZCTU).

Adviser and substitute delegate

CHIRWA, Alec J., Mr., Secretary-General, Zambia Congress of Trade Unions; Deputy Member, Governing Body of the ILO.

Advisers

MULENGA, Frank, Mr., Deputy National Chairman, Airways and Allied Workers Union.

MULENGA, Jackson C., Mr., National Chairman, Zambia National Union of Teachers.

ZIMBABWE

Government delegates

NKOMO, J.L., Mr., Minister of Labour, Manpower Planning and Social Welfare.

HOVE, M.C., Mr., Chargé d'Affaires, Permanent Mission, Geneva.

Advisers and substitute delegates

BALDYI, R.S., Mr., National Social Security Authority.

GUTSA, J.N., Mr., Ministry of Labour, Manpower Planning and Social Welfare.

CHIPARE, G.M., Mr., Counsellor, Permanent Mission, Geneva.

CHIWANI, M., Ms., Ministry of Labour, Manpower Planning and Social Welfare.

MWINJILO, H., Mrs., Ministry of Labour, Manpower Planning and Social Welfare.

CHALI, P., Mr., First Secretary, Permanent Mission, Geneva.

KHUMALO, S.D., Mr., First Secretary, Permanent Mission, Geneva.

NDAONA-ZUNIDZA, J.N., Mrs., First Secretary, Permanent Mission, Geneva.

Employers' delegate

CHIWESHE, E., Mr., President, Employers' Confederation of Zimbabwe.

Adviser

JOHNSTONE, P., Mr., Employers' Confederation of Zimbabwe.

Workers' delegate

SIBANDA, G., Mr., President, Zimbabwe Congress of Trade Unions.

Adviser

TSVANGIRAYI, M., Mr., Secretary General, Zimbabwe Congress of Trade Unions.

OBSERVATEURS OBSERVERS OBSERVADORES

SAINT-SIEGE
THE HOLY SEE SANTA SEDE

REPRESENTATIVES

TABET, Paul F., Mgr., Nonce apostolique, observateur permanent à Genève.

PIERRE, Christophe, Mgr., conseiller à la mission permanente à Genève.

MALAGOLA, Marco, R.P.

ROCH, Raymond, R.P.

MARELLE, André, M.

BRANDT, René, M.

REPUBLIQUE POPULAIRE DEMOCRATIQUE DE COREE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
REPUBLICA POPULAR DEMOCRATICA DE COREA

GOVERNMENT REPRESENTATIVES

RI, Tcheul, Mr., Ambassador; Permanent Representative, Geneva.

HAN, Chang On, Mr., Minister Counsellor, Permanent Mission, Geneva.

PAK, Dok Hun, Mr., Counsellor, Permanent Mission, Geneva.

KIM, Tcheul Sou, Mr., First Secretary, Permanent Mission, Geneva.

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REPRESENTANTES DE LAS NACIONES UNIDAS, DE LOS ORGANISMOS ESPECIALIZADOS Y DE OTRAS ORGANIZACIONES INTERNACIONALES OFICIALES

Nations Unies
United Nations   Naciones Unidas

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Haut Commissariat des Nations Unies pour les réfugiés (HCR)
Office of the United Nations High Commissioner for Refugees
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Programme alimentaire mondial
World Food Programme
Programa Mundial de Alimentos

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Fonds des Nations Unies pour les activités en matière de population
United Nations Fund for Population Activities (UNFPA)
Fondo de las Naciones Unidas para Actividades en Materia de Población

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Organisation des Nations Unies pour l'alimentation et l'agriculture
Food and Agriculture Organisation of the United Nations (FAO)
Organización de las Naciones Unidas para la Agricultura y la Alimentación

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Organisation des Nations Unies pour l'éducation, la science et la culture
United Nations Educational, Scientific and Cultural Organisation (UNESCO)
Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura

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Organisation mondiale de la santé (OMS)
World Health Organisation (WHO)
Organización Mundial de la Salud (OMS)

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SMITH, E.M., Mr., Medical Officer, Programme for the Promotion of Chemical Safety.

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ROQUE, Levi, Mr., Coordinator, Responsible for Asia and Pacific, Division of Emergency Relief Operations.

Organisation des Nations Unies pour le développement industriel (ONUDI)
United Nations Industrial Development Organisation (UNIDO)
Organización de las Naciones Unidas para el Desarrollo Industrial

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Banque mondiale World Bank Banco Mundial

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Fonds monétaire international (FMI)
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Fondo Monetario Internacional (FMI)

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Agence internationale de l'énergie atomique
International Atomic Energy Agency
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Accord général sur les tarifs douaniers et le commerce (GATT)
General Agreement on Tariffs and Trade
Acuerdo General sobre Aranceles Aduaneros y Comercio

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Organisation internationale pour les migrations (OIM)
International Organization for Migration (IOM)
Organización Internacional para las Migraciones (OIM)

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LUPOLI, P., Mr., Head (Acting), Regional Bureau for Africa and Middle East.

GHOSH, B., Mr., Senior Consultant.

SAKON, Makoto, Mr., Intern, Department of Research and Evaluation.

Organisation internationale de protection civile
International Civil Defence Organization
Organización Internacional de Protección Civil

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Association latino-américaine d'intégration
Latin American Integration Association
Asociación Latinoamericana de Integración

LAIRET, Germán, Sr., Embajador de Venezuela y representante de Venezuela ante la Asociación Latinoamericana de Integración.

Banque européenne pour la reconstruction et le développement
European Bank for Reconstruction and Development
Banco Europeo para la Reconstrucción y el Desarrollo

WINNING, William, Mr., Economic Adviser.

Centre régional africain d'administration du travail (CRADAT)
African Regional Centre for Labour Administration
Centro Regional Africano de Administración del Trabajo

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Communautés européennes
European Communities
Comunidades Europeas

Commission/Comisión:

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Conseil/Council/Consejo:

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Conseil nordique
Nordic Council Consejo Nórdico

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HULTEN, Eric, Mr., Secretary of the Social Committee.

Ligue des Etats arabes
League of Arab States Liga de Estados Arabes

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AL MOMAN, Ala, M., attaché à la délégation permanente à Genève.

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Organisation arabe du travail (OAT)
Arab Labour Organisation (ALO)
Organización Arabe del Trabajo (OAT)

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EL ASSAAD, Wael, M., directeur du Bureau du directeur général.

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Organisation asiatique de productivité
Asian Productivity Organisation
Organización Asiática de Productividad

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Organisation de l'unité africaine (OUA)
Organization of African Unity (OAU)
Organización de la Unidad Africana (OUA)

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REPRÉSENTANTS D'ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES
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Alliance coopérative internationale
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Alliance internationale des femmes (AIF)
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Association internationale de la sécurité sociale (AISS)
International Social Security Association (ISSA)
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Centrale latino-américaine de travailleurs (CLAT)
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Centre international pour les droits syndicaux
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Confédération européenne des syndicats
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Confederación Europea de Sindicatos

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Confédération internationale des cadres (CIC)
International Confederation of Executive Staff
Confederación Internacional de Técnicos

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Confédération internationale des femmes
International Council of Women (ICW)
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Confédération internationale des fonctionnaires (CIF)
International Confederation of Public Service Officers
Confederación Internacional de Funcionarios (CIF)

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Confédération internationale des syndicats arabes (CISA)
International Confederation of Arab Trade Unions
Confederación Internacional de Sindicatos Arabes

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Confédération internationale des syndicats libres (CISL)
International Confederation of Free Trade Unions (ICFTU)
Confederación Internacional de Organizaciones Sindicales Libres (CIOSL)

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KAILEMBO, Andrew, Mr., Head, Africa Department.
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FROHLICH, Michael, Mr., Inter-American Department.
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Confédération mondiale des organisations de la profession enseignante (CMOPE)
World Confederation of Organisations of the Teaching Profession (WCOTP)
Confederación Mundial de Organizaciones de Profesionales de la Enseñanza

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Confederación Mundial del Trabajo

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BENYDIN, Toolsyraj, M., secrétaire confédéral.
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Confédération panafricaine des employeurs
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Confederación Panafricana de Empleadores

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GAZARIN, Adel L., Mr., Vice-President.
OWUOR, Tom D., Mr., Secretary-General.

Confédération syndicale mondiale des enseignants
World Confederation of Teachers
Confederación Sindical Mundial de la Enseñanza

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Congrès juif mondial
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Congreso Judío Mundial

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Congrès permanent de l'unité syndicale des travailleurs de l'Amérique latine
Permanent Congress of Trade Union Unity of the Workers of Latin America
Congreso Permanente de Unidad Sindical de los Trabajadores de América Latina (CPUSTAL)

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Conseil européen des syndicats de police
European Council of Police Trade Unions
Consejo Europeo de Sindicatos de Policía

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Conseil international des infirmières
International Council of Nurses (ICN)
Consejo Internacional de Enfermeras

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Conseil syndical du Commonwealth
Commonwealth Trade Union Council (CTUC)
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Fédération arabe des employés des banques, assurances et affaires financières
Arab Federation of Employees in Banking, Insurance and Finance
Federación Arabe de Empleados de la Banca, Seguros y Negocios Financieros

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Arab Federation of Food Workers
Federación Arabe de los Trabajadores de la Alimentación

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Fédération arabe des travailleurs du bois et des matériaux de construction
Arab Federation of Construction and Woodworkers
Federación de Trabajadores Arabes de la Construcción y la Madera

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Fédération arabe des travailleurs de l'imprimerie et de l'information
Arab Labour Federation of Printing and Information Workers
Federación Arabe de Trabajadores de las Artes Gráficas y la Información

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Fédération arabe des travailleurs du pétrole, des mines et des produits chimiques
Arab Federation of Petroleum, Mines and Chemical Workers
Federación Arabe de los Trabajadores del Petróleo, de las Minas y de los Productos Químicos

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Fédération arabe des travailleurs des transports
Arab Federation of Transport Workers
Federación Arabe de los Trabajadores del Transporte

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Fédération des associations de fonctionnaires internationaux
Federation of International Civil Servants' Associations
Federación de Asociaciones de Funcionarios Internacionales

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Fédération internationale des armateurs
International Shipping Federation (ISF)
Federación Internacional de Armadores

DEARSLEY, D.A., Mr., Secretary.

Fédération internationale des associations pour l'éducation des travailleurs (FIAET)
International Federation of Workers' Educational Associations (IFWEA)
Federación Internacional de Asociaciones para la Educación de Trabajadores (FIAET)

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International Federation of Commercial, Clerical, Professional and Technical Employees
Federación Internacional de Empleados, Técnicos y Profesionales

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Fédération internationale des femmes de carrières libérales et commerciales
International Federation of Business and Professional Women (IFBPW)
Federación Internacional de Mujeres de Negocios y Profesiones Liberales

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Fédération internationale des journalistes (FIJ)
International Federation of Journalists (IFJ)
Federación Internacional de Periodistas (FIP)

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Fédération internationale des mineurs (FIM)
Miners' International Federation (MIF)
Federación Internacional de Mineros (FIM)

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Fédération internationale des organisations syndicales du personnel des transports (FIOST)
International Federation of Trade Unions of Transport Workers (WCL)
Federación Internacional de Sindicatos del Personal del Transporte (CMT)

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Fédération internationale des organisations des travailleurs de la métallurgie
International Metalworkers' Federation (IMF)
Federación Internacional de Trabajadores de las Industrias Metalúrgicas

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OLSEN, Poul-Erik, Mr., Education.
UNTERWEGER, Peter, Mr., Automobile.
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Fédération internationale des ouvriers du transport (ITF)
International Transport Workers' Federation (ITF)
Federación Internacional de Trabajadores del Transporte (ITF)

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Fédération internationale des syndicats de travailleurs de la chimie, de l'énergie et des industries diverses
International Federation of Chemical, Energy and General Workers' Unions (ICEF)
Federación Internacional de Sindicatos de Trabajadores de la Química, de la Energía e Industrias diversas

BOGGS, Michael D., Mr., General Secretary.
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RICE, Annie, Mrs., Occupational Safety and Health Officer.
RAINA, Jyrki, Research Officer.
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Fédération internationale des travailleurs du bâtiment et du bois (FITBB)
International Federation of Building and Woodworkers (IFBWW)
Federación Internacional de Trabajadores de la Construcción y la Madera (FITCM)

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FAIRCLOUGH, Andrew, Mr.
HELLMANN, Marion, Mr.

Fédération internationale des travailleurs des plantations, de l'agriculture et des secteurs connexes (FITPASC)
International Federation of Plantation, Agricultural and Allied Workers (IFPAAW)
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International Textile, Garment and Leather Workers' Federation (ITGLWF)
Federación Internacional de Trabajadores del Textil, Vestuario y Cuero (FITTVC)

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Fédération mondiale des associations pour les Nations Unies
World Federation of United Nations Associations
Federación Mundial de Asociaciones pro Naciones Unidas

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Fédération syndicale mondiale (FSM)
World Federation of Trade Unions (WFTU)
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Institut Hassan Fathy pour les travailleurs de la construction
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Instituto Hassan Fathy para los Trabajadores de la Construcción

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Internationale des services publics (ISP)
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